SENATE—*Friday, November 7, 1997*

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

PRAYER

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

Almighty God, Sovereign of this Nation and Lord of our lives, grant us Your peace in the pressures of this day. May Your peace keep us calm when tension mounts, and serene when the strain causes stress. Remind us that You are in control and there is enough time today to do what You want us to accomplish.

Fill this Senate Chamber with Your presence. May we hear Your whisper in our souls, "Be not afraid; I am with you." Bless the women and men of this Senate with a special measure of Your strength for the demanding schedule ahead for today. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Texas, is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the majority leader I announce this morning the Senate will be in a period of morning business until 10:30 a.m; following morning business, the leader hopes the Senate will be able to consider Amtrak reform under a short time agreement. In addition, the Senate is close to an agreement on the D.C. appropriations bill. Therefore, Members should be prepared to consider that legislation today.

Also, the leader hopes that the Senate will be able to consider the FDA reform conference report during today's session. Unfortunately, it is looking like the Senate will need to be in session this weekend to complete work on the pending appropriations bills. Members will be notified as to the possible weekend schedule and necessary votes.

Also, the Senate may consider any additional legislative or executive items that can be cleared for action. Therefore, Members can anticipate rollcall votes throughout today's session of the Senate and possibly into the evening.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call.

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 I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

NOTICE

Under the Rules for Publication of the Congressional Record, a final issue of the Congressional Record for the first session of the 105th Congress will be published on **(the 31st day after adjournment)**, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or ST–41 of the Capitol), no later than 10 days following adjournment. Office hours of the Official Reporters of Debates are 10:00 a.m. to 3:00 p.m. Monday through Friday through **(the 10th day after adjournment)**.

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By order of the Joint Committee on Printing.

JOHN WARNER, *Chairman.*

Mr. THOMAS. Madam President, I ask unanimous consent I be allowed to speak for 5 or 6 minutes in morning business.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 with Senators permitted to speak for up to 10 minutes each. The time until 10 o'clock shall be under the control of the Democratic leader or his designee; in his absence, the Senator from Wyoming may proceed.

NOMINATION OF KEVIN GOVER TO BE ASSISTANT SECRETARY OF INTERIOR FOR INDIAN AFFAIRS

Mr. THOMAS. Madam President, I rise today as a member of the Senate Indian Affairs Committee to express some concerns that I have about the nomination of Kevin Gover to be the new Assistant Secretary of Interior for Indian Affairs, the head of the BIA, the Bureau of Indian Affairs.

I have consistently taken the position that in my experience the BIA is an agency that is in dire need of serious reform to make it more effective and more responsive to the needs of the tribes that it is established to serve. I therefore have a certain admiration for anyone who is willing to undertake this task, because it is a tough one. It is one that is difficult. Additionally, in this particular case, Mr. Gover's personal qualifications recommend him very highly for this position. He also has a Wyoming connection, which of course I am interested in. Over several years he has represented the Eastern

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

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Shoshone Tribe in several legal and legislative matters.

However, it wouldn't come as any surprise to my colleagues on that committee that given William Safire's recent op-ed piece on the Gover nomination in the New York Times, some questions have to be raised and are raised with respect to his nomination. According to the Safire piece, in private practice and representing the Tesuque Pueblo of New Mexico, Mr. Gover was present at one of President Clinton's infamous White House coffees. Soon therefore, the Pueblo made two contributions to the Democratic National Committee totaling $50,000. Some time later, Mr. Gover was nominated for this position.

An examination of the nominee's FBI file leads me to conclude that he committed no illegal acts. I believe at the very least they constitute an appearance of impropriety which should make many of us uncomfortable. I have no argument, of course, with the right of individuals to make political contributions to the party of their choice. That is provided by law and should be. I personally believe, however, it is a little unseemly for tribal governments to do so, to either party. It is no secret that all but two or three tribes in this country have little, if any, extra money to throw around. The overwhelming majority, even with Federal help, can hardly meet the day-to-day needs of their members—needs like shelter, health care, or education. There is a constant press for additional funding for those needs.

When a tribal government can't meet the basic needs of its people, then I seriously question the morality of that government making a political contribution.

Another fact that lends itself to the appearance of impropriety in this case is the special relationship between the tribes and the Federal Government. This relationship is like the relationship between a trustee and beneficiary; the United States has a unique fiduciary responsibility to the tribes and their members. Congress has turned over responsibility for day-to-day regulation of tribal affairs to the executive branch. So I can't think of many circumstances where national campaign contributions—especially to the party of a sitting President—would not carry with them the appearance of impropriety, an appearance of unseemly influence—the idea of a beneficiary influencing the trustee in its work.

And what about the appearance of a government body representing members of different political beliefs—in this case a tribal government—making a monetary contribution to a national political party on behalf of all of its members, whether or not that's their political belief. We prohibit Federal agencies from engaging in any lobbying efforts with taxpayer funds because it would look unseemly. We prohibit unions from making political contributions to one particular party with members' dues. Mr. President, the question might be posed that since it appears that nothing illegal took place in Mr. Gover's case, why all the fuss? My answer, Madam President, is that oftentimes the appearance of impropriety can be just as damning as an actual illegality.

The news these days is full of examples illustrating this conclusion—the subject of Senator THOMPSON's hearings, which just recently ended with credible allegations against Secretary Babbitt that tribal campaign contributions influenced the denial of a gaming license to a Midwestern tribe.

In order to get answers to some of my concerns, I met with Mr. Gover at length on November 4. Our conversation was somewhat reassuring to me, and left me feeling that my argument is not with Mr. Gover, who as far as I can tell at this time did nothing illegal, but with a system that allows tribes to make these kinds of donations.

So, Madam President, should the Gover nomination come to a vote on the floor, I do not plan to object. The BIA has been without leadership for a long time, something that Bureau can ill afford, and Mr. Gover is eminently qualified to lead it. But he can be sure while I support him, I and other Members will be watching closely to make sure he delivers on his promises to reform the Bureau, to make it more responsible and cost efficient, and to help untangle the present mess in Indian gaming.

Madam President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana [Mr. BAUCUS], is recognized.

AFTER THE SUMMIT

Mr. BAUCUS. Madam President, I rise to discuss the state visit of Chinese President Jiang Zemin to the United States last week.

GOALS OF ASIA POLICY

Let me begin with a reminder of our goals in Asia policy. They are:

A peaceful Pacific, open trade, joint work on problems of mutual concern like environmental problems and international crime, and progress toward respect for internationally recognized human rights.

This morning I would like to discuss my view of the results.

ACCOMPLISHMENTS OF SUMMIT

To begin with the positive, I believe this visit will be particularly helpful in the first area—that of ensuring a stable peace in the Pacific. The major elements of our security policy in the region are the United States alliance with Japan; a permanent troop presence in Asia; deterrence of North Korean aggression; a one-China policy coupled with a commitment to help Taiwan ensure its security; and preventing proliferation of nuclear weapons.

We have had a chance to discuss all of these issues in detail with President Jiang and China's senior foreign policy officials. And we have emerged without any serious short-term differences, plus an important agreement on China's part to cease nuclear cooperation with Iran. This will reduce the chances of a crisis in the region, and make peace in the Pacific generally more stable and permanent.

I see this renewed strategic dialogue and understanding of our mutual interest in a peaceful region as the major accomplishment of the visit. I would also note some important specific agreements on a range of issues, including:

In return for China's halt of nuclear cooperation with Iran, we will open up sales of civil nuclear power technology to China; China will enter the Information Technology Agreement, thus eliminating tariffs on a range of high-tech products in which American companies are highly competitive—for example, semiconductors.

The United States will increase our assistance to China's efforts to combat pollution; the United States Justice Department will support efforts to develop the rule of law in China, and the military services of both countries will make their military-to-military dialogs more intense and frequent.

These are good, constructive agreements that will serve the interest of both countries. It is quite clear, however, that a great deal of work lies ahead. Our goal should not only be to avoid crises and find common ground on areas of concern to both countries, but to solve problems.

Here, we saw relatively little advance in two critical areas, and one is international trade.

TASKS AHEAD: TRADE

Last month, China passed Japan as the source of our largest trade deficit—and this in a year when our deficit with Japan has risen substantially over last year's totals. And the main reason for this deficit is the fact United States exports to China have been flat for 3 years: $11.7 billion last year, $11.7 billion last year, on track for the same this year. During this period, of course, China's economy has grown by about 30 percent.

Our strategy for change has been to encourage China's membership in the World Trade Organization on commercially acceptable grounds.

That is the right strategy. I believe that China should have permanent MFN status when it occurs. But the progress on WTO membership has been so slow this year—even with the incentive of the first United States-China

summit since President Bush visited China nearly 9 years ago—that we need to begin thinking about a fall-back option.

That is, China may well have concluded that the status quo is acceptable for the time being—that the price for entering the WTO in terms of trade reform is higher than the price for remaining outside.

If so, we need to change that calculus. I suggest as one possibility that the administration begin to think about self-initiating a broad section 301 case, as the Bush administration did in 1991. This would tackle some of the main trade problems we are focusing on in the WTO accession talks.

This is obviously a less attractive, less cooperative approach than the WTO accession. But we have already waited 8 years for China to make a good WTO offer, and we cannot afford to wait very much longer. We remain very much open to imports from China, while China keeps out our wheat, our manufactures, our services, and all the rest.

It is not fair, and our legitimate complaints about market access cannot be held hostage forever to WTO entry.

HUMAN RIGHTS

The second is human rights.

Since World War II, we have viewed human rights practices within nations as intimately linked to the willingness of governments to use force and coercion outside their borders. We have also seen promotion of human rights as a humanitarian, nonpolitical responsibility that all of us hold.

I agree with both of those considerations. I believe they apply in China as well as in other countries. And I am disappointed by the lack of any significant change in Chinese policy, especially on the political prisoner question, during this summit. As we look to the future, though, I believe we need to remember three things.

First, broad long-term trends in most areas are good. During the past decade, the number of political prisoners in China has fallen from about 5,000 to about 2,500; controls on information in a number of once-sensitive areas like official corruption and workplace abuses have relaxed; and China has taken steps like introducing village elections that have made the political system somewhat more accountable.

Second, we should set limited, achievable goals where we do not see a great deal of progress. These should include freedom for dissidents like Wei Jingsheng and Wang Dan; a clear public accounting of the number of people jailed for strictly political reasons; talks with the Dalai Lama; and so forth. Short of areas like rule of law or parliamentary procedure, in which China is seeking our assistance, human rights policy should not include very broad, ambitious efforts to change the Chinese political system. Such efforts would be seen not as humanitarian in nature, but either as an effort to overthrow the Chinese Government, or more likely a rhetorical policy without much serious content.

And third, human rights is a long-term issue. The keys to success are patience and persistence. We will need to continue raising the cases of individuals held in prison with Chinese officials, continue our work in areas like the U.N. Human Commission on Human Rights next spring. We need to be persistent and don't give up.

THE ROAD FORWARD

In the broader sense, with the summit behind us our next steps in China policy are clear.

We have set a good foundation in the political and security arena. We have done a good job in identifying other areas of mutual interest, from environmental protection to nuclear plant sales to the rule of law. We need to keep at these issues; and we need to work harder in areas like market access and human rights, where this summit brought less than we would have hoped for. And we should avoid reckless steps like broad new sanctions laws which are likely to make things worse rather than better.

On the whole, we are on the right course and we should stay there. Step by step, issue by issue, we are getting the results we should seek in China policy—a stable peace in Asia; fairness in trade; respect for international standards of human rights; and cooperation in areas of mutual interest like the environment. This summit has made a very important contribution to the effort, and I look for it to continue.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECOGNIZING NATIONAL ADOPTION MONTH AND INTERNATIONAL ADOPTION

Mr. SMITH of Oregon. Madam President, I thank the Chair for this opportunity to recognize the month of November as National Adoption Month and to speak on this very important issue—one that is very close to my heart—and is at the very heart of my own family.

As legislators, we work to enact laws to improve and protect the lives of the American people.

However, there are occasions when our policies can hurt the very people we are trying to protect. In this instance, it is our children.

Last year, in my State of Oregon, 221 parents adopted children from foreign countries, including China, Romania, Korea, India, and Thailand.

During that same year, Congress passed the Immigration and Nationality Act that included a provision which, until now, seemed rather innocuous.

But for parents like Gary and Laurie Hunter from Myrtle Creek, OR, who are adopting a daughter from China, it has become a bitter pill in the adoption process.

Simply, the provision requires that all incoming immigrants receive certain immunizations before entering the United States.

While this may seem like a logical public health law, it raises serious concerns about the health and safety of children receiving vaccinations under substandard conditions in foreign countries.

Many of these countries do not practice the same sanitary health conditions as the United States.

For example, some countries lack adequate medical records for children living in orphanages and do not have access to sufficient supplies of sterile needles, creating an even greater risk to the health of young adoptive children entering the United States.

Today, I am proud to be a part of a Senate which has passed legislation, H.R. 2464, to repeal the provision requiring immunizations prior to entry into the United States, and protect the children who have yet to become citizens of this country.

This bill will exempt internationally adopted children 10 years of age or younger from the immunization requirement, and allow parents 30 days to immunize their children.

Importantly, immunization will not occur overseas in an orphanage, or in an immigration office, but upon entering the United States, under the supervision of a family physician in a safe environment.

There is a tradition in the Senate, to begin the day with a prayer from the Senate Chaplain.

Today, I would like to take a moment to end my statement with a short phrase from the Common Book of Prayer, a phrase that I hope will encourage and inspire my colleagues in these last few days of the 105th Congress to continue the work which we have been charged to do by the American people:

> We have left undone those things which we ought to have done; and we have done those things which we ought not to have done.

Madam President, I am proud to stand before my colleagues today to say that with the passage of this important legislation, we have done those things which we ought to have done. I thank the Chair, and I yield the floor.

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

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

ORDER OF PROCEDURE

Mr. BYRD. What is the order of business?

The PRESIDING OFFICER. The Senate is conducting morning business and Senators are permitted to speak up to 10 minutes. There is also an additional order in which the time is controlled by Senator HELMS up until the hour of 10:30.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. I ask unanimous consent that the 30 minutes set aside for four Senators be postponed until the Senator from West Virginia completes his remarks.

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

Mr. HELMS. I thank the Chair.

Mr. BYRD. Madam President, I express my gratitude to my friend, JESSE HELMS, for his characteristic courtesy and his gracious request to allow me to proceed at this point. I will try not to be overly long.

TRIBUTE TO SENATOR EDWARD KENNEDY

Mr. BYRD. Madam President, William Manchester, writing in the book, "The Glory and the Dream," would call the year 1932 "the cruelest year." I was in the 10th grade at Mark Twain High School at Stotesbury in Raleigh County, southern West Virginia. Living in a coal miner's home, I saw and felt the Great Depression firsthand. Schoolteachers often had to reduce their monthly paychecks by several percentage points in order to get the checks cashed. The newspapers frequently carried stories of men who had jumped out of windows or pressed a cocked pistol to their temples, taking their lives because they had lost their lifetime savings, and their economic world had come crashing down around them.

Very few men in and around the coal fields had ever owned an automobile, and those who were fortunate enough to possess an automobile jacked it up off the ground and mounted the axles on railroad crossties to keep the tires from rotting while enough money could be saved to pay for a new license plate. Many children went to bed hungry at night, their families destitute.

The country had hit rock bottom, and West Virginia was one of the "rock bottomest" of the States. It is hard to imagine that things could have gotten much worse in southern West Virginia. There was little left but hope, and there was not much of that, hardly enough to go around.

President Hoover, against whom I would still be campaigning 20 years later, professed to ignore the crisis as a "depression," he being convinced that a "balanced budget" was the most essential factor leading to an economic recovery. He still wore a black tie at dinner in the White House, even when the only other person dining with him was his wife, Lou.

Creature comforts were rare. Air conditioning was unknown, as were automatic dishwashers, electric toothbrushes, cassette recorders, garbage disposal units, electric can openers, vacuum cleaners, power mowers and record players. Phonographs were wound with a crank by hand. The family wash was done by hand on a washboard. Wet clothes were hung on a clothesline with clothespins to dry in the wind, and a refrigerator was simply an icebox kept filled by a man who knew how many pounds of ice a housewife wanted because she notified him by placing on the kitchen screen door a card with the number "100," "75," "50" or "25" turned up. Heavy irons for pressing clothes were heated on the coal-burning kitchen stove. Houseflies were always a summer problem, and the only preventives were spray guns and flypaper.

We were not used to much, and if we had never had much to begin with, we did not miss it.

Most of the coal miners by the year 1932 had a radio in their homes. It was a Majestic, an Atwater Kent or a Philco. At my house, a small Philco radio sat on a wall shelf, and it was there that we gathered on Saturday nights to listen to the Grand Ole Opry that was broadcast from Nashville, TN. I heard the "Solemn Old Judge," the "Fruit Jar Drinkers," DeFord Bailey on his harmonica, the Delmore Brothers, Roy Acuff, Minnie Pearl from "Grinders Switch," Sam and Kirk McGree and Uncle Dave Macon picking the banjo "clawhammer style."

On some Saturday nights, I would play the fiddle at a small but lively square dance held somewhere in a coal camp where I lived or in a neighboring community. Times were bad, but life had to go on, and a Saturday night frolic helped to keep the spirits up.

Madam President, in that year 1932, a writer for the Saturday Evening Post asked John Maynard Keynes, the great British economist, whether there had ever been anything like the Depression before. "Yes," he replied. "It was called the Dark Ages and it lasted four hundred years." This was calamity howling on a cosmic scale, but on at least one point the resemblance seemed valid. In each case the people were victims of forces that they could not understand.

Mr. President, in that same year of 1932, there was born a child in Massachusetts, and his name was EDWARD KENNEDY. In 1932, of course, I knew nothing about EDWARD KENNEDY or EDWARD KENNEDY's birth. But today I rise on this Senate floor to salute one of the outstanding Senators in the history of this great body. He is a man whose expertise, hard work, and courage have set a lofty example to which every fledgling Senator should aspire.

On November 6, 1962, EDWARD KENNEDY was elected to the Senate, and so he is celebrating his 35th anniversary and we are celebrating the 35th anniversary of his arrival in the Senate.

I well remember the arrival of young EDWARD KENNEDY in this Chamber. Having been elected in 1962 at the age of 30, he was one of the youngest Members in Senate history.

While Senator KENNEDY may not have been the youngest Senator ever, he was certainly one of the youngest. Despite his youth, however, much was expected of this young man and I suspect that some may have wondered whether he was really up to the challenge. After all, Senator KENNEDY was representing a State that had provided the Senate with some its most memorable figures, among them Daniel Webster, Rufus Choate, and Charles Sumner. In addition, Senator KENNEDY was elected to finish the term of the then current President, who was none other than his brother. When one remembers that another Kennedy brother was then Attorney General of the United States, one realizes why Senator KENNEDY was accorded rather more attention than the average freshman Senator.

I am gratified to report that, far from falling short of these grand expectations, Senator KENNEDY has exceeded them. He became an innovative and productive legislator. He also embarked on a path from which he has never varied: championing the interests of the working people, the poor, and the disadvantaged. His tenure as chairman of the Senate Committee on Labor and Human Resources during the 100th Congress was remarkable, both in the sheer volume of legislation that he sponsored and in the dedication that he displayed to improving the education and health of all Americans.

I was the majority leader of the Senate during that 100th Congress. I worked closely with Senator KENNEDY and he worked closely with me.

In just 2 years, Senator KENNEDY pushed through more beneficial social legislation than many Senators produce in a lifetime.

Mr. President, this country has seen remarkable changes over the past 35 years. Not the least of those changes has been a shift in political attitudes from the optimism and compassion that characterized the 1960's to the more hardened and occasionally cynical climate of today. But, throughout those changes, Senator TED KENNEDY has remained faithful to his vision of an America in which the rights of those without money, jobs, health insurance, or education are protected.

Others may bow to the vagaries of public opinion but not Senator KENNEDY. Instead, relying on a political and legislative acumen than may owe something to his well-known expertise as a sailor, Senator KENNEDY uses the winds of popular sentiment to achieve his goals. Many times where others meekly follow the course of these powerful winds, Senator KENNEDY calmly lifts a dampened finger aloft to test their force and direction, then he very expertly and patiently tacks back and forth until he reaches, his chosen destination. Even the strongest headwind is not enough to dissuade him, for he knows that hard work and dedication can conquer the most imposing obstacles.

Despite his passionate and unswerving convictions, Senator KENNEDY is also one of the most accommodating Members of the Senate. Throughout his career, he has sought out partnerships with Members regardless of their ideology or party in the interests of passing wise and necessary legislation. Even in these partisan days in which we live, Senator KENNEDY consistently seeks to find common ground with those at all points along the political spectrum. Senator KENNEDY has repeatedly put the national interest ahead of petty partisan squabbles.

Not that he is above partisanship at all. We are all capable of being partisan at times; some of us more than others, perhaps. But this open-minded approach to lawmaking, this brave refusal to succumb to the partisan animosity that permeates Congress today, may well be one of the Senator's greatest legacies.

I said at the beginning of my remarks that I believe Senator KENNEDY to be one of the most outstanding Senators this Chamber has seen. Lest I be accused of hyperbole and exaggeration, or of excessive kindness toward a friend, let me make clear that my words are not motivated by simple kindness. Senator KENNEDY's legislative dexterity and bipartisan approach, are a rare combination indeed. I fear that many of today's politicians will be judged harshly by the historians of tomorrow for their fickleness, their shallow rhetoric, their willingness to pander to popular opinion. But not so my good friend and esteemed colleague from Massachusetts.

I have remarked before, and I remark today, that had TED KENNEDY been living in 1789 at the time the first Congress met, he would have been a powerful factor in pressing forward with the legislation that was enacted in that first Congress. A formidable opponent, a knowledgeable and dedicated legislator, TED KENNEDY would have been in the forefront of those who were advocating the Judiciary Act, and I have no doubt that he would have left his imprint upon that legislation.

Had he been living at the time of the Civil War, serving in the U.S. Senate, again, he would have been recognized as a forceful leader.

In the days of reconstruction, again, Senator KENNEDY would have made his mark in the U.S. Senate.

Had he been a Senator during the years of the New Deal, he would have allied himself with Franklin D. Roosevelt and would have been a strong supporter of the landmark legislation that was enacted in those difficult years.

I think that if TED KENNEDY had been living prior to the Revolution, he would have joined men like Samuel Adams and John Adams and John Hancock, from his State of Massachusetts, in resisting the edicts of George III, the King of England.

So, in summation, I say that TED KENNEDY would have been a leader, an outstanding Senator, at any period of the Nation's history.

TED KENNEDY and I have not always been the best of friends. There was a time when we were not. That time has long been relegated to the ashes of the past. When I was majority leader of the Senate, and also when I was minority leader of the Senate, and when I was majority leader again, as I have already indicated, in the 100th Congress, I leaned much on TED KENNEDY's knowledge, his expertise, his support. He was one of my strongest supporters in the Senate. In caucuses or on the Senate floor, I could always count on TED KENNEDY to be there when I needed him.

So, TED KENNEDY and I formed a friendship in the finest sense of that word.

We share a liking for history, a fondness for poetry, and a love for the U.S. Senate. TED KENNEDY does his work well in the committee. When he comes to the floor, he comes with a batch of papers in his hands and with a head full of knowledge in respect to the legislation which he is promoting. I count him as one of the most effective Members of the Senate.

I admire TED's steadfast purpose, his tireless work, his easy humor, and his kind nature. But, most of all, I admire his courage. He has experienced more personal tragedy and deep sorrow than most of us could bear and still retain our sanity. Yet, he goes on. He contributes. He endures. He laughs. He leads. He inspires. He triumphs.

I have watched him weather and work and grow in wisdom for 35 years. He has an excellent staff. One would have to have an excellent staff to be able to turn out the massive amount of work and to provide the leadership that he has so many times provided in enacting landmark legislation. He is ever on an upward track.

Herman Melville put it this way:

> . . . and there is a Catskill eagle in some souls that can alike dive down into the blackest gorges, and soar out of them again and become invisible in the sunny spaces. And even if he forever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop the mountain eagle is still higher than other birds upon the plain, even though they soar.

So here is to my friend and colleague as he celebrates his 35th anniversary. May he ever soar.

I close with a verse by one of my favorite poets, Edwin Markham, a verse that I think typifies Senator KENNEDY:

> Give thanks, O heart, for the high souls
> That point us to the deathless goals—
> For all the courage of their cry
> That echoes down from sky to sky;
> Thanksgiving for the armed seers
> And heroes called to mortal years—
> Souls that have built our faith in man,
> And lit the ages as they ran.

I again thank my true friend, and he is my friend, has been for all the years that he has been in the Senate, JESSE HELMS, for his kindness in arranging for me to proceed at this moment.

I thank him very much.

Mr. HELMS addressed the Chair.

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

Mr. HELMS. Madam President, I can assure the able Senator from West Virginia—I have always described him as a Senator's Senator—it is always a pleasure to cooperate with him any time, and I enjoy listening to him because I learn something every time.

Mr. BYRD. I thank the Senator.

Mr. HELMS. I thank the Senator.

THE PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS, Mr. DEWINE, and Mr. GLENN pertaining to the introduction of S. 1397 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

EXTENSION OF MORNING BUSINESS

Mr. SPECTER. Madam President, I ask unanimous consent that morning business be extended by 15 minutes.

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

(The remarks of Mr. SPECTER and Mr. BYRD pertaining to the submission of Senate Resolution 146 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.)

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Arkansas is recognized.

(The remarks of Mr. BUMPERS and Mr. GORTON pertaining to the introduction of S. 1401 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as if in morning business.

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

FAST-TRACK LEGISLATION

Ms. COLLINS. Mr. President, in the life of a country, as in the life of an individual, there are times when we must choose between moving forward and standing still. Our trade policy is at just such a crossroads: We must decide whether to help promote freer trade and more open markets or try to preserve the status quo.

As we confront this issue, we must recognize that the world is changing and that even an economic superpower can do no more than postpone the inevitable. Our resolution of this issue will determine whether the United States continues to move forward on a wave of export-driven growth or risks permitting other economies to leave us behind. I believe it is time to stand behind our commitment to free trade and work to bring other countries into open trading relationships that will mean jobs and prosperity for our citizens in the century ahead. That is why, Mr. President, I have decided to support the fast track legislation.

In developing my position on this legislation, I have been guided by one overriding consideration—will its enactment improve the lives of the people of Maine? Will it mean more customers for Maine businesses? Will it mean more opportunities for Maine entrepreneurs? And most important, will it mean more jobs for Maine workers? While free trade is not without problems, I firmly believe that the long-term answer to all of these questions is yes.

International trade is an increasingly critical part of Maine's economy. In 1996, for example, my State exported more than 1.2 billion dollars' worth of goods. Considering both the direct and indirect impact, those exports translated into 13,500 Maine jobs.

But this export-led growth is just the beginning. I believe the people of Maine have the ingenuity, the drive, and the work ethic to flourish in a world of freer trade and more open markets for U.S. goods. From successful retailers like L.L. Bean, to manufacturers like Pratt & Whitney, to financial service companies like UNUM, to high-technology companies like Portland's ABB, to paper mills throughout my State, Maine enterprises have proven that they can compete in a global economy. These companies recognize that much of their future revenue and job growth will come from serving customers beyond our borders.

This is well understood in Maine. The United Paperworkers International Union has pressed the administration to negotiate reductions in European tariffs to help open foreign markets to the products its members make in Maine and elsewhere and to generate more export-related jobs. As Prof. Charles Colgan of the University of Southern Maine, a noted trade expert, stated in a recent letter to me, "The . . . vote on Fast Track authority for the President to negotiate additional trade agreements is an important vote for Maine. International trade is an increasingly vital part of the Maine economy. . . ."

Perhaps the clearest reason to support fast-track authority was set forth in a letter from the State of Maine's director of International Trade, who wrote as follows: "I simply feel that our best hopes for long-term economic prosperity here in Maine lie in creating international opportunities for our people, and not in limiting our access to new and emerging economies. However, well-intentioned, restricting our ability to trade will never create new jobs for Maine people."

Mr. President, I said earlier that we face the decision of whether to move forward. But in reality, the world will change with or without us, and thus, the real question is not whether we move forward, but whether we move forward wisely. That is the standard against which we should judge our trade policy, and against which we should judge this legislation. To me, this means that our trade strategy must meet three tests.

First, since some citizens may be temporarily disadvantaged—through no fault of their own—by the changes freer trade can bring, we must assist them to adjust to changed conditions. Second, we must ensure that free trade is genuinely free, for that is what "fair trade" really means: If we do not insist that other countries open their markets to fair competition from U.S. goods, the system will collapse. Third, as we give the President the authority to negotiate trade agreements, we must preserve an appropriate role for Congress in this vital area of national policy.

After weeks of studying this issue, listening to my constituents, and consulting with U.S. trade officials, it has become clear to me that the renewal of fast-track authority meets my three criteria and is very much in the best interests of my country and my State.

First, while the rising economic tide that comes from free trade ultimately lifts all boats, it may impose costs upon some of our citizens in the short run. For this reason, I was greatly encouraged by the President's promise to expand Trade Adjustment Assistance programs—and to expand them to include not only workers directly affected by trade adjustments but also workers in businesses supplying affected companies. This change should prove particularly beneficial to small businesses in Maine and elsewhere.

Second, I am pleased to have received assurances from the office of the U.S. Trade Representative that they share some of the important concerns of Maine's citizens with regard to ensuring that trade is really free. More specifically, Ambassador Barshefsky has made clear to me in writing that she regards Canada's bulk easement rules on potato imports to be an unfair trade barrier that must be pursued with the Canadian Government. Ambassador Barshefsky has committed to me that she will begin bilateral talks with the Canadian Government, beginning no later than March 1998. In addition, Ambassador Barshefsky has assured me that she views Canadian potato subsidies as a very serious matter that also must be addressed. Having established open markets as the norm, our trade officials must work—and, I have been assured, are working—to ensure that foreign governments keep their promises.

Furthermore, I want to emphasize that passage of this legislation will not in any way hinder the ability of an industry to bring challenges under current trade laws against unfair trade practices, such as subsidies provided by foreign governments. Members of the farmed salmon industry in Maine have brought such a case. They seek relief from the adverse effects of dumping and subsidization, and of unequal conditions of competition, which give their Chilean competitors an unfair and illegal advantage.

It was only after I became satisfied that fast track would not negatively affect the Maine salmon industry or its ability to pursue its legitimate grievances under current law that I decided to support this legislation. As a representative of the salmon industry recently advised me, what is most critical to them is "the preservation of effective remedies under existing law and their vigorous enforcement." This legislation not only preserves existing remedies but also has as one of its objectives the pursuit of illegal activities by other nations. Thus, it recognizes that free trade is not achieved by the stroke of a pen on an agreement but rather by a commitment to the vigorous enforcement of our trade laws.

Third, this bill carefully addresses the need to preserve the proper balance of powers and responsibilities within our Government. While it restricts Congress' power to amend the terms of trade agreements, it maintains our right to reject them. Indeed, it goes farther than any prior fast-track legislation to protect Congressional prerogatives. For example, it limits the application of the fast track to agreements which advance specifically enumerated negotiating objectives set out in the bill, which preserves our ultimate authority to set the goals of U.S. trade policy.

Moreover, the Senate version of the legislation contains more elaborate procedures than ever before to ensure

that Congress is consulted at every step as the President negotiates trade agreements. The President must consult with or notify the relevant committees—or Congress as a whole—on at least five different occasions during the process, even before Congress begins drafting an agreement's implementing legislation. These requirements guarantee that at all times we will be fully informed of the progress of ongoing trade talks.

Most significantly, unlike past fast-track legislation, S. 1269 permits congressional disapproval of a trade agreement long before the stage of final ratification. After the President notifies Congress of his intent to negotiate a specific agreement, the Senate Finance Committee and the House Ways and Means Committee may vote to "disapprove" the idea—thus removing it from the fast-track process and making it subject to ordinary amendment. Under this legislation, what Congress gives to the President it may also take away. In short, the bill allows America to move more quickly in a rapidly changing world, while making Congress more of a real partner in the negotiation of trade agreements.

The United States is one of the principal engines of the world economy in large part because it has long been one of the most open trading economies in the world. Continued progress in global trade liberalization—bringing other countries up to our high standards of market openness—is vital if we are to remain in the global driver's seat in the next century.

The road to free trade will not be without bumps, but it is a road I believe we must take, for at the end of that road will be a more prosperous Maine, a more prosperous America, and a more prosperous world. For that reason, I intend to vote for the fast-track legislation.

At this point, Mr. President, I ask unanimous consent that letters from Ambassador Barshefsky, the Maine International Trade Center, Unum Insurance Co., Pratt & Whitney, and ABB Environmental Services be printed in the RECORD.

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

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, November 6, 1997.

Hon. SUSAN COLLINS,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: Thank you for sharing your concerns regarding the need to create a fair and level playing field for potato growers in Maine.

I share your concerns regarding the need to address the difficult trade issues facing potato growers in Maine. As a result, I requested that the International Trade Commission conduct a section 332 investigation on fresh and processed potatoes, on an expedited basis, to provide the necessary information to assess the terms of trade between U.S. and Canadian growers and processors. The Commission issued its report on July 18. We are now in the process of working with industry to determine the next steps given the information that was provided in the report.

One specific concern you mentioned is Canada's regulations governing interprovincial and import shipments of potatoes for repackaging and processing. It is our understanding that a processor intending to import bulk potatoes must obtain a Ministerial Exemption (Easement) to the Fresh Fruit and Vegetable Regulations under the Canada Agricultural Products Act. Such an easement is only granted for the purposes of importation if a shortage of potatoes exists in Canada. Our exporters object to the apparent discriminatory and arbitrary manner in which this system operates. I agree that this unfair trade barrier should be addressed expeditiously and will engage Canadian officials in bilateral talks on this matter, beginning no later than March 1998. Please be assured that I am committed to pursuing this matter until we reach a fair resolution.

The second concern you raised is Canadian subsidies, and in specific, whether Canada is in compliance with its international obligations with respect to certain programs qualifying as "green box" support programs. I agree that a review should be conducted to determine whether or not certain Canadian subsidy programs now qualify as green box programs. We, together with USDA, will work with industry to determine which Canadian programs should be reviewed and will pursue any exceptions that are found.

It is my hope that this plan to address the trade concerns of Maine's potato growers will indeed level the playing field for Maine's potato growers.

Sincerely,

CHARLENE BARSHEFSKY.

MAINE INTERNATIONAL TRADE CENTER,
Portland, ME, November 6, 1997.

Hon. SUSAN M. COLLINS,
U.S. Senator, Washington, DC.

Re Fast-Track Negotiating Authority.

DEAR SENATOR COLLINS: Thank you for your inquiry concerning the potential impact of "fast track" trade pact negotiating authority on Maine and Maine business. As Maine's Director of International Trade, I am pleased to share my thoughts on this important issue with you.

Free trade agreements such as the US-Canada Free Trade Agreement, NAFTA and Mercosur continue to be the subject of considerable debate and, unfortunately, misleading statistical analyses. Proponents and opponents alike are able to point to economic data that supports various aspects of their respective positions. Thus, although I am a strong supporter of free trade, and therefore NAFTA and "fast track" authority, it may be most helpful to provide you with a broader analysis of the issue and impact of Maine than to offer you raw data for which there will doubtless be a flipside analysis.

It is important to note at the outset, however, some incontrovertible facts. US exports to Canada have grown by 118% (from $60.9 billion to $132 billion) since the enactment of the US-Canada Free Trade Agreement. Maine's exports to Canada have grown from $300 million in 1988 to $546 million in 1996, an increase of 82%, in the same period.

Maine's export to Mexico in 1993 (pre-NAFTA) were $18 million. In 1994, the first full year of NAFTA, Maine exported $27 million of goods to Mexico. In 1995, following the peso crisis, Maine's exports to Mexico declined to $14 million. In 1996, as Mexico's economy rebounded, Maine's exports to Mexico rallied to $34 million. In short, Maine's exports to Mexico have almost doubled since the passage of NAFTA.

Taken together, Maine's exports to Canada and Mexico have grown from $472 million in 1994 to $582 million in 1996, an increase of $110 million in three years. In my view, the current improved condition of Maine's economy is attributable in part not only to the continued strength of the US economy generally but increased international commerce in particular. The US Government estimates that for every $1 billion in exports, 40,000 jobs are created. The message is clear.

Opponents of fast track legislation and free trade agreements generally cite the dangers of "exporting jobs" to lower wage countries. This is a rational concern, and one not to be dismissed. I believe, however, that market forces will dictate in any case where a business owner will choose to locate her manufacturing facilities, and as things stand today there are already many lower wage environments that can be haven to such activities, if that is a manufacturer's primary consideration.

I continue to have ultimate confidence in the competitiveness of Maine's workers, products and services. Our goods and services are highly competitive and desired around the world. We have nothing to fear from enhanced competition—and once the doors to new markets are open to us, we can and do succeed. Our workers are second to none. High quality, premium and value-added goods are being produced in Maine today when many lower-cost markets are available for the purpose. In short, we have nothing to fear from world markets, so long as we recognize that we have to continue to strive to be the very best.

Erecting protectionist barriers will not insulate us from the forces of competition that are at work in the world today. We need access to other markets, just as we have been liberal in granting access to our own. History teaches us that the Maginot Line did nothing to prevent the advance of unwelcome intruders. Similarly, creating impediments to market entry will not protect us from larger competitive forces that may have an adverse impact on our economy. We need to embrace the current competitive environment and succeed in it.

Fast track authority will enable the President to conclude trade agreements that can create vistas of opportunity for Maine businesses. We need to have enough faith in our leadership, and in the political process, to trust that our concerns over environmental protection and job impact will be represented at the negotiating table. The cold, hard truth is that our competitors from around the globe are aggressively pursuing trading relationships in countries and markets that we cannot yet approach owing to trade barriers or other impediments. If we dither, or if we engage in protracted debate no matter how well-intentioned, we will be far behind the curve—and that will in the short, medium and long-term result in loss of opportunity for Maine businesses, and impact our economic growth.

I do not for a moment mean to minimize the potential for adverse short-term impacts owing to the opening of new markets. These are real concerns, although I believe history has shown that our economy can flourish in a free trade environment. I simply feel that our best hopes for long-term economic prosperity here in Maine lie in creating international opportunities for our people, and

not in limiting our access to new and emerging economies. However well-intentioned, restricting our ability to trade will never create new jobs for Maine people.

I thank you for the opportunity to comment, and wish you the very best in your deliberations. With best regards, I am.

Very truly yours,

PERRY B. NEWMAN,
Director of International Trade, State of Maine and, President, Maine International Trade Center.

UNUM CORPORATION,
Portland, ME, October 30, 1997.

Senator SUSAN M. COLLINS,
Russell Building, Washington, DC.

DEAR SUSAN: Earlier this year, Unum communicated support for passage of fast track trade negotiating legislation. As this issue moves forward in Congress, I wanted to write and reiterate our support for passage of this legislation.

Opening foreign markets has been critical for Unum in several of our recent international expansions. Currently, Unum has operations in the United Kingdom, Japan, Argentina, Bermuda, France, and Germany, along with the United States and Canada.

We will continue to expand internationally as opportunities present themselves. However, we have found that it is imperative that our government be able to negotiate aggressively with our trading partners in order to get the fair and open access that we need to be competitive. Fast track legislation gives our government the ability to negotiate these kinds of trade agreements. As you weigh the facts on this issue, I think you will see that this legislation is a necessary tool for our government to be successful in negotiating with foreign governments.

If you would like any additional information about Unum's international operations, I would be more than happy to provide it. As fast track legislation is considered by the Senate, I urge your support.

Sincerely,

BRIAN K. ATCHINSON,
2nd Vice President, External Affairs.

PRATT & WHITNEY,
North Berwick, ME, October 31, 1997.

Senator SUSAN M. COLLINS,
Senate Russell Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: The president's authority to negotiate any major trade agreement has lapsed and must be authorized by Congress. I am writing to tell you why it is important to the people at Pratt & Whitney's North Berwick plant, and United Technologies, to pass legislation known as "fast track" authority this year.

Pratt & Whitney's business success in the U.S. depends to a significant degree on our ability to sell our products in markets abroad. Our government's negotiators need fast track authority to open markets, reduce tariffs and eliminate trade barriers to U.S. products. Negotiators will not be taken seriously if it is perceived that they do not have the authority to conclude an agreement.

Fast track is not a new concept, and it does not result in us "rushing into trade agreements". It has been a procedure used since 1974 and has been renewed many times by Congress. Fast track does not remove Congress' involvement in trade agreements because the legislation includes specific negotiating objectives and a consultation mechanism whereby the president is obligated to consult with Congress during the negotiating of trade agreements. All fast track ensures is that once an agreement is reached, with congressional permission and consultation, it will not be amended after it is signed.

Why is fast track important to our economy? Because trade creates and supports jobs in the U.S. and in Maine. The opponents of fast track would have us halt our participation in the global economy. That approach is the greatest threat to jobs in the U.S., especially for companies like United Technologies that export over $3 billion per year. We need fast track to stay competitive, and maintain a strong economy.

I urge you to press for speedy consideration of the fast track legislation in Congress this year.

Sincerely,

R. E. PONCHAK,
General Manager.

ABB ENVIRONMENTAL SERVICES, INC.,
Portland, ME, October 7, 1997.

Hon. SUSAN M. COLLINS,
U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of ABB Inc., I am writing to urge you to support renewing fast track authority for the President. More than one third of the economic growth and nearly 40 percent of the new jobs created since 1993 are based on exports. Since only 4 percent of the world's consumers reside in the U.S., future growth and job creation will rely heavily on exports and the ability of the U.S. to access global markets. In order for the U.S. to be able to eliminate trade barriers and thus open foreign markets to U.S. goods and services, the President must have the proper authority to negotiate trade agreements from a position of strength, where the U.S. will be able to maintain its place as a world economic leader. Fast track will provide the President with this authority.

Fast track authority is especially important to ABB Inc. Our operations in the U.S. are becoming increasingly reliant on exports. So far, ABB's exports in 1997 have grown over 40 percent. The ability to gain greater access to markets all over the world and especially in Latin America and Asia is vital to the well-being of our company and employees. Fast track authority will ensure that ABB's interests abroad, as well as those of other U.S. companies, will be preserved.

Every President since 1974 has had fast track trade negotiating authority. Without fast track, the U.S. will be at a competitive disadvantage by permitting other countries to gain preferential market treatment at the expense of the American worker. Since fast track authority expired in 1994, more than twenty trade expansion agreements have been negotiated without the U.S.

Once again, I am requesting that you endorse fast track negotiating authority for the President. Please help support a strong American economy and jobs for the future by supporting fast track.

Sincerely,

DAVID P. CSINTYAN,
Office Manager.

Ms. COLLINS. I thank the Chair. I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

Mr. ROTH. 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. ROTH. I ask unanimous consent that there now be a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS TO S. 1269

Mr. CRAIG. Mr. President, at this moment I am filing at the desk four amendments that at the appropriate time I would make efforts to attach to S. 1269, the fast-track legislation.

The chairman is on the floor and I would provide him with a packet of information as it relates to these amendments. None of us yet know the fate of fast track or if the House will be able to engender the necessary votes to pass this legislation.

Clearly, I think the proper refinement of fast track broadens its ability to be passed and to become law, and it becomes very important to all of us, if that is the case, that it does. I have reservations about giving the President this authority, and yet at the same time I have not stood in the way that the process be expedited to get it to the floor for a vote. But the amendments that I am filing this afternoon that I think are important are a product of the frustrations that American producers have experienced as a result of the mid-1980's North American Canadian Free-Trade Agreement and then, of course, NAFTA, the North American Free-Trade Agreement in the early 1990's.

One of my amendments deals with the commodity problems that we have primarily in agriculture but also in the forest products industry between Canada and the United States. The flow of commodity interest is largely one way at this moment, from Canada into the United States—live cattle impacting our markets, grain bypassing through the Canadian Grain Board, the protocol of the North American Free-Trade Agreement. We have just had disputes with Canada over poultry and dairy products. We now see a flood of potatoes coming out of Canada, potatoes

last year that depressed the United States producer price to almost a historic low level, putting farmers in Idaho, Washington, and Maine in jeopardy.

As a result of that, one of my amendments would establish a bilateral joint commission to identify and recommend means of resolving national regional and provincial trading or trade distortions and differences between the United States and Canada with respect to the production, processing and sales of agricultural commodities. I have explained the reason why, and if we get to the appropriate time I hope that the chairman and the full Senate would look upon that kind of amendment in favorable light.

Another amendment that I think certainly the chairman and the Senate would look favorably on is an amendment to enforce the S. 1296 ban on extraneous provisions. This amendment would provide effective enforcement provisions already in the bill.

As reported, S. 1269 prohibits extraneous provisions from being included in trade agreement bills considered under fast track. The bill limits fast-track trade bill provisions to those necessary or related to the implementation of a trade agreement, or not necessary to comply with the Budget Act.

This is a major improvement, I think, over previous fast-track legislation. However, S. 1269 currently contains no effective enforcement of this provision. Let's remember the North American Free-Trade Agreement and what we fell into there. We forced small business people to have to go to computerized methods of accounting and withholding. That was a tax increase, in so many words, that was inflicted upon us in a "take it or leave it" proposition. What my amendment would do is prohibit that kind of extraneous material, or any hidden tax that might come sneaking through, if you will, in a trade agreement of the kind the President would be allowed to negotiate under fast track.

Also, I have offered an amendment that would require domestic tax increases to be amendable, and that adds to the strength of the amendment I have just offered.

Those are the three. The other one is a clarification of the standard for the importation of firearms. This amendment is aimed at clarifying current law and preventing the administration from continuing to abuse its trade authority to carry out a political agenda against firearms. Even for firearm imports, there needs to be a meeting of a standard and a test. We think the administration has gone well beyond that.

That is the essence of the amendments that I have filed. Depending on how we get to the issue of fast track and what the House is able to do in the coming hours could determine our ability here in the Senate to perfect or to shape the fast-track agreement.

With that, I will file those amendments and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

IRS RESTRUCTURING ACT OF 1997

Mr. KERREY. Mr. President, I ask unanimous consent the Senate proceed immediately to H.R. 2767, the IRS Restructuring Act of 1997, just received yesterday from the House, that the bill be read three times and passed, and the motion to reconsider laid on the table.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY. Mr. President, I hope my colleagues understand this legislation is something that will, by all accounts, today improve the operational efficiency of the IRS. It does not address many of the issues that were raised by the Senate Finance Committee during its 3 days of hearings and the chairman has indicated he is going to take those up next year. But in the 24 hours since I have offered this unanimous-consent resolution there have been 135,000 notices sent to taxpayers asking them to pay additional taxes and over 250,000 phone calls made by taxpayers to the IRS, trying to get information. These are the two principal points of contact, of irritation, that taxpayers have brought to us over and over and over.

The IRS Commissioner under current law simply does not have the authority to manage the agency. He can't hire and fire his top people, can't provide financial incentives, doesn't have the kind of oversight that's needed and doesn't have the requirement to publish his audit data. All that is kept for the moment confidential.

This piece of legislation, passed almost unanimously by the House, would certainly get nearly a unanimous vote here in the Senate as well. Everything in this legislation—if you look at it you would say, "My gosh, I'm surprised it isn't done already." As I said, every single day we wait, another 135,000 or so notices are going to go out to taxpayers that they owe additional taxes; a quarter of a million phone calls are going to be coming into the IRS, and they are not going to be managed nearly as well.

In our own survey we did to determine what was going on out there we found that 70 percent of the people who call in say they get good service from the phone calls, but that means that 3 out of 10 do not get good service. They are complaining. They are not getting their questions answered, for those who actually get through: A 25 percent error rate in the current environment, the current paper environment; less than 1 percent for electronic filing. The law that we propose, that was passed, as I said, nearly unanimously by the House, provides new incentives and powers to move to electronic filing. I hope my colleagues will understand the urgency of doing this. And what will happen, the price the taxpayers will pay, with a delay.

In this morning's papers there were stories about the Speaker saying he was going to try, in one of the conference committees, to get an amendment accepted that would have the IRS doing something that I can't imagine that anybody in this body would support. My guess is, if we discovered the IRS was doing what the Speaker is saying that he would like the IRS to do, most of us would be out here on the floor speaking out against it. He is proposing that the IRS conduct a poll, a 14-question poll. If you look at questions, you know what the answers are going to be. "Do you think your taxes are fair or unfair?"

Not only a poll, but every single American taxpayer would be mailed under separate cover this poll. Not only would the taxpayer be mailed the poll, but the poll would also go to post offices, it would go to preparers, this poll would go to anybody who has contact with the IRS. The taxpayer then would be asked to fill out the questionnaire and mail it—not back to the IRS, but back to the General Accounting Office where they would be compiled and the results then would be published. The estimate of the costs to do that range from about $30 million up to $80 million. If somebody came to the floor today and said guess what, the IRS is doing a $30 to $80 million poll to find out whether or not the American taxpayers think their taxes are fair enough, if the level of taxes is fair or not, among other questions, I think it would be a 100-to-nothing vote to say the IRS cannot do this.

So I hope those who are on the Appropriations Committee, when they are working in these conferences, will make it clear that the Senate doesn't support asking the IRS to do a $30 to $80 million poll which will increase the caseload and work of the IRS itself, which will cause taxpayers to say, "My gosh what does this mean?" call the IRS with additional questions, and will cause people to say, "I don't know whether I want to mail this back. I am afraid this might produce some adverse reaction from the IRS itself."

This will increase complexity. Those who are proposing this have said that it is real simple, "We will just take it out of customer service, we will take the money out of customer service and it won't cost us anything at all." Again, can you imagine if somebody came to the floor and said, "Guess what the IRS is doing? They are proposing to spend $30 million up to $80 million out of customer service to do a 14-question poll." I can't imagine there wouldn't be 100 Senators down here saying we object to the IRS doing it.

This is a case where the Speaker of the House says he may ask the conference committee to direct the IRS to do this very thing. Mr. President, I hope Members, if we hang around here for another 4 or 5 days—given the word that I got that the House is going to vote on fast track, I guess, tomorrow; we could be here for awhile—every single day we wait, another 130,000 notices go out from the IRS to taxpayers that they owe money, another quarter of a million phone calls are going to come into the IRS, asking the IRS questions. The commonsense recommendations in this piece of legislation are so compelling that only four Members of the House of Representatives voted against it.

I believe this legislation would pass very quickly here in the Senate. It would set up, in fact, a debate over our tax system and put us in a position to be able to enact many of the things the chairman of the Finance Committee, the distinguished Senator from Delaware, wants to pass. I think it is very difficult to explain to taxpayers back home why we didn't give the Commissioner the legal authority needed to manage his agency in a manner that would enable the voluntary compliance to go up and customer satisfaction to improve as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to object to the unanimous-consent request made by my distinguished colleague, Senator BOB KERREY. In doing so, let me be clear that I applaud Senator KERREY'S tremendous work and leadership, and I am grateful for the groundwork he and the commission he has chaired have laid in the important effort to reform the Internal Revenue Service.

What concerns me, Mr. President, is that the legislation which is being advocated at this time is—as the Washington Post pointed out—a measure that has not been subject to the kind of scrutiny and debate that must attend such an important issue. The fact is that Congress will get only one good opportunity to pass necessary and meaningful reform to the IRS. The work accomplished by the commission chaired by Senator KERREY and Congressman PORTMAN disclosed a number of shortcomings within the agency. A near year-long investigation by the Senate Finance Committee and hearings that we held in September disclosed even more issues that need to be addressed. And our on-going investigation continues to turn up others on what has nearly turned into a daily basis.

IRS reform must be complete. It must be accomplished thoughtfully, methodically, thoroughly—with Congress, the administration, and the taxpayers working together. Everyone knows that the last great attempt at reform, the King Commission in the 1950's, led to a major overhaul of what was then known as the Bureau of Internal Revenue. But within only a few years, the agency was once again whacked by abuse and misuse of authority.

We need complete reform, Mr. President. This time, we must get it right.

Among those things that we must analyze and address are:

Giving the oversight board—called for in this legislation—the authority to look at audit and collection activities;

Insuring that all taxpayers have due process and that the IRS does not abusively use its liens and seizures authority;

Making the taxpayer advocate within the agency independent and responsible to the oversight board;

Establishing an independent inspector general within the IRS, and requiring the IG—like the taxpayer advocate—to report to the oversight board;

Requiring signatures on all correspondence;

Banning the use of false identifications;

Banning the use of Bureau of Labor Statistics as a mechanism to determine taxpayers' income; and,

Banning the use of statistics and goals in determining performance of IRS employees.

Mr. President, each of these represents an area where we need to make reform. And the truth is, they are only a sampling of the needed changes that emerged from our first series of hearings. I know that there will be others. They, as well as these, will have to be examined, debated and—where and when appropriate—adopted as part of a major overhaul.

For these reasons, I object to the unanimous-consent request made by Senator KERREY.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate very much the comments of the distinguished chairman of the Finance Committee, the senior Senator from Delaware. Especially his willingness to hold 3 days of hearings, penetrating what is called the 6103 veil, which allows us to see information that typically is held in secret, in confidence, to protect the taxpayer. These hearings enabled the American people to see abuses that most Americans look at and say: This is objectionable and should not be allowed to continue.

I would point out, though, that the board question that the chairman raised here, giving the board more authority—the Washington Post editorial cited one of the reasons they wanted more hearings was they thought the legislation that we had given the board too much authority. So my guess is they would write it, if we gave the board more authority—they would write the committee saying: You better give the board more hearings because you still have it wrong.

We had 12 days of hearings in the hearings that Congressman PORTMAN of Ohio and I conducted. Thousands of interviews with IRS employees, former Commissioner Richardson supports it, former Commissioner Goldman supports the recommendation, former Treasury Secretary Baker, former Treasury Secretary Brady and current Treasury Secretary Rubin—all support the legislation. All have examined it. We have had a full markup in the Ways and Means Committee. This may not go as far as some would like, but given the fact that we handle 200 million tax returns, individual and corporate, every single year, it seems to me reasonable that we begin with this board somewhat cautiously.

It has significant authority in the development of the strategic plan. It has authority to make advisory recommendations on the budget as well. It can pass judgment on the performance of the Commissioner and make recommendations to the President in regard to the Commissioner's actions.

We do, in fact, in the amendments that have been agreed to now by 14 members of the Finance Committee, as the chairman indicated, give the taxpayer advocate the independence needed to be a true effective advocate for the taxpayer. Instead of being an employee of the IRS, the advocate would be able to operate more independently than is currently the case, and many of the changes the chairman has indicated that he would like to do I fully support.

What seems to me to be the most compelling question of all is, do you want the new Commissioner of the IRS to have the authority to hire and fire senior people, to be able to provide positive financial incentives, to be required to disclose what the audit requirements are, to have incentives to be able to go to electronic filing, to have the legal authority to be able to comment on tax complexity?

All these things are fairly straightforward. I can't imagine anybody saying the IRS Commissioner should not have the authority this legislation gives him to be able to manage the agency. The risks are high, Mr. President, that in this next filing system, given what we have discovered now by penetrating the 6103 veil, there is a good chance we are going to get a decrease in voluntary compliance, with citizens saying it may be a small percentage and, indeed, our commission discovered that it is a relatively small percentage of IRS employees who are abusing the authority and the power that they have. But I can tell you that when the odds are only 4, 5 or 6 percent, that is still pretty good odds if it is your tax return, if it is your life, if it is your future that is at stake.

We risk a lot by delaying, and the people who are going to pay a price, again, are those 130,000 people who every single day are going to get a letter in the mail saying, you owe additional taxes, and that quarter of a million people who are going to call up every single day to the IRS trying to get a question answered.

I don't disagree at all with the chairman's identifying some additional things that need to be done, but where we have such broad consensus among Republicans and Democrats, with only four dissenting votes in the House, my guess is in the Senate it would pass nearly unanimously as well once people look at the details of this legislation and see what it would give new Commissioner Rossotti the authority to be able to do.

Again, I don't know how long we are going to be around here, but this piece of legislation, if it were taken up in the manner I have described, I believe would be passed quickly, would be in conference quickly, get it to the President, get his signature and would set up not just the debate that the distinguished chairman of the committee has identified, but also a debate on tax simplicity and other things that ought to be taken up by this body as well as the House.

This sets up the debate. It doesn't decrease the opportunity for a debate. It makes it more likely we will have a healthy debate about tax simplicity, about our code and about further changes that need to be made in the IRS in order to make certain that we can close this breathtaking gap that exists today between what the IRS is able to do and what the private sector is able to do for that 85 to 90 percent of the American people who are voluntarily willing to comply to pay their taxes, if they can just get one answer, which is: How big is the bill? How much do I owe?

It is that question that dictates much of the financial planning that American families are doing, and it is a very difficult question to get answered in the current environment. That question would be made much easier to answer if we would just take this piece of legislation up, enact it and get it on to the President for his signature.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, our colleague from Nebraska, I think, made the same request yesterday, and maybe some of the same comments were made yesterday. If we didn't have additional ideas to make the legislation better, I would agree with him, because I think the House passed some good legislation. I think we can make it better. Chairman ROTH mentioned a couple things we can do.

We had good hearings. Actually, the hearings that promulgated a lot of the IRS reforms happened in the Senate, not in the House. Our House colleagues, as the Constitution provides, initiates revenue measures. So they have acted and they have acted promptly. I congratulate Chairman ARCHER, who I think does an outstanding job as the chairman of the Ways and Means Committee. The House has done good work and passed a good, bipartisan bill.

Likewise, we can do good work in the Senate and pass a bipartisan bill. We might do better. We might add and build upon what the House has in their legislation. We heard from a lot of things. Mr. Dolan, the acting Commissioner of the IRS, had some suggestions, brought out some points. We had witnesses who talked about IRS abuse. I think we can build upon some of the changes that the House has advocated and make a better bill, but it may take a little bit of time to do it. I would like to do it and do it right.

Again, I appreciate what our colleague from Nebraska is saying, but I would very much like and happen to agree with the chairman, I think we would be better off if we allow the Finance Committee to mark up the legislation, make some improvements, and pass legislation that, again, will, hopefully, receive bipartisan support and the President's signature as well.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate very much what the distinguished Senator from Oklahoma is saying. We have had many conversations. He is cosponsoring the legislation, so I know he wants to get this reform enacted. I believe that when we know we can get something done that will improve the operation of the IRS, we ought to do it.

Again, I respectfully say, I think this sets up the basis for further action, because it gives the IRS Commissioner the kind of authority that the IRS Commissioner needs to manage the agency. It gives the IRS Commissioner authority to say this is what we think the Code is doing to the taxpayers, this is what it is costing the taxpayers to comply with the Code we have.

I favor rather aggressive reform of the Code. I certainly wouldn't come to the floor and say I don't think we ought to do it until we reform the Code. There is lots more that can be done with the IRS, no doubt about it. But I don't think we are ever going to have a single piece of legislation that does it all.

For gosh sakes, we just confirmed a new Commissioner and sent him over to run an agency of 115,000 people. Look at the law. The law doesn't give him the authority to manage the agency.

It doesn't give him the authority to hire and fire senior people.

It doesn't give him the authority to provide positive financial incentives so the agency can be run in a better fashion.

It doesn't give him legal authority to move expeditiously to electronic filing.

It doesn't require the basis of the disclosure of audits. There is a cumbersome Freedom of Information Act process with the IRS. It is especially slow and difficult for citizens who are trying to get information.

It doesn't require the establishment of some complexity analysis so that we can make a judgment about whether or not what we are doing is going to make it harder for the taxpayers to comply.

It doesn't require the kind of coordinated oversight that is needed with a public board governing the IRS that will enable us to achieve consensus on a strategic plan.

All these things are in there. You look at them and say, "I can't be against it." There likely will be 100 votes for all the things I just described. Why not do it now? It doesn't preclude us from coming back next year and taking further action. All these things I listed will improve benefits to American taxpayers, to those 130,000 every single day who are going to receive in the mail a notice that they owe additional taxes, to a quarter of a million who are going to pick up a phone and make a phone call and try to get an answer to some question they have.

If you look at the law that is being proposed that was passed by the House by all but four Members, I urge my colleagues on the other side of the aisle to look at the law and see, for gosh sakes, that this doesn't prevent us from taking action next year, this doesn't prevent the Finance Committee or any other committee from holding hearings and considering legislation to improve it.

All this does is it matches with authority the responsibility that the Commissioner has and will enable, unquestionably enable, the customers, the taxpayers of the United States of America to get better service than they are currently getting. They are going to pay a price for delaying.

The congressional restructuring commission had 12 public hearings, thousands of interviews with private sector individuals. This legislation, by the way, has the endorsement of every provider out there of services to payers, as well as the endorsement of the National Federation of Independent Businesses.

This piece of legislation has been examined from stem to stern by an awful lot of people who are now embracing and endorsing the legislation and saying that on behalf of the American taxpayers, this piece of legislation, this change in the law for the IRS will make the IRS more efficient and make the taxpayers themselves more competent; that not only are they going to get a fair shake, but get a right answer to the question that they ask.

I will be down here again tomorrow if we are still around here, and the next day if we are still around here, and however long it takes. We can conference this thing in a day and get it on to the President. I hope Members on the other side will look at this law and begin to ask the question, do we want to change the law this time and come back and address all the other things the distinguished Senators from Delaware and Oklahoma said we ought to be doing?

Mr. President, I yield the floor.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

PRIVILEGE OF THE FLOOR

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that Jim Ahlgrimm, a congressional fellow in my office, be granted the privilege of the floor for the duration of my remarks.

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

Mr. SMITH of Oregon. I thank the Chair.

(The remarks of Mr. SMITH of Oregon pertaining to the introduction of S. 1406 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

TRIBUTE TO OUR VETERANS

Mr. SMITH of Oregon. Mr. President, I would like to pay tribute to our veterans as we prepare to celebrate Veterans Day on Tuesday. Each day as I drive to work to the U.S. Senate, I cannot help but notice all the beautiful monuments of our Nation's Capital. These monuments were built to honor great people and great events, and each has its own inspirational story to tell. What you will find in each of these stories is that the greatness of our country and of its leaders was founded in the willingness of common men and women, our veterans, to risk their lives defending the principles of right and democracy. Serving both at home and on foreign soil, their service must always be remembered.

Working in Washington in this great institution of the U.S. Senate and among these beautiful monuments frequently reminds me of the sacrifices of our veterans. Even outside of Washington, in almost every town across America, there are monuments dedicated to our veterans. I urge each American to discover their story, not only from a historical perspective, but also through the eyes of the veterans living in their communities where you will find common men and women who simply did the right thing when called upon to do so by their country. Because of them, we live in a world where there is more peace than ever before. They deserve our thanks.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1402 and S. 1403 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

BORDER IMPROVEMENT AND IMMIGRATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to offer my support for Senate bill 1360, Senator ABRAHAM's Border Improvement and Immigration Act introduced November 4. This legislation has already numerous cosponsors and is bipartisan in nature.

This bill clarifies a provision included in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Section 110 of last year's immigration law requires the establishment of an automated entry and exit control system. While the merits of this provision are admirable, unfortunately, the reality is that this is not a feasible concept.

The section would require documentation of every alien entering and leaving our country. Can you imagine? To document entry and exit of every foreign national, every alien entering the United States would be required to hold a visa or passport or some sort of border crossing identification card.

In my State alone, Mr. President, Canadians are at our border. We are separated from the rest of the United States by Canada. We enjoy relatively free passage between the two countries as Americans. This facilitates trade and strengthens our historical ties of friendship. To require the documentation of entry and exit of Canadians would result in Canada requesting the same type of consideration. Of course, our Canadian neighbors would be forced to wait in long lines. Trade would be disrupted. And it would develop a feeling of distrust. This is simply unacceptable.

When former Senator Simpson crafted this immigration reform proposal last year, he did not intend to create a new documentation requirement for our northern neighbors. Rather, the issue he wished to address was the illegal overstay rates of foreign nationals.

I cannot agree more that the illegal overstays need to be addressed. The Immigration and Naturalization Service currently cannot provide accurate data on overstay rates. However, the answer does not lie in requiring documentation of every alien entering through our land points of entry.

Section 110, if implemented as is, will only create more headaches for our friends and neighbors attempting to enter the United States and slow both trade and commerce that crosses our land border each day. It will do little to address my primary concern about overstay rates and subsequent illegal immigration.

For these reasons, I am supporting Senator ABRAHAM'S efforts to correct section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and exempt land entry border points from collecting a record of arrivals and departures. I hope that my other colleagues join me in cosponsoring S. 1360, the Border Improvement and Immigration Act of 1997.

Mr. President, I would like to make one more statement, if I may, with the indulgence of my friend from Wyoming.

INTERNATIONAL CLIMATE TREATY

Mr. MURKOWSKI. There has been an awful lot of concern relative to the issue of global warming, greenhouse gases, carbon dioxide emissions, et cetera.

This December, representatives of 166 nations are going to meet in Kyoto, Japan, to broker a new international climate treaty. This treaty will set new emissions controls for carbon dioxide and other greenhouse gases.

Unfortunately, 130 of the 166 nations, including China, Mexico, and South Korea, are explicitly exempt from the new emissions controls or any new commitments whatsoever. As a consequence, it is my opinion that such a treaty simply cannot work and will not be ratified by the Senate.

Even if one favors strong action to curb carbon emissions, there are three key reasons to oppose the approach embodied in the draft treaty.

The first reason is, selectively applied emissions limits will harm large sectors of our economy.

Analysts expect even the most modest versions of the treaty to cost over a million and a half jobs by the year 2005, along with cumulative losses in gross domestic product exceeding $16 trillion from the year 2005 to the year 2015.

While the President claims the new global climate treaty will not harm the economy, the administration abandoned its internal analysis after their economic models predicted disaster —even when rosy assumptions were factored in. So bad were the results that the administration refused to even appear at a hearing of our Energy and Natural Resources Committee to comment on the treaty's economic impacts.

Second, the environmental benefits of this treaty are really questionable, Mr. President.

Any treaty without new commitments for developing nations will encourage the movement of production, capital, jobs, and emissions from the 36 nations subject to emissions controls to the 130 nations that are not.

Actual global emissions will not decrease. Only their point of origin will change.

Ironically, because of our industrial processes, which are more energy efficient than those found in developing nations, global carbon emissions per unit of production would, in my opinion, actually increase. In other words, we would endure economic pain for no identifiable environmental gain.

Third, selectively applied emissions controls will doom any climate treaty that contains them.

By an overwhelming vote of 95 to 0, this body, the U.S. Senate, passed a resolution in July demanding any new climate treaty contain new obligations—new obligations—for developing nations. At the same time, Mr. President, developing nations refuse to sign up to such a treaty. Thus, selectively applied emissions controls have become the so-called poison pill that is preventing the world from reasonably addressing the climate change issue.

So I think it is time to be a bit pragmatic. If we want to keep a new climate treaty from becoming an international embarrassment, we should reconsider the rush to Kyoto and expand solutions that really work.

What can really work, Mr. President?

One is nuclear energy. One is hydropower. For instance, nuclear energy produces roughly a third of our electricity without significant emissions of carbon dioxide. Yet, President Clinton's global warming explicitly ignores these sources of virtually carbon-free energy.

Even worse, Mr. President, the Clinton administration threatens—and has threatened numerously—to veto any nuclear waste legislation and continues to consider proposals to tear down hydropower dams, policies that endanger the carbon-free solutions that are in place today, and calls into question the administration's commitment to reduce our carbon emissions in a balanced, responsible manner.

We even see the Sierra Club come out against wind power claiming that the windmills are some kind of Cuisinart that decimates the bird population.

What does our President propose?

It is rather interesting to reflect on where we are now because he has come almost full circle. The President hints at some vague notion of meeting our emissions targets through electricity restructuring, but he is very short on specifics. Perhaps the President is playing to the headlines today, but leaving the details to tomorrow or to the next administration.

His proposal is that we, by the year 2008 to 2011, reduce our emissions to the level of 1990. Well, where is his administration going to be by that time? So they are just putting these things off as opposed to coming up with the mechanics that will work.

There are, in fact, things that we can do in the context of energy restructuring that can help restabilize our carbon emissions. We have had some 13 hearings on this subject in my committee, the Energy Committee, and we have heard from 120 witnesses. Thus, I am prepared to suggest some of the specifics that the President has not suggested.

For example, we can provide for stranded cost recovery of the more than 100 nuclear power reactors that together provide some 22 percent of our total electric power generation.

We can provide incentives to encourage or require regions to employ a mix of carbon-free wind, solar, nuclear, or hydropower adequate to achieve a specified carbon-free emissions standard.

We can offer a means to certify the claims of power producers who wish to market their power to consumers as low-carbon or carbon-free.

And we can offer assistance for market-led investments in new research toward carbon-free or low-carbon energy.

There is no shortage of policies we can pursue if we really want to address the issue of carbon emissions. We can be encouraged about recent technology breakthroughs in fuel cell technology, wind energy, solar technologies, and advanced nuclear plant designs.

In the end, I think, Mr. President, American ingenuity, technological innovation, and common sense will produce the solutions that the U.N. negotiations thus far have been unable to provide.

Finally, Mr. President, we need to employ these new technologies to increase energy efficiency, promote conservation, and stabilize our carbon emissions—but we do not need a flawed treaty that cannot get the job done. The climate issue is serious, but so are issues of equity, economic prosperity, and pragmatism.

During the last round of negotiations at Bonn, the draft treaty got worse. It got worse, not better. As a consequence, we need to prepare ourselves and the American people for the prospect that the new treaty will be unworthy of support, even if you are deeply concerned about the increase of carbon dioxide in the atmosphere, as I am. In other words, it doesn't do us any good to board a fast train, a fast train that is going in the wrong direction, particularly if all nations of the world aren't aboard.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. ENZI. Mr. President, on behalf of the majority leader, I ask unanimous consent the period for morning business now be extended until the hour of 1:30.

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

FAST TRACK

Mr. ENZI. Mr. President, I rise to speak about the fast-track bill that is before us. I have followed the debate on this legislation very closely. I have listened to my colleagues discuss at length the issues of trade flows, foreign direct investment, the delegation of authority, and unfair trade agreements. It has been an interesting debate for this freshman Senator.

I want to share with my colleagues the feelings that my constituents have expressed to me. Many of them have deep concerns about our progress on trade. Intense import competition makes them feel as if they have been left behind in the pursuit of fair trade.

There is an issue here that is far more important to my constituents than trade, however, but it is inextricably linked to their ability to compete. While the administration vows to fight for fair trade with foreign countries, people in Wyoming want this administration to fight for fair regulations in this country. For them, fair trade will not stimulate economic growth when their growth is halted by unreasonable regulations.

It seems that there is a real disconnect in our administration's policies on economic health. While one side of the administration is promoting job growth in exports, the other side is shutting down our enterprises with overly restrictive environmental regulations.

There is an inconsistency here that is difficult to explain to people in Wyoming. They do not understand why the administration supports export growth, but allows the Environmental Protection Agency to issue and adopt regulations such as the new particulate matter and ozone standards for air quality.

How does this relate to the fast-track bill we are debating? It connects in two ways. The first issue is jobs. The purpose of the bill before us is to promote job growth—which is a good purpose and I support it. Unreasonable regulatory mandates, however, do not create jobs. Second, like fast track, environmental regulation is a delegated authority. And in my opinion, it is one delegated authority that is out of control.

Let me first discuss what is wrong with the standards and how they will destroy jobs. They were formulated and adopted with a disturbing lack of scientific consensus; with no accountability; and with a genuine disregard for the real effects they will have on working people.

The accuracy of scientific information in the formulation of scientific rules is critical for a democracy. Democracies cannot survive without being able to rely on the precision of their scientific information. Furthermore, democracies cannot survive when bureaucracies are able to impose expensive mandates without any accountability. Democracy depends on

representation along with taxation. Bureaucrats must consult with elected representatives before imposing massive costs on our citizens.

With the adoption of these unreasonable standards, the EPA and the administration have failed on both of these counts.

There are numerous examples that show a lack of scientific consensus in the promulgation of these new air quality standards. The EPA's own Clean Air Science Advisory Committee, stated that at this point, "there is no adequately articulated scientific basis for making regulatory decisions concerning a particulate matter National Ambient Air Quality Standard."

The administration's National Institute of Environmental Health Sciences dismissed the EPA's claims about the relationship between childhood asthma and air quality. They observed that the asthma rate in Philadelphia has soared even as that city's air pollution levels have plummeted. They also noted that some of the highest asthma rates in the world occur in Australia and New Zealand—two countries with excellent air quality.

Strangely enough, while the EPA is promulgating expensive rules, other agencies have been pushing for economic growth. The U.S. Trade Representative, the Department of Commerce, the Small Business Administration, and the Department of Agriculture—have all advocated the importance of fast track for growth.

Even the President has emphasized the need for fast track in terms of job creation. He stressed that,

> In order for us to continue to create jobs and opportunities for our own people, and to maintain our world leadership, we have to continue to expand exports . . . We have to act now to continue [our] progress to make sure our economy will work for all the American people.

Well, I stand here to tell you that unreasonably expensive regulations will not make our economy work for all American people. Achievements in trade expansion will not overcome the excessive costs imposed by regulatory mandates.

And the costs are excessive. At first, the EPA estimated the cost would be less than $2.5 billion. Then, the President's own Council of Economic Advisors put the price at a considerably higher $60 billion. I have seen estimates for the cost as high as $150 billion. That was an amount quoted in a Senate Small Business Committee hearing we held earlier this year. I think the difference in magnitude between these estimates—$2.5 billion and $150 billion—deeply concerns me, and is—in and of itself—a good reason to delay the standards.

The disagreement continues. The EPA stated in its regulatory impact analysis that the rules will not have a significant effect on small businesses. But the Small Business Administration refuted that. The SBA confirmed that, "Considering the large economic impacts suggested by EPA's own analysis, [which] will unquestionably fall on tens of thousands, if not hundreds of thousands of small businesses—this would be a startling proposition to the small business community."

It will affect hundreds of thousands of small businesses. Just who are we trying to help our trade policy, Mr. President?

The U.S. Department of Agriculture also raised concerns. They highlighted that EPA's air quality standards "do not contain detailed information regarding specific effects on agriculture that may be caused by pollution or that may result from pollution controls."

American agriculture is just beginning to see what is coming down the pike with regard to clean water standards. We are now taking a close look at how the EPA will be able to enforce "total maximum daily load" guidelines on streams in my State. This is a big concern for everyone who uses water in Wyoming. And we all do.

The fact is, the unreasonable environmental regulations destroy thousands of U.S. jobs by raising input and compliance costs. In a 1996 study of regulatory costs, Thomas Hopkins of the Center for the Study of American Business, estimated that regulatory mandates already cost small businesses between $3,000 and $5,500 per employee. The new air quality standards will impose an enormous new cost on top of that without any verification of the benefits.

The second connection this issue has to the debate of fast track is the issue of delegated authority. Congress has a responsibility to regulate commerce with foreign nations that is derived directly from the Constitution. Fast track delegates that authority to the executive branch.

Whether one agrees with the practical need for fast track or not, no member can deny that it is a delegation of congressional responsibility. Our senior Senator from West Virginia, Senator ROBERT BYRD, is an expert historian on constitutional law and he has spoken very eloquently and persuasively about this issue and against the fast-track legislation.

I have also heard some very convincing arguments about the necessity of fast track. The argument is made that we need a strong voice in our multilateral trade negotiations—a voice that has the authority to back up its demands. Whether that is to be believed or not, recent developments make me very reluctant to delegate that authority. I have already stated my concerns about EPA's expansive interpretations of its delegated authority—now, we face the prospect that the administration will commit to dangerously unfair commitments in the global warming treaty to be discussed in Kyoto this December.

The administration's positions on the global climate change treaty are a paramount example of politics over science. There has been no scientific consensus on this issue. There has been no proven relationship to show that the climate change treaty would have any effect on global temperatures. In fact, there isn't any proof that human intervention will make a difference.

For some reason, however, the administration seems ready to embrace an agreement that would wage economic war against our own workers. According to one independent estimate, complying with U.N. reduction targets for greenhouse gas emissions could cost this country as much as $350 billion per year. That is nearly $2,000 for every working American.

The result will be the loss of 5 million American jobs directly related to energy use and production and the loss of several million more jobs that are indirectly related. The jobs will simply be transferred overseas—not to countries doing a better job, countries that are doing a worse job—something that is becoming easier and easier. It will be particularly easy if developing countries like China, India, Brazil, and Mexico do not impose the same air quality standards on themselves. That is what we are talking about in that treaty.

This is not consistent with promoting economic growth. Furthermore, there is no scientific consensus. Most importantly it is unfair. Personally, these circumstances make me very hesitant to support fast track and to restrict my ability to modify agreements entered into by this administration.

I cannot rationalize giving the Administration the authority to negotiate agreements with other countries when they refuse to negotiate domestic regulations with Congress.

Before I close, I want to stress that I understand the importance of trade agreements. I understand that Americans have much to gain by reducing foreign barriers. I do believe fast track is necessary for practically negotiating multilateral agreements.

I want to point out, however, that many of my constituents in the State of Wyoming have grave reservations about expanding NAFTA. Two of the largest sectors of Wyoming's economy, agriculture and energy, are in direct competition with Canadian producers. While our Nation as a whole stands to benefit from increased market access in Europe, South America, and Asia—my constituents need attention focused on unfair import competition from NAFTA.

This problem is most apparent in our northern tier States. The Senator from North Dakota, Senator DORGAN, has clearly presented the unfair practices

faced by our wheat and barley growers. United States food manufacturers import over $200 million per year in Canadian wheat—nearly all of which is sold by the Canadian state trading board.

Cattle imports from Canada have also flooded our market. While national meat import levels have remained fairly stable, live imports from Canada into the Northern States have increased by over 100 percent since 1994. They have been especially unwelcome in a buyers' market that is saturated by oversupply and restricted by packer concentration. These Canadian imports exacerbated prices that were already down by over 40 percent.

Most recently, the independent oil producers in my State, who already face stringent regulations and substantial Federal taxation, are now competing with 130,000 barrels per day of Canadian crude that is being pumped into the region through a new pipeline. Wyoming's posted sour crude prices have plummeted from over $19 per barrel in 1996 to just $14 per barrel this year.

Needless to say, many of my Wyoming constituents feel they are getting the raw end of free trade. Most of them are people who deeply believe in fair and open trade, but they have real reservations about expanding agreements they don't feel are fair.

I will conclude by stressing that it is good for the administration to set its sights on foreign markets, but they must also pay attention to what is happening at home. There is no reason to open up foreign markets while you are closing down your businesses by strangling them with regulations.

We need to inject a standard of reasonableness in our environmental policy. The issues of job growth, trade, and domestic regulation are linked. I would like to see more consistency in our policy on economic growth.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI], is recognized.

WARD VALLEY

Mr. MURKOWSKI. Mr. President, I would like to address the issue of low-level waste in this country and the issue of Ward Valley. California is the first State to site a low-level waste facility under legislation passed by Congress which granted States with the authority and responsibility for low-level waste. Low-level radioactive waste is produced from cancer treatments, medical research, industrial activities, and scientific research. In the State of California there are some 800 sites where this medical waste is being stored. It is being stored in temporary facilities that were not designed for permanent storage.

This waste is stored near homes, schools, it's stored at college campuses, medical facilities, and so forth.

This radioactive waste is vulnerable to accidental release from the fires and earthquakes, neither of which are uncommon in California.

Public health and safety demands that this waste be moved from locations scattered across California to a single, monitored location—preferably, in a remote and sparsely populated area.

The State of California is the first State to take advantage of the Federal process that we authorized for the States to develop their own low-level waste sites. But it is interesting to note how the progress has gone—not because of the lack of commitment by California, but the lack of cooperation from the Department of Interior to simply conduct a very simple land exchange.

The State of California, in a process which began a decade ago, is trying to get their facility opened. They selected a site known as Ward Valley in the remote Mojave Desert.

The California license was issued in accordance with all State and Federal laws, and has withstood all court challenges. The license contains 130 specific conditions designed to protect public health, safety, and the environment.

But here comes the villain—the Department of Interior—having earlier agreed to sell California the land for the site—changed its mind, returned the check, and has refused to transfer the land.

Since that time, the Department of the Interior has engaged in continuous, purposeful delay. They seek more studies, allegedly to assure that the site will be safe.

We all insist on a safe disposal site, and we expect no less. Thus far, we have had two environmental impact studies and a special National Academy of Science study that all point to the safety of the site.

Now, the State of California, in accordance with the guidelines of the Nuclear Regulatory Commission and all applicable State and Federal laws, has done its job and done it well. But the Interior Department is still not satisfied. They want more studies. For starters, they insist on an additional water infiltration study and a third impact environmental statement.

The State of California has generously agreed to perform the water infiltration study prior to any land transfer which was a tremendous concession on California's part. However, Interior has not thus far allowed California access to the land to conduct the very tests that Interior insists upon. Instead of working to resolve the matter, the Department of the Interior seems to be engaged in a cycle of continuous study and endless delay. One has to wonder why the Department of the Interior is taking such a tack.

Are these delays and demands for more tests designed to assure public safety? Or are they merely part of a carefully orchestrated public relations campaign? Well, we can answer that question.

Several weeks ago, a memo we uncovered from the Department of the Interior shed an extraordinary light on this question. In fact, this memo makes the motivations behind the Interior Department's actions absolutely clear.

I have read this memorandum once on the floor of this body. I think it needs to be read again. This is a memo from Deputy Secretary John Garamendi, to Secretary Bruce Babbitt, Department of the Interior. It is short enough to read in its entirety.

It says:

February 21, 1996
Memorandum
To: Bruce Babbitt
From: John Garamendi
Subject: Ward Valley

Attached are the Ward Valley clips. We have taken the high ground. [Governor Pete] Wilson is the venal toady of special interests.

I do not think GreenPeace will picket you any longer. I will maintain a heavy PR campaign until the issue is firmly won.

There you have the words of John Garamendi relative to his willingness to work with California to act in order that the low-level waste at some 800 sites in California can be removed and put in one area that will be monitored out in the Mojave Desert.

I think this memorandum shows that Ward Valley has become a political football, a public relations issue. It also suggests that Interior has no plans other than to delay the transfer of the land. They just want to wage a PR campaign and delay a decision until somebody else's watch. They don't want to make this decision on their watch. They are putting it off because they know this administration is a few years from becoming history. They don't want to address it, they don't want the responsibility.

But what has Secretary Garamendi told the Senate with regard to Ward Valley? How do his private statements compare to his public ones?

At his confirmation hearing on July 27, 1995, John Garamendi testified under oath to our committee that the Ward Valley issue should and would be resolved quickly. Two years later, at a hearing on July 22, 1997, John Garamendi told the committee that he would work in good faith to resolve the matter in further negotiations with the State of California.

Well, we still don't have a resolution. California does not even have permission to do the additional testing Interior seems to want to see performed.

Instead of moving a process forward and transferring the land, Interior seems intent on waging a public relations campaign designed to further delay rather than enlighten.

Now, what have others said about the Interior Department's handling of this issue? Let's look at the experts.

The General Accounting Office, GAO, contends that the Department of the Interior is attempting to assess the site's suitability—a job that belongs to California by law and that California has already undertaken and completed—despite the fact that Interior "lacks the criteria and expertise" for the job. That is the opinion of the General Accounting Office—that Interior lacks the criteria and expertise.

The GAO report also contends that there is no need for the new environmental impact statement sought by Interior since the substantive issues have already been addressed and that new information uncovered since the last environmental impact statement is generally favorable to the facility.

Well, this report is too lengthy to insert into the RECORD, but for the benefit of my colleagues, I am referring to GAO report RCED-97-184, dated July 1997, for anybody who might want to look it up.

To again summarize what GAO says, Mr. President, it says: First, Interior is trying to do a job that belongs to the State of California. The State of California was given the authority to do it; second, Interior is calling for new studies that aren't needed; third, Interior lacks the technical expertise to even perform these tasks.

GAO isn't alone in their criticism of the Department of Interior's handling of this issue. The Nuclear Regulatory Commission, NRC, has joined in the process as well.

Specifically, the NRC has been critical of the Interior Department for distributing fact sheets which contain errors, misleading statements, and information falsely attributed to the NRC that was actually provided by project opponents.

That is pretty strong stuff, Mr. President, but that is factual.

So not only is Interior waging a PR campaign, they are playing fast and loose with the truth in the conduct of that campaign, according to the Nuclear Regulatory Commission.

I ask unanimous consent that the letter from the Chairman of the NRC to the Secretary of the Interior, dated July 22, 1997, be printed in the RECORD.

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

UNITED STATES NUCLEAR REGULATORY COMMISSION,
Washington, DC, July 22, 1997.

Hon. BRUCE BABBITT,
Secretary, U.S. Department of Interior, Washington, DC.

DEAR SECRETARY BABBITT: I am writing on behalf of the U.S. Nuclear Regulatory Commission (NRC) to share our views related to the Department of Interior's (DOI) actions regarding the proposed Ward Valley low-level radioactive waste (LLW) disposal facility in California. In February 1996, DOI announced that it would prepare a second supplement to an environmental impact statement (SEIS) for the transfer of land from the Federal government to the State of California, for the development of the Ward Valley low-level radioactive waste (LLW) disposal facility. We understand that DOI has identified 13 issues that it believes need to be addressed in the SEIS. DOI also stated that it would not make a decision on the land transfer until the SEIS was completed. NRC will actively serve as a "commenting agency" on the SEIS in accordance with the Council of Environmental Quality regulations in 40 CFR 1503.2, "Duty To Comment." NRC's interest in the Ward Valley disposal facility is focused on protection of public health and safety, and many of the 13 issues to be addressed in the SEIS are related to our areas of expertise. As a commenting agency, we will review the draft SEIS, and provide comments based on the requirements in federal law and regulations, and our knowledge of policy, technical, and legal issues in LLW management. We would also be available to discuss these issues with DOI, both before and after publication of the draft SEIS.

On a related matter, it is our understanding that Deputy Secretary John Garamendi of DOI held a press conference on July 22, 1996, addressing the effect of Ward Valley facility availability on the use of radioisotopes in medicine and medical research. It was recently brought to our attention that DOI distributed a document entitled, "Medical, Research, and Academic Low Level Radioactive Waste (LLRW) Fact Sheet" at the press conference. This Fact Sheet contains several errors and statements that may mislead the reader. To assist DOI, we have addressed these errors and statements in the enclosure to this letter. Some of the points contained in the Fact Sheet are useful and contribute to the dialogue on this issue; however, NRC is concerned that some of the subjective information of the document is characterized as factual. We are particularly concerned by the statement that the NRC definition of LLW ". . . is an unfortunate and misleading catch-all definition . . ." In fact, NRC's definition is taken from Federal law, specifically the Low-Level Radioactive Waste Policy Act of 1980, and the Low-Level Radioactive Waste Policy Amendments Act of 1985 (LLRWPAA). Additionally, it is NRC's view that some of the information that was referenced or relied on in the Fact Sheet may not represent a balanced perspective based on facts. For example, a table of the sources and amounts of radioactive waste that is projected to go to the Ward Valley facility is erroneously attributed to NRC, the U.S. Department of Energy (DOE), U.S. Ecology, the Southwestern Compact, and the Ward Valley EIS. Raw data from the sources quoted appear to have been interpreted based on uncertain assumptions about future activities of generators to produce the figures in the table. Additionally, NRC noted that the figures in the table are identical to those in a March 1994 Committee to Bridge the Gap report.

With respect to the relationship between LLW disposal policy and medicine and medical research, we note that the National Academy of Sciences Board on Radiation Effects Research has prepared a Prospectus for a study entitled, "The Impact of United States Low-Level Radioactive Waste Management Policy on Biomedical Research." The study would, among other things, "Evaluate the effects of higher disposal costs and on-site storage on the current and future activities of biomedical research, including the effects of state non-compliance [with the LLRWPAA of 1985] on institutions conducting biological and biomedical research and on hospitals where radioisotopes are crucial for the diagnosis and treatment of disease." Thus, the issue of medical uses of radioisotopes and how they have been affected by the Ward Valley process is far less clear than the Fact Sheet portrays.

Finally, since there are no formal arrangements that permit NRC to review and comment on the technical accuracy of various DOI documents on LLW and Ward Valley, we may not be aware such documents exist, thus the absence of NRC comments does not imply an NRC judgment with respect to the technical accuracy or completeness of such documents.

I trust our comments will be helpful in your efforts to address Ward Valley issues.

Sincerely,

SHIRLEY ANN JACKSON.

Enclosure: As stated.

NRC STAFF COMMENTS ON THE DEPARTMENT OF INTERIOR "FACT SHEET"[1]

[1] "Medical, Research, and Academic Low Level Radioactive Waste (LLRW) Fact Sheet." U.S. Department of Interior, Office of the Deputy Secretary. Distributed at a press conference of the Deputy Secretary on July 22, 1996.

1. The Fact Sheet contains a projection of LLW to be sent to the Ward Valley disposal facility over its 30-year life, and attributes the table to the Department of Energy, the U.S. Nuclear Regulatory Commission, the Southwestern Compact, U.S. Ecology, and the Ward Valley environmental impact statement. In fact, the figures in the table are identical to those in a table from a March 1994 Committee to Bridge the Gap report, are substantially different from California projections, and are based on assumptions that are not identified. The actual assumptions used are contained in the Committee to Bridge the Gap report and minimize the amount and importance of the medical waste stream.

2. The Fact Sheet is incomplete in that it provides only anecdotal evidence of the impact of not having the Ward Valley disposal facility available to medical generators. Although its arguments about short-lived radionuclides appear to be generally true, the Fact Sheet downplays the effects on generators that use longer-lived radionuclides. According to the Fact Sheet, there are an estimated 53 research hospitals in California, out of some 500 hospitals overall. The Fact Sheet describes the impact at three of these research organizations and concludes that they can manage their waste, either by disposing of it at an out-of-state facility (Barnwell or Envirocare), storing it, or, for sealed sources, sending them back to the manufacturer. The Fact Sheet concludes that there is no health and safety impact from the approach, but does not address broader issues such as the continued availability of existing disposal sites as an option, and the fact that transferring a sealed source to a manufacturer does not eliminate the problem, but simply shifts it from one organization to another.

3. The Fact Sheet does not address the more complex issues concerning use of radioisotopes in medicine, such as how medical research in general has been affected by issues such as disposal and storage cost increases, and the need to switch from longer-lived radionuclides to short-lived nuclides or non-radioactive materials. The National Academy of Sciences Board on Radiation Effects Research has prepared a Prospectus for

a study entitled "The Impact of United States Low-Level Radioactive Waste Management Policy on Biomedical Research." The study would, among other things, "Evaluate the effects of higher disposal costs and on-site storage on the current and future activities of biomedical research, including the effects of state noncompliance on institutions conducting biological and biomedical research and on hospitals where radioisotopes are crucial for the diagnosis and treatment of disease." Thus, the issue of medical uses of radioisotopes and how they have been affected by the Ward Valley process is far less clear than the Fact Sheet portrays.

4. The Fact Sheet characterizes the NRC definition of LLW in 10 CFR Part 61 as "unfortunate and misleading" because it includes both long-lived and short-lived radionuclides. It fails to acknowledge that this definition is contained in Federal law (the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985) and that information on the kinds and amounts of radionuclides contained in LLW for land disposal is widely available in NRC regulations and/or NUREGS, and from DOE. In developing Part 61 in the early 1980s. NRC sought public comment on the proposed rule, and provided extensive information on the assumptions, analyses, and proposed content of the regulation for review. In developing the regulations for LLW, including how different classes are defined, NRC received and considered extensive public input. Four regional workshops were held, and 107 persons commented on the draft rulemaking, for 10 CFR Part 61, which defines LLW. In short, NRC encouraged public involvement in developing the definition of, and defining the risk associated with, LLW.

The Fact Sheet focuses on the half-life of radionuclides, but fails to discuss risk to the public from the effects of ionizing radiation and how they are affected by the half-life of radionuclides. Public health and safety is measured in terms of risk, not half-life. Risk is a function of radiation dose, and the determination of risk depends on a variety of factors, including the type of radiation emitted, the concentration of radionuclides in the medium in which they are present, the likelihood that barriers isolating the radionuclides will be effective, and the likelihood of exposure if radioactive materials are not fully contained. The Fact Sheet is misleading when it states that the half-life of I^{123} used in medicine is 13 hours, and that of I^{129} from nuclear power plants is 16 million years and that it remains hazardous for 160–320 million years. Either isotope can be a risk to the public, depending upon the other factors discussed above, and half-life by itself does not indicate risk.

5. In the definition section, the Fact Sheet defines "radioactive half-life" as "The general rule is that the hazardous life of a radioactive substance is 10–20 times its half-life." This definition contains a new term (hazardous life) not used by the national or international health physics or radiation protection communities, and not defined in the Fact Sheet.

Mr. MURKOWSKI. Mr. President, you might ask, why would a Senator from Alaska even care about a facility in California that is not needed to dispose of radioactive waste generated in Alaska? We don't generate hardly any.

Part of the answer involves my responsibilities as the chairman of the Committee on Energy and Natural Resources, and our oversight responsibilities. Not surprisingly, my position on Ward Valley is the same one taken by my predecessor as chairman, Bennett Johnston of Louisiana. He understood, as I do, that Ward Valley is really more than a debate over the future of a thousand acres of land in the Mojave Desert; it is more than a debate over the disposition of low-level radioactive waste in California, Arizona, and the Dakotas; it is even more than the debate over the viability or even the future of the Low-Level Radioactive Waste Policy Act. I suggest there is much more at stake.

I am taking on this battle because there is an intrinsic value in opposing the careless disregard of science and the decisionmaking process. It's important to stand up against those who engage in this dangerous manipulation of public fear. It is my job to work against the oppression of the public good by a vocal few. Because I very much care about human health, safety and the environment, I believe it makes sense to store this radioactive low-level waste at a single, monitored location in the desert, rather than at 800-some locations throughout California, near schools, neighborhoods, hospitals, medical centers, and so forth.

Finally, I believe it is important to ensure that the Government keeps its promises. It was the intent of Congress, when it passed the Low-Level Waste Policy Act of 1980, and further amended it in 1985, that the safe management of low-level radioactive waste would be a responsibility of the States. That is precisely what the Secretary of the Interior, Bruce Babbitt, lobbied for when he was Governor. He argued that low-level waste should be a State responsibility. At that time, he was serving with the now President, but then Governor, Bill Clinton in the National Governors' Association. Well, he has changed his position.

I know the view from the top floor of the Department of the Interior changes one's perspective from time to time, but it's difficult to appreciate, much less justify, the actions of the Department in this regard.

Are the continuing delays at Ward Valley the good-faith actions of public officials purporting to act in the public interest? I think not.

To answer those questions, I am announcing today that we are going to explore, in great detail on the committee, the Ward Valley issue in the next session, with a series of investigatory oversight hearings. What we are attempting to obtain, obviously, are the facts on why this administrative bungling seems to continue. I would like all who have an interest in this issue to be aware that these hearings will commence early in the next session.

In the interim, we will be seeking relevant documentation from the Department of the Interior and the White House. With that notice given, I thank you, Mr. President, and yield the floor.

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. MURKOWSKI. 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. MURKOWSKI. Mr. President, I ask unanimous consent that the period of morning business be extended for about 5 or 6 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

OVERSIGHT OF THE HEADWATERS FOREST AND NEW WORLD MINE ACQUISITIONS

Mr. MURKOWSKI. Mr. President, I would like to share with my colleagues a little oversight on an issue that will be coming before this body again, and it covers the Headwaters Forest and New World Mine acquisitions taking place in both California and Montana. I have the obligation as chairman of the Energy and Natural Resources Committee to initiate authorization of these matters. I have had an active interest in the decisions of the Clinton administration to acquire the Headwaters Forest in northern California, and the New World Mine Site in Montana.

These decisions were made by the administration with little congressional involvement and the administration has now gone out of its way to, in my opinion, limit the role of Congress in how these properties actually are acquired.

Originally, the administration proposed acquiring both of these properties through land exchanges. When that proved to be very difficult and impossible to do without going through Congress, the idea of land exchanges was abandoned. So clearly the objective was to circumvent Congress.

The Clinton administration then proposed using $315 million from the Land and Water Conservation Fund to purchase both of these properties.

The administration then insisted, contrary to the provisions of the Land and Water Conservation Fund Act, that such money could be spent without specific congressional authorization, clearly intending to go around Congress.

Ultimately, that argument failed. While I would have preferred to enact separate authorizing legislation, authorizations were contained within the 1998 Interior Appropriations bill.

However, the authorizations do not take effect and the money cannot be

spent until a minimum of 180 days after enactment, and then only if no separate authorizing legislation is enacted.

During the 180-day review period, as chairman of the Energy and Natural Resources Committee, I intend to conduct a series of oversight hearings to examine the Headwaters Forest and New World Mine acquisitions. One focus of these oversight hearings will be the appraised value of the properties. To date the Clinton administration has refused to conduct appraisals to determine fair market values. This failure is in direct contradiction of existing law, which requires the appraisals be conducted for any Federal land acquisition. The appropriators had the foresight, of course, to recognize this hypocrisy.

Fair market value appraisals for both properties must be submitted to Congress within 120 days of enactment. The appraisals also must be reviewed, and independently analyzed by the Comptroller General of the United States.

Once these appraisals are completed, I intend to closely examine them. I plan to look at the methodology and data used in the appraisals. Among the specific questions, I will ask:

Do the appraisals comply with the Department of Justice's Uniform Appraisal Standards for Federal Land Acquisitions?

What criteria were employed to determine fair market value?

What assumptions were made about the property and the use of the property?

What was the scope of the appraisal?

It is important to remember that neither the Headwaters Forest nor New World Mine acquisitions can proceed, absent these appraisals. So these appraisals must be done.

Further, Congress will have, at a minimum, 60 days to examine the appraisals. For every day, after 120 days, that appraisals are not submitted to Congress, the 180 day period will be extended by 1 day.

I also intend to examine during the 180 day review period, the true cost to the American taxpayer of the Headwaters Forest acquisition. A condition to the Headwaters Forest acquisition is that the current owner of the property can take on his Federal taxes, as a business loss, the difference between what he contends is the property's fair market value and the price the Federal Government and California are paying for the property. That differential is $700 million.

In the event the owner receives such a ruling from the IRS, there will be a lost of tax revenue to the Federal treasury. This lost tax revenue could amount to $100 million or more. It is inaccurate to say that the Headwaters Forest is costing the American taxpayer $250 million. It could well cost the American taxpayer not only the $250 million cash purchase price but also this lost tax revenue. Under no circumstances should this total cost exceed the appraised value of the Headwaters Forest.

As to the New World Mine acquisition, I intend to examine exactly what land or interests in the land the Federal Government is acquiring for $65 million from the mining company. This issue needs to be examined because the agreement, committing the United States to buy this property, incredibly does not answer this question.

The mining company, which agreed to sell, owns or has under lease, interests in nearly 6,000 acres. However, the mining company has fee title to only 1,700 acres. The remainder is unpatented mining claims. The ownership situation is further complicated by the fact that most of the interests in the 6,000 acres are owned by a third party not a signatory to the agreement with the Federal Government. Congress, and the American taxpayer, have a right to know, what we are getting for $65 million.

There are many other issues that my committee will examine about these acquisitions including:

What is the status of the Habitat Conservation Plan for the land surrounding the Headwaters Forest?

What impact will that Habitat Conservation Plan have on other property owners in the western United States and Pacific Northwest?

Has California come up with its $130 million share of the purchase price for the Headwaters Forest?

Do both acquisitions comply with the terms of the National Environmental Policy Act?

How will the properties be managed?

By whom?

At what cost?

How will the public access the Headwaters Forest?

Is it good public policy to settle constitutional takings cases against the United States in this manner?

Is it good public policy to settle environmental litigation in this manner?

How does the Clinton administration interpret the phrase "priority Federal land acquisitions?"

Are the Headwaters Forest and New World Mine acquisitions consistent with the Federal land management policy on Federal land acquisitions?

While this may seem like an exhaustive list of issue, I only have skimmed the surface of the numerous unanswered questions about the acquisitions.

I want all of these questions answered before the acquisitions occur. It is in the interest of the taxpayers. It is the responsibility of this body.

My goal is to ensure, despite the uncommon circumstances which have led us to this point, that Congress and the American people can have confidence in the decisions to acquire the Headwaters Forest and the New World Mine in the interest of the taxpayers.

Mr. President, I yield the floor. I see several Senators seeking recognition, including the majority leader.

The PRESIDING OFFICER. The majority leader.

ACTION VITIATED ON AMENDMENT NO. 1602 TO S. 1269

Mr. LOTT. Mr. President, I ask unanimous consent the action on the Inhofe amendment, No. 1602, which was agreed to on S. 1269, be vitiated, and that the amendment be restored to the status quo when the Senate resumes the bill.

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

Mr. LOTT. Mr. President, I thank all Senators for their cooperation on this matter.

I particularly want to thank Senator INHOFE for agreeing to do this. He came to the floor and offered his amendment. And it was accepted on a voice vote. Senators were aware of what was being discussed. But in a desire to be totally fair and making sure the proper notification was given, and to have opposition on the floor when action of that nature is taken, Senator INHOFE has been willing to agree to vitiate that action at this time. I thank him for his cooperation.

This is a very important issue which will be debated in the Senate and which should be considered by the Senate. It is an issue that has support and opposition on both sides of the aisle. Senator INHOFE certainly is very committed to having this subject considered by the Senate either later on this year or next year.

Again, I reiterate my thanks to him.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, it is my understanding that the Senate now is in a position to consider the Amtrak reform bill. The bill would then be agreed to after brief debate.

The Senate would then conduct a rollcall vote on the nomination of Judge Christina Snyder.

Following the confirmation vote, it is my hope that the District of Columbia appropriations bill will be ready to be considered.

Therefore, votes will occur with the first vote occurring at approximately 2:15 today.

I thank all Senators who have been involved in these other two bills, and we will update them further with information as to when votes may occur. It is possible that another vote will occur this afternoon. But it depends on action in the other body with regard to the appropriations conference reports.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me thank the majority leader for his efforts over the last 24 hours.

I also thank the Senator from Oklahoma.

Obviously, Democratic Senators need to be on the floor to voice their opposition and to object on the occasions when situations like this arise. We also have to work with good faith, and we intend to do that.

There is no reason why we need to be monitoring each other if we are working in good faith. I think this is a misunderstanding. I appreciate very much the cooperation. And we will work with the majority leader to ensure that at some point we have a good debate about the matter that would be addressed by the Inhofe amendment. We will work on this matter in the future.

Mr. INHOFE. Mr. President, will the leader yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. INHOFE. I want the majority leader to be aware that I did consult with several Democrats and Republicans before taking up the amendment. But I am happy to do this.

Mr. DASCHLE. Very good.

Again, Mr. President, let me just say that we have a lot of work to do. I look forward to working with the majority leader in the next 48 hours to see if we can complete it. I am pleased that we are now able to move to the Amtrak bill, and nominations. We can do that, and then move on to other things.

I yield the floor.

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF CHRISTINA A. SNYDER

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate immediately proceed to executive session and a vote on the confirmation of Executive Calendar No. 255, Christina A. Snyder to be U.S. district judge for the Central District of California.

I further ask unanimous consent that following that vote the motion to reconsider be laid upon the table, any statements relating to the nomination appear at that point in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

THE SCHEDULE

Mr. LOTT. Mr. President, before we move to the Amtrak legislation, I want to say for the information of all Senators—and I will have more to say about this when we have a recorded vote at 2:15. I think at that time we should take the time to talk about the schedule for the remainder of the day and perhaps Saturday and Sunday.

It is our intent to stay and continue working. I don't see the necessity for us to be late tonight. But we will be back in on Saturday, and again on Sunday. We hope that we will have appropriations conference reports, possibly the first one being the Labor-HHS appropriations conference report, perhaps even later on today or tomorrow, and the Commerce-State-Justice conference report we hope to have by tomorrow, and, if not then, on Sunday.

We will continue to work on other issues, some of which may require votes, even on the Executive Calendar. And then when the House votes, of course, we would then proceed to act on fast track after the House has acted. Whether that is Saturday or Sunday now is not clear. But the House has postponed their action on fast track today. So that will not be taken up until Saturday or Sunday.

So we could be voting on fast track—perhaps on final passage—later on this weekend. But, in the meantime, of course, when we complete these intervening actions, we will go back to fast track as it is now pending before the Senate, and amendments will be in order, and other amendments I am sure will be offered. We will consult with the interested parties about how to proceed on those amendments and what time votes would occur.

But, again, I think that during the remainder of the day it is very likely that we will have a minimum of two votes, and maybe even three or four.

UNANIMOUS-CONSENT AGREEMENT—S. 738

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to consideration of Calendar No. 179, S. 738.

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

Mr. LOTT. I ask unanimous consent that the committee amendment be withdrawn, and I understand Senator HUTCHISON has a substitute amendment at the desk, and I would ask for its consideration.

Mr. DASCHLE. Mr. President, reserving the right to object, I only do so at the request of Senators KERRY and LAUTENBERG, that they be given 10 minutes each at some point following the introduction of the amendment and comments made by Senators MCCAIN and HUTCHISON.

Mr. LOTT. Mr. President, I don't know if we should at this time get consent in that we would have that time. I think they will have it and maybe more if they would like to have it, and we should not and will not complete the discussion on it until the Senators have been involved in working out this compromise are in the Chamber.

I would like to say if I could at this point, I thank the chairman of the Committee of Jurisdiction, Senator MCCAIN, for his persistence on this matter, and Senator HUTCHISON, who is chairman of the subcommittee, for her efforts in bringing about this compromise. Senator KERRY from the committee as well as Senator BREAUX have worked very hard in developing this compromise.

I have been involved in this effort now for 3 years, having served as chairman of the subcommittee in the previous Congress. I think it is very important that we get fundamental reform of Amtrak so that Amtrak at least will have a chance to be able to provide good service and do it without depending on continuing subsidies from the Federal Government forever. They should be able to turn a profit, and I think this legislation will make that possible. They should be able to contract out work. They should be able to advertise. There are so many basic private sector things that they could do and should have been doing before now that would allow them to actually make a profit so that we can keep a national rail passenger system. We need a passenger system that serves all the country, not just the eastern seaboard, and this is a major step in that direction.

I want to emphasize, though, too, this is required in order to get the $2.3 billion that was fenced in the budget agreement for capital improvements. And those funds are only for capital improvements, not for operating subsidies, makeup of shortfalls in the past or salaries. That is not included in this legislation.

I think we have a good bill. After trying to move it for 2 years, I am delighted that the work of a lot of Senators including the Senators here now in the Chamber and others that will be here momentarily will make this possible. I don't want to delay it any longer for fear somebody might have a good idea of one word that might be added.

Mr. DASCHLE. Mr. President, at the risk of delaying and only to do what the majority leader has just done, I think the Senators who have worked on this as hard and as long as they have do deserve the commendation just given them not only on that side of the bill but ours as well. The Senators have done an extraordinary job, and I only wish there were more occasions when on a bipartisan basis we could see this kind of leadership and effort put forth. This is a tribute to their effort, and I think a very successful one and I think as a result we are going to see an overwhelming vote on this legislation as we should and I appreciate very much their efforts.

I yield the floor.

Mr. LOTT. Mr. President, I do want to add, and Senator DASCHLE will want to add, the fact that the ranking member on the committee, Senator HOLLINGS, also has been involved in this for

quite some time, and he has been helpful in bringing it to this conclusion.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DASCHLE. I certainly would add that Senator HOLLINGS, in fact, was the last person to sign off on this legislation as is understandable. We appreciate very much the early and perpetual effort he makes on Amtrak matters, and certainly he deserves that recognition as well.

I thank the majority leader.

The PRESIDING OFFICER. Was there an objection to the request from the Democratic leader?

Mr. LOTT. I believe the Chair did not hear objection.

There was not an objection from the Democratic leader on that unanimous-consent request to proceed.

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

CONSENT OF CONGRESS TO THE APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACT

CONSENT OF CONGRESS TO THE ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

Mr. LOTT. Before we go to Amtrak, two other unanimous-consent requests.

I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of House Joint Resolution 91 and House Joint Resolution 92 which were received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows.

A resolution (H.J. Res. 91) granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

A resolution (H.J. Res. 92) granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolutions?

There being no objection, the Senate proceeded to consider the joint resolutions.

Mr. LOTT. Mr. President, I ask unanimous consent that the joint resolutions be considered as read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the resolutions be printed in the RECORD.

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

The joint resolutions (H.J. Res. 91 and H.J. Res. 92) were passed.

Mr. LOTT. I yield the floor.

Mr. SHELBY. Mr. President, I am pleased that the Senate has passed House Joint Resolutions 91 and 92 granting the consent of Congress to the Alabama-Coosa-Tallapoosa [ACT] and the Apalachicola-Chattahoochee-Flint [ACF] River Basin Compacts. I would like to thank the majority leader, his staff, and my colleagues from Alabama, Georgia, and Florida for their efforts and leadership in moving these valuable bills.

With the passage of these compacts, the three States now may move forward and begin the difficult task of allocating water resources throughout the region. The compacts set forth the framework for the three States to resolve the critical issue of how our scarce water resources are divided. This partnership will enable the States to determine the best utilization of our shared water supply. These rivers are an invaluable resource to our States—essential to Alabama's economic and personal well-being.

I look forward to continuing to work with Gov. Fob James and the Alabama delegation to assure that Alabama's water needs are met today and in the future.

AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriation for Amtrak, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings.

TITLE I—REFORMS

Subtitle A—Operational Reforms

Sec. 101. Basic system.
Sec. 102. Mail, express, and auto-ferry transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.

Subtitle B—Procurement

Sec. 121. Contracting out.

Subtitle C—Employee Protection Reforms

Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.

Subtitle D—Use of Railroad Facilities

Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.

TITLE II—FISCAL ACCOUNTABILITY

Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
Sec. 203. Amtrak Reform Council.
Sec. 204. Sunset trigger.
Sec. 205. Access to records and accounts.
Sec. 206. Officers' pay.
Sec. 207. Exemption from taxes.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

TITLE IV—MISCELLANEOUS

Sec. 401. Status and applicable laws.
Sec. 402. Waste disposal.
Sec. 403. Assistance for upgrading facilities.
Sec. 404. Demonstration of new technology.
Sec. 405. Program master plan for Boston-New York main line.
Sec. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Composition of Amtrak board of directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies; **[and]**

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that

Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

[(10)] *(11)* Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

Subtitle A—Operational Reforms

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 of title 49, United States Code, is amended to read as follows:

"§ 24701. Operation of basic system

"Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emergent regional rail passenger corridors and other intermodal passenger service.".

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(c) DISCONTINUANCE.—Section 24706 of title 49, United States Code, is amended—

(1) by striking "90 days" and inserting "180 days" in subsection (a)(1);

[(2) by striking "a discontinuance under section 24707(a) or (b) of this title" in subsection (a)(1) and inserting "discontinuing service over a route";]

(2) by striking "24707(a) or (b) of this title," in subsection (a)(1) and inserting "discontinuing service over a route,";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1); and

(4) by striking "section 24707 (a) or (b) of this title" in subsections (a)(2) and (b)(1) and inserting "paragraph (1)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) of title 49, United States Code, is amended by striking ", 24701(a),".

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 of title 49, United States Code, is amended—

(1) by striking the last sentence of subsection (a); *and*

[(2) by striking paragraphs (1) and (2) of subsection (b); and]

[(3) by striking "(3) State" and inserting "State".]

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.".

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 247 of such title, are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

Section 24101(c)(2) of title 49, United States Code, is amended by inserting ", separately or in combination," after "and the private sector".

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 of title 49, United States Code, and the item relating thereto in the table of chapters of subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) of title 49, United States Code, is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.".

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section [10922(d)(1)(F)(i)] *13902(b)(8)(A)* of this title, other than a recipient of funds under section [18 of the Federal Transit Act;] *5311 of this title;*

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.".

(b) POLICY STATEMENT.—Section 24305(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.".

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) of title 49, United States Code, is amended by adding at the end thereof the following: "Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.".

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section [304A(m)] *303B(m)* of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. [253b)] *253b(m))* applies to a proposal in the possession or control of [Amtrak.".] *Amtrak.*

Subtitle B—Procurement

SEC. 121. CONTRACTING OUT.

(a) CONTRACTING OUT REFORM.—Effective 180 days after the date of enactment of this Act, section 24312 of title 49, United States Code, is amended—

(1) by striking the paragraph designation for paragraph (1) of subsection (a);

(2) by striking "(2)" in subsection (a)(2) and inserting "(b)"; and

(3) by striking subsection (b).

The amendment made by paragraph (3) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

(b) NOTICES.— Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to contracting out by Amtrak of work normally performed by an employee in a bargaining unit covered by a contract between Amtrak and a labor organization representing Amtrak employees, which are applicable to employees of Amtrak shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice. This subsection shall not apply to issues relating to provisions defining the scope or classification of work performed by an Amtrak employee. The issue for negotiation under this paragraph does not include the contracting out of work involving food and beverage services provided on Amtrak trains or the contracting out of work not resulting in the layoff of Amtrak employees.

(c) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (d), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (b), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(d) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (b) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(e) DISPUTE RESOLUTION.—

(1) With respect to the dispute described in subsection (b) which—

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (d),

Amtrak shall, and the labor organizations that are parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection of the individual under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 141(d) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (b) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (b) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (b).

(f) NO PRECEDENT FOR FREIGHT.—Nothing in this section shall be a precedent for the resolution of any dispute between a freight railroad and any labor organization representing that railroad's employees.

Subtitle C—Employee Protection Reforms

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—

(1) With respect to the dispute described in subsection (a) which

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c), Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 121(e) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall make recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) of title 49, United States Code, is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

Subtitle D—Use of Railroad Facilities

SEC. 161. LIABILITY LIMITATION.

(a) AMENDMENT.—Chapter 281 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—

"(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, a contract between Amtrak and its [passengers, the Alaska Railroad and its passengers,] *passengers* or private railroad car operators and their passengers regarding claims for personal injury, death, or damage to property arising from or in connection with the provision of rail passenger transportation, or from or in connection with any operations over or use of right-of-way or facilities owned, leased, or maintained by [Amtrak or the Alaska Railroad,] *Amtrak*, or from or in connection with any rail passenger transportation operations over or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier shall be enforceable if—

"(A) punitive or exemplary damages, where permitted, are not limited to less than 2 times compensatory damages awarded to any claimant by any State or Federal court or administrative agency, or in any arbitration proceeding, or in any other forum or $250,000, whichever is greater; and

"(B) passengers are provided adequate notice of any such contractual limitation or waiver or choice of forum.

"(2) For purposes of this subsection, the term 'claim' means a claim made directly or indirectly—

"(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier [including the Alaska Railroad] or private rail car operators; or

"(B) against an affiliate engaged in railroad operations, officer, employee, or agent of, Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, or any rail carrier.

"(3) Notwithstanding paragraph (1)(A), in any case in which death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, a claimant may recover in a claim limited by this subsection for actual or compensatory damages measured by the pecuniary injuries, resulting from such death, to the persons for whose benefit the action was brought, subject to the provisions of paragraph (1).

[(b)] "*(b)* INDEMNIFICATION OBLIGATION.—Obligations of any party, however arising, including obligations arising under leases or contracts or pursuant to orders of an administrative agency, to indemnify against damages or liability for personal injury, death, or damage to property described in [subsesction] *subsection* (a), incurred after the [death] *date* of the enactment of the Amtrak Reform and Accountability Act of 1997, shall be enforceable, notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to the damages or [liability.] *liability*.".

(c) CONFORMING AMENDMENT.—The table of sections of chapter 281 of title 49, United States Code, is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability.".

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) of title 49, United States Code, is amended by inserting "or on January 1, 1997," after "1979,".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) of title 49, United States Code, is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.".

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak and of the Department of Transportation to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. *The Department of Transportation, Office of Inspector General, shall approve the entity's statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General's Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.*

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

(4) Amtrak's [debt obligations.] *assets and liabilities.*

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast corridor and that required outside the Northeast corridor, and shall include rolling stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

(d) DEADLINE.—The independent assessment shall be completed not later than [90] *180* days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 9 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(i) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Two individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Two individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members or employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

[(4)] *(5)* MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council—

(A) shall evaluate Amtrak's performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council take consider all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of Amtrak's progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time *more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 201* the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 201; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then

the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate; and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202; [and]

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 201; and

[(3)] *(4)* Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

[(c) ACTION PLAN.—Within 90 days after the Council makes a finding under subsection (a), it shall develop and submit to the Congress—

[(1) an action plan for a restructured and rationalized intercity rail passenger system; and

[(2) an action plan for the complete liquidation of Amtrak.

If the Congress does not approve by concurrent resolution the implementation of the plan submitted under paragraph (1) within 90 calendar days after it is submitted to the Congress, then the Secretary of Transportation and Amtrak shall implement the plan submitted under paragraph (2).]

(c) ACTION PLAN.—

(1) DEVELOPMENT OF PLANS.—Within 90 days after the Council makes a finding under subsection (a)—

(A) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(B) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

(2) CONGRESSIONAL ACTION OR INACTION.—If within 90 days after receiving the plans submitted under paragraph (1), an Act to implement a restructured and rationalized intercity rail passenger system does not become law, then Amtrak shall implement the liquidation plan developed under paragraph (1)(B) after such modification as may be required to reflect the recommendations, if any, of the Inspector General of the Department of Transportation and the General Accounting Office.

SEC. 205. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.".

SEC. 206. OFFICERS' PAY.

Section 24303(b) of title 49, United States Code, is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.".

SEC. 207. EXEMPTION FROM TAXES.

(a) IN GENERAL.—Subsection (1) of section 24301 of title 49, United States Code, is amended—

(1) by striking so much of [the subsection as precedes "or a rail carrier" in paragraph (1)] *paragraph (1) as precedes "exempt"* and inserting the following:

["(1) EXEMPTION FROM TAXES LEVIED AFTER SEPTEMBER 30, 1981.—]

"(1) IN GENERAL.—[Amtrak,] *Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are";*

[(2) by inserting ", and any passenger or other customer of Amtrak or such subsidiary," in paragraph (1) after "subsidiary of Amtrak";

[(3)] *(2)* by striking "*tax* or fee imposed" in paragraph (1) and all that follows through "levied on it" and inserting "*tax*, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom";

[(4)] *(3)* by striking the last sentence of paragraph (1);

[(5)] *(4)* by striking "(2) The" in paragraph (2) and inserting "(3) JURISDICTION OF UNITED STATES DISTRICT COURTS.—The"; and

[(6)] *(5)* by inserting after paragraph (1) the following:

"(2) PHASE-IN OF EXEMPTION FOR CERTAIN EXISTING TAXES AND FEES.—

"(A) YEARS BEFORE 2000.—Notwithstanding paragraph (1), Amtrak is exempt from a tax or fee referred to in paragraph (1) that Amtrak was required to pay as of September 10, 1982, during calendar years 1997 through 1999, only to the extent specified in the following table:

Phase-in of Exemption

Year of assessment	Percentage of exemption
1997	40
1998	60
1999	80
2000 and later years	100

"(B) TAXES ASSESSED AFTER MARCH, 1999.—Amtrak shall be exempt from any tax or fee referred to in subparagraph (A) that is assessed on or after April 1, 1999.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) do not apply to sales taxes imposed on intrastate travel as of the date of enactment of this Act.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 24104(a) of title 49, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation—

"(1) $1,138,000,000 for fiscal year 1998;

"(2) $1,058,000,000 for fiscal year 1999;

"(3) $1,023,000,000 for fiscal year 2000;

"(4) $989,000,000 for fiscal year 2001; and

"(5) $955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.".

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 of title 49, United States Code, is amended—

(1) by striking "rail carrier under section 10102" in subsection (a)(1) and inserting "railroad carrier under section 20102(2) and chapters 261 and 281"; and

(2) by amending subsection (c) to read as follows:

"(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections [11303, 11342(a), 11504(a) and (d), and 11707.] *11301, 11322(a), 11502(a) and (d), and 11706.* Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) of title 49, United States Code, is amended by striking "1996" and inserting "2001".

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 of title 49, United States Code, and the item relating thereto in the table of sections of chapter 243 of such title, are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 of title 49, United States Code, and the item relating thereto in the table of sections for chapter 243 of that title, are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 of title 49, United States Code, is repealed and the table of sections for chapter 249 of such title is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 of title 49, United States Code is amended by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively.

(2) Section 24904(a)(8) is amended by striking "the high-speed rail passenger transportation area specified in section 24902(a) (1) and (2)" and inserting "a high-speed rail passenger transportation area".

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.

Section 24102 of title 49, United States Code, is amended—

(1) by striking paragraphs (2) and (11);

(2) by redesignating paragraphs (3) through [(8)] *(10)* as paragraphs (2) through [(7),] *(9)*, respectively; *and*

(3) by inserting ", including a unit of State or local government," after "means a person" in paragraph (7), as so [redesignated; and] *redesignated.*

[(4) by inserting after paragraph (7), as so redesignated, the following new paragraph:

["(8) 'rail passenger transportation' means the interstate, intrastate, or international transportation of passengers by rail, including mail and express.".]

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Amtrak,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY.—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;

(B) the Secretary of Transportation;

(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;

(E) the United States House of Representatives Committee on Appropriations;

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a new service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

(c) ELIGIBLE PROJECTS.—Section 133(b) of title 23, United States Code, is amended by striking "and publicly owned intracity or intercity bus terminals and [facilities"] *facilities."* in paragraph (2) and inserting [a comma and] *"facilities,* including vehicles and facilities, publicly or privately owned, that are used to provide intercity passenger service by bus or rail, or a combination of [both".] *both.".*

(d) ELIGIBILITY OF PASSENGER RAIL UNDER CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—The first sentence of section 149(b) of title 23, United States Code, is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking [the period at the end of paragraph (4); and] *"standard." in paragraph (4) and inserting "standard; or"*

(3) by [adding at the end thereof] *inserting after paragraph (4)* the following:

"(5) if the project or program will have air quality benefits through construction of and operational improvements for intercity passenger rail facilities, operation of intercity passenger rail trains, and acquisition of rolling stock for intercity passenger rail service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operating support.".

(e) ELIGIBILITY OF PASSENGER RAIL AS NATIONAL HIGHWAY SYSTEM PROJECT.—Section 103(i) of title 23, United States Code, is amended by adding at the end thereof the following:

"(14) Construction, reconstruction, and rehabilitation of, and operational improvements for, intercity rail passenger facilities (including facilities owned by the National Railroad Passenger Corporation), operation of intercity rail passenger trains, and acquisition or reconstruction of rolling stock for intercity rail passenger service, except that not more than 50 percent of the amount received by a State for a fiscal year under this paragraph may be obligated for operation.".

SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIRECTORS.

Section 24302(a) of title 49, United States Code, is amended—

(1) by striking "3" in paragraph (1)(C) and inserting "4";

(2) by striking clauses (i) and (ii) of paragraph (1)(C) and inserting the following:

"(i) one individual selected as a representative of rail labor in consultation with affected labor organizations.

"(ii) one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of State and municipalities with an interest in rail transportation, each of whom may select an individual to act as the officer's representative at board meetings.";

(4) striking subparagraphs (D) and (E) of paragraph (1);

(5) inserting after subparagraph (C) the following:

"(D) 3 individuals appointed by the President of the United States, as follows:

"(i) one individual selected as a representative of a commuter authority, as defined in section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) that provides its own commuter rail passenger transportation or makes a contract with an operator, in consultation with affected commuter authorities.

"(ii) one individual with technical expertise in finance and accounting principles.

"(iii) one individual selected as a representative of the general public."; and

(6) by striking paragraph (6) and inserting the following:

["(6) The Secretary may be represented at a meeting of the board only by the Administrator of the Federal Railroad Administration.".]

"(6) The Secretary may be represented at a meeting of the Board by his designate.".

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

Mr. MCCAIN. Mr. President, before the majority leader leaves the floor, are we contemplating a recorded vote on this, I would ask the majority leader, or what is the will of the Democratic leader?

Mr. LOTT. Mr. President, if I could respond, I believe we have it cleared and that this could be moved by voice vote.

Mr. MCCAIN. Does the Senator from Pennsylvania want a recorded vote on this or is a voice vote sufficient?

Mr. LOTT. If I could respond to the question, I know Pennsylvania is very supportive of Amtrak and would like this proposal to move forward as quickly as possible so I hope that we wouldn't have to have a recorded vote.

Mr. MCCAIN. I thank the majority leader. The reason why I asked is that the Senator from Pennsylvania had asked the question as to whether we would have a recorded vote.

I thank the Democratic leader as well as the majority leader for their kind remarks.

AMENDMENT NO. 1609

(Purpose: To reauthorize Amtrak and for other purposes)

The PRESIDING OFFICER. We need to have the clerk report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. LOTT, Mr. MCCAIN, and Mr. JEFFORDS, proposes an amendment numbered 1609.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Chair.

I thank the majority leader and the Democratic leader for their kind remarks. I especially wish to thank Senator HUTCHISON and Senator KERRY and

Senator BREAUX who spent literally hundreds of hours on this bill. I think it is important to point out for the RECORD that this effort was begun by the majority leader when he was chairman of the subcommittee which is now chaired by the Senator from Texas, and the groundwork was laid through his strong efforts.

I might say that there were several occasions when we were gridlocked on this bill and we gathered in the majority leader's office and he helped us find ways to reach common ground.

Mr. President, this compromise reauthorization legislation is the product of more than 3 years of bipartisan negotiations. Let there be no mistake. Amtrak is on the verge of bankruptcy. Fundamental reforms are needed immediately if there is to be any possibility of addressing Amtrak's financial crisis and turning it into a viable operation. This measure is long overdue. Some fear, as I do, that even with these reforms Amtrak may not make it.

Again, I thank Senator HUTCHISON for all her hard work, along with Senator BREAUX and Senator KERRY. Senator BREAUX and Senator KERRY will be in the Chamber shortly, I am told, to add their comments. Senator HUTCHISON will describe the details of her amendment which have to do with labor, contracting out, liability, and the sunset trigger which is part of this legislation.

I think everyone knows that I hold strong reservations about Amtrak. After subsidizing for 26 years what was to have been a 2-year experiment, I believe Congress must carefully evaluate whether this is the best use of our limited taxpayers dollars.

Since 1971, Amtrak has received over $20 billion in Federal tax dollars. I know that Amtrak has strived to reduce its operating costs and increase its revenues. And, yes, a portion of Amtrak's financial challenges are due to statutory constraints that Congress imposed and has failed to lift, but the fact remains the Amtrak 12-year experiment was unsuccessful 26 years ago, it is unsuccessful today, and the prospects of its future are rather bleak.

I realize that my pessimistic view of Amtrak's future, based on its track record, is not shared by the majority of the Congress. That is why I have worked with my colleagues to bring some semblance of legitimacy to this operation. The bill before us does not go as far as many of us would like. For some of my colleagues on the other side of the aisle, they may say it goes too far. Regardless of the position held, the bill does provide for some comprehensive changes.

According to a November 5, 1997, letter from Tom Downs, "enactment of the Amtrak Accountability and Reform Act of 1997 would be the single-most significant action the Congress can take to aid Amtrak in achieving operating self-sufficiency by 2002." He goes on to say, "The legislative reforms contained in the bill will allow Amtrak to operate in a more business-like, cost-effective manner, thus allowing greater productivity and increased savings."

Mr. President, I ask unanimous consent that the letter from Mr. Tom Downs, who is the president and chief executive officer of Amtrak, be printed in the RECORD.

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

NATIONAL RAILROAD
PASSENGER CORPORATION,
Washington, DC, November 5, 1997.

Hon. JOHN MCCAIN, *Chair,*
Hon. ERNEST F. HOLLINGS,
Ranking Member, Committee on Commerce, Science and Transportation, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN: Thank you for your leadership in working toward an agreement in the Senate on comprehensive reform legislation for Amtrak. It is my understanding that agreement has been reached, and the Senate will soon consider the modified version of S. 738. I want to let you know that enactment of the Amtrak Reform and Revitalization Act of 1997 would be the single most significant action the Congress can take to aid Amtrak in achieving operating self-sufficiency by 2002. I will urge your colleagues to support the compromise you have achieved.

Enactment of the reauthorization bill will not in and of itself enable Amtrak to become independent of federal operating support, but it is the most critical step in the process. The legislative reforms contained in the bill will allow Amtrak to operate in a more businesslike, cost-effective manner, thus allowing greater productivity and increased savings. The capital funding made available by enactment of the legislation will allow us to begin to bring the system up to a state of good repair and invest in high rate-of-return capital projects. Adequate capital investment is the key to operational self-sufficiency and the overall economic viability of the railroad.

Consistent with all our previous statement on becoming independent of federal operating support and as outlined in our Strategic Business Plan, we will still require a specific, declining level of federal operating support through 2002, excess mandatory Railroad Retirement payments, an the level of capital identified in the Congressional Budget Resolution. It is my strong hope that the Administration and the Congress will continue to support us as we come closer to reaching our goal.

Again, thank you for all your leadership and diligence on working out an agreement on this legislation. As both Amtrak and the General Accounting Office (GAO) have made very clear this year, Amtrak will not be around much longer under the status quo. Legislative relief and capital funding are two of the three most critical pieces in regaining our economic health and long-term viability, and enactment of this legislation will accomplish those two goals. Achieving an agreement on this legislation is a goal both the Secretary of Transportation and the Senate Majority Leader have identified as important for this Congress, due to Amtrak's precarious financial condition. I congratulate you on achieving this in the substitute offered today.

Very truly yours,
THOMAS M. DOWNS,
Chairman, President and Chief Executive Officer.

Mr. MCCAIN. In closing, Mr. President, I want to remind my colleagues that even if Congress approves the statutory reforms and the $2.3 billion for capital improvements is released, Amtrak's viability remains uncertain. Let's be clear. Amtrak is $1 billion in debt and that debt level is predicted by the General Accounting Office to double to $2 billion in the next 2 years. Tom Downs predicts that without this legislation Amtrak could be bankrupt by next spring. Others predict even sooner.

I hope the dire predictions are wrong but prudence dictates that while we empower Amtrak to meet its financial goals and protect taxpayers, Congress and the administration prepare for and have a clear understanding of the long-range economic effects of a potential bankruptcy.

I requested the General Accounting Office to conduct an analysis of this issue and submit a report to the committee providing an overview of the financial issues and implications associated with an Amtrak liquidation. The report will include an analysis of the financial implications for the Federal Government, Amtrak's creditor's and the railroad retirement system.

I strongly support passage of this reform measure. However, I will continue to hold strong reservations over Amtrak's ability to ever turn Amtrak into a profitable, subsidy-free operation. One of the most important elements of this bill is that it provides the opportunity for us to shut off the spigot if and when it is clear the promise of financial viability will not or cannot be achieved.

What is happening here is not just a piece of reform legislation, Mr. President. We are releasing $2.3 billion in what I have previously described as the great train robbery of 1997. Back in the old days some citizens of my State used to rob trains. But now the trains have decided to rob the taxpayers of $2.3 billion with the help of this body.

The proviso, or the rationale that allowed the $2.3 billion to be fenced off was $2.3 billion in back taxes. The only problem with that scenario, Mr. President, is Amtrak has never paid any taxes. So we are providing another $2.3 billion giveaway to Amtrak. These reforms release that money.

I will never forget when I first came to Congress in 1982, Mr. President. I was visited by a man whom I respect as much as any man, Graham Claytor, who was then the head of Amtrak. And he gave me in graphic detail a long and extensive briefing about how Amtrak was going to be viable financially by the year 1985. That's only 12 years ago. But every 2 or 3 years Amtrak has

come over to Congress with another plan to become financially viable within 2 or 3 years, and we know the answer. The answer is that they have now received more than $20 billion of the taxpayers' money.

I say enough is enough. And I commit now that if this reform and reauthorization plan does not make Amtrak financially viable, I will do everything in my power as a Senator and as chairman of the Commerce, Science, and Transportation Committee to see that it comes to an end.

I wish Amtrak every success with the passage of this legislation by the House. I will hope and pray that Amtrak succeeds. But I must tell you I am not optimistic that they will succeed and I hope to God that this is the last trip to the taxpayers' pocket book that we make on behalf of Amtrak.

Mr. President, again I thank Senator HUTCHISON who has done such a magnificent job on this legislation. She has worked countless numbers of hours. She has made compromises that clearly at the beginning she was not prepared to do. She made these compromises because she knew that that is the essence of legislation and the lessons of getting legislative results. She deserves enormous credit, along with my dear friend, Senator KERRY and Senator BREAUX, from Massachusetts and Louisiana, who played a great role. Bipartisanship is what this place is supposed to be about on issues that don't lend themselves to partisanship, and I believe that this is truly a bipartisan effort of which I think all of us can be proud. Again, my thanks to Senator HUTCHISON.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senators SANTORUM and JEFFORDS be added as original cosponsors of the substitute.

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

Mrs. HUTCHISON. I am ready to vote, after which we will then debate.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1609) was agreed to.

Mrs. HUTCHISON. Mr. President, I want to say that what Senator MCCAIN said is absolutely true. I think it is fairly clear from his comments that he is not a fan of Amtrak. But as the chairman of the committee, he worked with all of us who do care about Amtrak, who do want passenger rail for our country, to try to give Amtrak a chance to succeed. I think all of us have come together on a bill that will give Amtrak a chance to succeed and will also make Amtrak accountable. That is what Senator MCCAIN is looking for and that is what all of us hope will happen.

In fact, Senator LOTT, the majority leader, who has worked on this for, as he said, 3 years—he was the Surface Transportation Subcommittee chairman before I took that position, before he became majority leader—Senator MCCAIN, Senator HOLLINGS, Senator BREAUX, Senator KERRY, all contributed greatly to a very hard-fought compromise. Because, of course, we are making huge changes in the law as it affects Amtrak and passenger rail in our country. Anything that makes this many changes, of course, could not be done easily. It took the labor groups, it took the trial lawyer groups to come together and work with us, along with Senators such as Senator MCCAIN who want accountability. So I think we have come together in a bill that will give Amtrak a chance. It is not a slam dunk. It is not an assured success. This is the first step in many steps that must be made for Amtrak to be able to operate without subsidies in the future.

What this bill has done is authorize the subsidies over the next 5 years that eventually will phase out. At the end of 5 years there will not be operational subsidies by the taxpayers of Amtrak. We have all agreed to that. That is why it was essential that we have reforms, so that Amtrak could be more efficient, so it could compete in the marketplace, so that it could have a passenger operation that would be much improved and, hopefully, bring more people into the system so it could operate without the subsidies. In addition, the $2.3 billion in infrastructure improvements, which are necessary both for the efficient operations and for the higher technology trains that we hope they will be able to operate, is contingent on these reforms. I think it was very wise, in the budget reconciliation bill, that the $2.3 billion that would be put into investment in capital improvements would be tied to these very important reforms. Because without the reforms, Amtrak has no chance to succeed—none. With the reforms, it has a chance. That is what our bill today will give it. I would like to go through a few of the most important points of what we did today.

First, some of the labor protections that were mandated by the Federal Government are now taken out of the law. The 6-year statutory severance benefits will now be in place for 180 days as they are negotiated at the bargaining table, after which they will be totally lifted from all negotiation and there will be no Federal mandates. In other words, today if a line goes out of business or Amtrak takes it off, those employees today would be entitled by Federal law to 6 years of severance pay. Most Americans do not have jobs that have 6-year termination agreements. In fact, when Amtrak first came into place, it was a different time. Today, these severance packages are about to break the system, and I think the unions realize that and they are willing to say we will put it on the negotiating table and we will let the free market reign. So that is the first thing we are doing.

The second thing we are doing is taking the prohibition against any contracting out out of the law once again. It will be part of the contracts for the next 2 years, but it is on the negotiating table now so that Amtrak, if it sees that it can make efficiencies by contracting out certain services, will be able to do that in a negotiated framework. So that will be on the table as well.

It is very important that Amtrak bring its labor costs into line because, in fact, if you look at other forms of transportation, the labor costs in passenger rail transportation are lopsided. For instance, no airline has more than 37 percent total labor expense, yet Amtrak is at 54 percent of its total expenses in labor. No competing passenger industry has similar protection rules that are mandated by the Federal Government. In fact, Greyhound drivers and mechanics, who might be laid off because of service discontinuances, are guaranteed 7 days' notice under union contracts; no statutory guarantee against contracting out. So I think if you are looking at transportation in its totality in our country, you have to have the ability to compete. So we have to have the ability at the bargaining table to bring these costs in line, if Amtrak is going to be a viable alternative form of transportation.

Another major area that needed some limitations was liability. Our substitute bill provides for a global passenger liability cap of $200 million. I think this is very important. For any one accident there will be a cap, so Amtrak will be able to buy insurance. That is what we are trying to do, is have some sort of quantifiable limit so we will know what the costs would be in the most extreme circumstances. And Amtrak could buy insurance to cover that, hopefully at a reasonable cost.

As Senator MCCAIN mentioned, there is a trigger on this. There will be an Amtrak Reform Council appointed to monitor Amtrak's progress with these new reforms, to look at the 5-year glidepath that Amtrak is on, to try to get to the point that there will be no more taxpayer subsidies of Amtrak. This Amtrak Reform Council is going to look at the Amtrak operation and the reforms and see how Amtrak is doing. After 2 years they will submit a strategic plan for Amtrak, and they will also report to Congress if they just don't think Amtrak has a chance to make it, after which Congress will be able, then, to either implement the plan, the strategic plan that would be put forward, or pull the plug on Amtrak.

These are accountability standards that I think are reasonable. Certainly we want to put good money into helping Amtrak succeed, but if it is going to be hopeless, we don't want to throw good money after bad. So I think the accountability is a very important part of this compromise.

We also provide in this bill for interstate rail compacts, so that two States that have traffic that would warrant, perhaps, a joint effort toward rail transportation could come together, could pool their resources and provide for rail transportation in their States. I think that is a very important step, for our States to be able to form compacts, because that will add to the options of rail transportation.

It also provides that Amtrak will have to give 180 days' notice if they are going to discontinue a route. The previous law required 90 days' notice. That is not enough time for a State to be able to step in and help Amtrak, especially if it's a State that has a legislature that only meets every other year and would have to make some emergency arrangements.

So I think we have several new parts of the law that will help very much in giving Amtrak the ability to succeed and also in giving more options to our States to add to the rail passenger capabilities in our country. Because, you see, I think one of the reasons that Amtrak is not only viable but a very important part of an intermodal mobility system for our country is because cities are now going more and more into intracity rail systems. Even in southern States, in my State of Texas, now, in Dallas, Dallas has a rail train system that goes out of the Amtrak station. So I am very happy that the Texas Eagle Amtrak train will be able to start in Chicago, IL, come down through Missouri, through Arkansas, over through east Texas into Dallas and Fort Worth. People can get off the train in Dallas or Fort Worth and they can get on an intracity train and go all over the city of Dallas. They can go to the zoo, they can go to the museums, they can go out north where the commuting traffic is. They will be able eventually to go to the airport.

So, as more cities are beginning to have rail transportation options, then the feeding in of Amtrak also provides more passengers for Amtrak and more mobility for the citizens of our country. I love the fact that you can go from Chicago all the way down through Texas to San Antonio and then get on another Amtrak train, the Sunset Limited, and go to Los Angeles or all the way over to Florida.

These systems will provide vacation capabilities for people in our country to see the sights of America on a train. I think it is something that has been so successful in Europe through the years that it will also have a resurrection in America that will provide more opportunities for families to see this great country from a train and have that experience that we really almost lost in the last 25 or 30 years.

So I think what we are doing today is not propping up a historic, old, antiquated type of transportation that we have known in the past in this country. That is not what we are doing today. What we are doing today is providing a new, vibrant option for rail transportation to be added to the air transportation that is so terrific in our country and the bus transportation and the automobiles and highways that provide mobility options for all kinds of people—people who can't drive and people who don't want to drive. People who don't live near airports would be able to go to a train station that is fed from buses from small communities all over our States, going into an Amtrak train station where someone can get off a bus in a very small town and get onto an Amtrak train and go into cities from Florida to California, from Illinois to Massachusetts, and all the way down to Texas.

So I think it is a very exciting thing we are doing. That is why I have worked so hard with my colleagues, Senator KERRY, Senator BREAUX, Senator HOLLINGS and Senator MCCAIN, to make this a reality, to give Amtrak a chance. Because if Amtrak can compete with the other kinds of transportation, I think it will not be a relic of the past but a very important part of an overall transportation system for the future for our country, for our children to have this experience, for our elderly people to have the mobility that train passenger systems can give.

I am very excited that we have come to this agreement. I appreciate the bipartisan spirit in which this agreement has been made.

I thank the Senators who are waiting to speak and I yield the floor.

Mr. JEFFORDS. Mr. President, today we move another step closer to preserving our Nation's passenger rail system. The desperate call for action signals the importance of rail travel and the severe impacts a shutdown of Amtrak would have on the daily lives of millions of Americans.

We live in a nation that prides itself on independence. For many Americans, their personal automobile grants them the ability to travel unincumbered for work and pleasure. But as we all know, this freedom is slowly ebbing as our Nation's highways and skies become more and more congested. Our roadways and runways are at capacity and growth opportunities are severely limited.

A drive through and around any major American city today will leave most drivers frustrated by delays. This constant automobile congestion slows commerce, reduces worker productivity, and limits travel independence. In fact, highway congestion now costs the United States $100 billion annually, not including the economic and societal costs of increased pollution and wasted energy.

The American solution has been to find alternatives. Our road options are limited. Ten-lane highways cannot be expanded, and new highways are difficult to site and result in the destruction of irreplaceable land and neighborhoods.

Congestion in the air is also a major issue. Slots at airports are filled. Runways are backed up. Air space is busy. A recent safety study reported that 21 of the 26 major airports experienced serious delays, costing billions of dollars. New airports are expensive and only add to the problems we face today.

Rail remains the one underutilized infrastructure available to our Nation. Railroads offer us the opportunity to move cars off the highways and planes from the air. Rail is efficient, cheaper and more environmentally preferable than our other options. We must now begin the careful process of retaining and rebuilding passenger rail in our country.

Created in 1970, Amtrak serves millions of passengers each year. For 10 million households that have no car, and many communities without air or bus service, Amtrak is their lifeline. Amtrak connects 68 of the 75 largest urban areas in the United States, and serves many of the 62 million Americans living in rural areas.

According to the Journal of Commerce, without Amtrak there would be an immediate need for 10 new tunnels under the Hudson River between northern New Jersey and New York City and 20 new highway lanes in New York. If Amtrak disappeared tomorrow, there would be an additional 27,000 cars on the highway between New York and Boston every day.

In my home State of Vermont, passenger rail has been rediscovered. We launched a new passenger service, the Ethan Allen Express last year, to complement the already existing Vermonter. Both trains have been immensely successful, brining passengers from New England, New York, and across the Nation to our beautiful State. These trains have relieved highway congestion, given an economic boost to the State and offer travelers an alternative to driving or flying. Our dream in Vermont is to expand this service, linking a number of our larger cities and reestablishing rail service to Maine, New Hampshire, and Boston.

And as we learned last winter in Vermont, rail keeps rolling regardless of weather. During the deep winter storms, as cars were snowbound and planes held on the ground, the trains were bringing business travelers and skiers to our State. We all remember when the eastern seaboard was hit with a major blizzard in in the winter of 1996 and the Federal Government was shut

down for a solid week. But Amtrak kept running. In fact, my only means of getting to the Senate that week was on the train, as roads were blocked an planes grounded.

Passenger rail service is the future. But many in this city have yet to recognize this reality. Amtrak has never been given the proper tools to bring the train into the modern age. The rail system operates on 1930's technology, with outdated engines, cars and maintenance facilities.

While this system struggles, other nation's have invested heavily in technologically advanced high speed trains. France, Japan, and many other nations operate state-of-the-art trains, an efficient mode of travel in densely populated regions. Japan installed their bullet trains in the early 1960's, and Europe in the 1970's. The high-speed trains, cruising at 200 miles per hour or more, easily compete with cars, buses, and planes.

Why has the United States fallen so far behind? Railroads in this country once had the prestige and financial capital to do nearly anything, but that changed over the years. Through mismanagement and limited public support we let our passenger railroads decay to the point of extinction. Today, we face the same choices. Should we support reviving and expanding advanced passenger rail through public financing or shut the system down? Let's not make a mistake that we would truly regret in the future. It's time to make this railroad work and maintain its role as a vital component of our Nation's transportation infrastructure.

This Nation is on the verge of one of the most important transportation developments in its history. High speed rail should be operational from Washington to Boston by 1999. Other regions of the country are also working to develop high-speed train service, including California, Florida, and many other States. These trains easily compete with air travel and allow travelers a comfortable, fast and efficient means to reach their destination.

High-speed rail will also aid Amtrak's bottom line. This new system will bring further profits to a business that badly needs the capital.

Many critics will question the need for further public investment in Amtrak. As compared to other infrastructure programs, passenger rail gets little public support. Last year we spent $20 billion on highways, while capital investment for Amtrak was less than $450 million. In relative terms, between fiscal year 1980 and fiscal year 1994, spending on highways increased 73 percent, aviation increased 170 percent, while spending on rail declined by 60 percent.

Without proper reforms and additional capital funding the future of this railroad is at risk. I commend members of the Senate Commerce committee who have worked to deliver a solid reform proposal to the Senate. My hope is that the House will accept these changes and send this bill to the President before we adjourn for the year. The plan we have developed offers serious reforms that will enable the railroad to modernize while reducing operating costs.

Our Nation needs passenger rail. Together, we must move forward to preserve this important transportation option. The investments we are committing to today will increase our Nation's investment in the Amtrak rail system, and allow it to succeed in its efforts to continue to operate into the future.

Mr. LAUTENBERG. Mr. President, I rise to support the compromise Amtrak reauthorization bill being offered by Senator HUTCHISON. Passage of this bill brings us one step closer to putting Amtrak on firm footing by extending authorization for 5 years, and most importantly, by giving Amtrak $2.3 billion in tax credits for much-needed capital investments.

But let's not pretend we are completely solving the problem today. The General Accounting Office has warned us over and over again that making Amtrak self sufficient will be difficult and that realistically we have to look at continued investment in the system beyond the year 2002.

Mr. President, our national transportation system is crucial to our economy. And a national rail system is a crucial part of any national transportation plan. But over the years we have consistently shortchanged Amtrak.

For instance, over the course of this decade, Germany has decided to invest nearly $70 billion on what is already an excellent railway system in a country a fraction of the size of the United States.

What have we done? Well, since 1971, we've invested just $19 billion in Amtrak. And now we are preparing to phase out operating subsidies entirely. I think this is unrealistic.

Mr. President, let me put this in perspective. We continue to subsidize every other form of transportation.

Over the past 15 years, in relative terms, we've increased spending on highways by 73 percent and aviation by 170 percent, while we have cut Amtrak's funding 62 percent.

As we starved our national rail system during most of this decade, service declined and so did ridership. Between 1994 and 1996 Amtrak went from 21.1 million passengers to 19.7 million —meaning Amtrak lost even more revenue and was being sent into a downward spiral toward bankruptcy.

And those 1.4 million riders Amtrak lost still had to get to their destinations somehow and that likely meant more cars, buses, or planes in our already congested airports and highways.

Coming from the State of New Jersey, I can speak first hand about the importance of Amtrak to my State and the rest of the northeast corridor.

The New York/New Jersey metropolitan area is one of the most congested in the nation. A recent study said that every day people waste more than 2 million hours in traffic—2 million hours a day.

To put that number into perspective, that means that people here will waste more time in traffic in a single year than the man-hours to build the entire Continental railroad.

And if Amtrak wasn't there, another 11 million people would be dumped onto our roads.

How many billions of dollars would we have to spend widening roads in order to accommodate this new traffic? How much time and money would trucking companies, businesses and commuters lose as a result of increased traffic and congestion? I do not think that anyone can legitimately make the argument that highway users do not benefit from Amtrak's operations.

Amtrak does not just reduce congestion on our highways. It carries over 40 percent of the combined air-rail market between Washington and New York. Loss of Amtrak service in this corridor would require another 7,500 fully booked 757 jetliners to carry Amtrak's passenger load each year. How many billions would we have to invest in our air infrastructure to accommodate these travelers?

Mr. President, while I've spoken about my region, Amtrak is also a national passenger rail system that provides important service in areas of the country that are not as congested. In many cases, Amtrak provides residents of small rural towns with their only form of intercity transportation. Each year, some 22 million passengers depend on Amtrak for transportation between urban centers and rural locations. Amtrak provides service in 45 of the 50 States.

Ask any Amtrak passenger, traveling through the State of Montana, perhaps stopping off at Havre, on their way to Glacier National Park, whether Amtrak is important to them. Of course it is.

Mr. President, this agreement in front of us today strikes a compromise on very difficult labor issues. It asks Amtrak's workers to make signficant concessions.

Mr. President, I worked hard to make these funds available to Amtrak. During the budget negotiations, I worked with Senators ROTH and DOMENICI to include a reserve fund for Amtrak to allow us to make additional capital funding available in future legislation.

Thanks to the leadership of Senators ROTH and MOYNIHAN, the Finance Committee found a way to provide this funding in the tax reconciliation bill through a $2.3 billion tax credit.

Mr. President, I would like to end by commending all of those who worked

so feverishly to put this compromise together. In particular, Senators KERRY, HOLLINGS, LOTT, HUTCHISON, MCCAIN, ROTH and BREAUX deserve special recognition for their efforts and leadership in this matter.

I urge my colleagues to support this Amtrak reauthorization compromise.

I think this step we take today to begin rejuvenating our national rail system might someday be considered just as historic as the century-old congressional decision to build it in the first place.

But we must not kid ourselves. More will need to be done if Amtrak is to thrive, not just survive.

Mr. CHAFEE. Mr. President, I strongly support this legislation, which will preserve vital passenger rail service in the United States. I applaud the hard work of the members of the Commerce Committee who have worked out a reasonable compromise on this much-needed bill.

In the 25 years since Amtrak was created, we've learned several things about passenger rail operations in the United States: First, in today's increasingly competitive transportation marketplace, Amtrak cannot continue to operate viably under the status quo. Second, we recognize political reality and know that the American people will not continue to support taxpayer subsidies of Amtrak if the railroad continues to operate under the same structure that has brought it close to financial collapse. Third, like its counterparts in the highway and aviation sectors, passenger railroad ought to be afforded a reasonable level of Federal assistance for its increasingly urgent infrastructure needs.

With regard to this third matter—Federal support—I am pleased that Congress included within the tax bill passed earlier this year $2.3 billion for Amtrak's capital improvements. These funds will help Amtrak conduct badly needed modernization of its infrastructure so that it can enhance service to its customers and more effectively perform in a competitive marketplace. However, these funds are on hold until the bill before the Senate today is enacted into law.

What is also needed is a realistic assessment of the Federal laws currently governing Amtrak's operation. Although attention recently seems to be focused on the protections for Amtrak employees, there are a wide range of laws that hinder Amtrak's stated goal of operating more like a business.

It has been the provisions affecting Amtrak workers that have been most controversial and have stymied action in Congress for the past 2 years. Some of these laws stem from the Depression era, a time when Congress and the President sought to relieve a national tragedy. Others were enacted when Amtrak was first created in the early 1970's, well before the railroad's financial problems had developed.

In any event, it is important to note that many of these provisions are mandated by law, rather than agreed to through the traditional collective-bargaining process that businesses and labor unions across America deal with regularly. Other employers in the United States are certainly not required by law to provide worker benefits similar to those required of Amtrak.

If financial and operational viability is going to be restored at Amtrak, we simply must take a candid and reasonable look at all of the very unique laws—not just the labor protections—that have hindered Amtrak's ability to succeed. We must also ensure that, like its counterparts in the aviation and highway sectors, passenger rail is provided a reasonable level of support for capital improvements. These are the goals this bill seeks to achieve, and I am pleased that the Senate is able to take it up today.

Specifically, when amended by this substitute, S. 738 will:

Authorize $5.163 billion for Amtrak over the next 5 years;

Mandate that Amtrak be independent of Federal operating subsidies in 5 years;

Repeal two statutes that affect work rules at Amtrak, and put them into the collective-bargaining process. These outdated statutes prohibit Amtrak from contracting out, and mandate 6 years of severance pay for laid off employees;

Impose a reasonable cap on punitive damages on rail transportation liability;

Create an Amtrak reform council [ARC] that will regularly evaluate Amtrak's financial performance to ensure accountability to the taxpayer;

Clarify that the $2.3 billion included within the tax bill can only be used for Amtrak capital improvements.

When taken together, the provisions of this legislation will restore financial viability to Amtrak by permitting the company to operate more like a business. The bill also gives the U.S. taxpayer the assurance that Congress will no longer provide open-ended subsidies to passenger rail.

There are allegations that Amtrak's operational reforms are being sought as a ploy to make it less expensive to eliminate these jobs and shut down the railroad altogether. This contention is ludicrous. The biggest threat to these jobs is maintaining the status quo, which is not financially viable for Amtrak.

If things continue under the current framework, Amtrak will soon be forced into bankruptcy. Such an outcome would eliminate all of Amtrak's 20,000 jobs, to say nothing of depriving the Nation of a needed service.

Ultimately, our effort to ensure that passenger rail survives into the 21st century should be focused on the customer: we should help ensure that conditions exist that will allow Amtrak to provide efficient, reliable national transportation service without adversely impacting its work force or burdening U.S. taxpayers.

Absent this service, Amtrak's customers would go elsewhere, and our highways and airports would become severely clogged. This legislation ensures the viability of passenger rail service for the traveling public, and I urge my colleagues to support it.

Ms. SNOWE. Mr. President, today the Senate holds the future of Amtrak in its hands. The legislation before us seeks to put Amtrak's financial situation on a track to self-sufficiency. We have delayed action on Amtrak for 3 years and we cannot afford to delay it any longer.

As a member of the Senate Commerce Committee for the last 3 years, I have listened to Amtrak and its detractors discuss the problems and the potential for passenger rail service. The committee, first under the leadership of Senator LOTT, and now under the leadership of Senator HUTCHISON, Chair of the Surface Transportation Subcommittee, have reported out tough but fair reform bills that put the burden on Amtrak to prove it can survive without a Federal operating subsidy.

In the last Congress, despite the best efforts of Senator LOTT, no agreement could be reached with those who claim they want Amtrak reform but also wouldn't let it come to the floor—even when they were offered the opportunity to offer, debate, and vote on their amendments. Much the same can be said to explain why we are here, in the waning hours of the first session, considering this important bill.

I want to express my support for the amendment offered by Senator HUTCHISON and my appreciation for her dedication to moving the reform process forward. She has fought a difficult battle because of her belief in the importance of maintaining a national passenger rail system, and I would like to commend her for her hard work and dedication to reform.

But, we are not simply debating Amtrak reform, but a more complex question: Do we, as a nation, believe that we should have a national passenger rail service? If we do, then we will pass this bill with Senator HUTCHISON's amendment. If we fail to address the financial problems at Amtrak all we are doing is delaying the inevitable.

We need to make the tough choices—that is what the people of this country have sent us here to do. If we are not willing or able to do that for Amtrak then we might as well shut the system down rather then allow it to slowly bleed to death. That is what is happening now because some in this body have been unwilling to face up to the fact that there is no easy answer to the financial problems facing Amtrak. If

there were—we would not find ourselves in this situation.

Three years ago, Amtrak took the Government's pronouncement that it should operate without Federal operating subsidies to heart. They developed a business plan and told Congress what was needed both in the way of statutory changes and capital funding in order to meet this goal. Earlier this year we created the capital trust fund—an important first step—but in this case money simply isn't enough. Until we address the statutory changes they need, we have left them to sink slowly into bankruptcy.

Tom Downs has come before the Commerce Committee, the Finance Committee, the Appropriations Committee, and the Environment and Public Works Committee to tell the Senate what changes Amtrak needs in order to turn a public railroad into a business. He has laid out the statutory changes that are necessary in order to allow Amtrak to compete in the next century. He has been very straightforward about the fact that without these changes, Amtrak has no future.

The Commerce Committee has twice reported out bills that provide these changes. But the committee has also made it clear that the reform bill is a commitment between Congress and Amtrak to achieve the mutual goal of self-sufficiency. We have created the Amtrak Review Council which will consider factors that will help it determine if Amtrak has kept its end of the deal—Amtrak's performance, and the findings of the independent assessment—in order to determine whether or not Amtrak should continue to exist. I included a provision in the bill that will require the ARC to also consider whether Congress has held up its end of the bargain by requiring the council to look at whether sufficient funding was provided for Amtrak to carry out the financial plan it is required to write under the bill.

In my very first Commerce Committee hearing in January, 1995, Ken Mead, then with GAO, told us that ". . . Congress needs to decide what is to be expected from Amtrak and how much it is willing to pay to fulfill those expectations." I believe the committee has provided the full Senate with a bill that provides Amtrak and its shareholders with a clear outline of those expectations and most importantly, provides Amtrak with all the tools, within its power, to meet those expectations.

I believe that the committee's reform package—offered today by the distinguished Senator from Texas—is a fair one, but least anyone think that we are simply pouring money into a sinking ship, it is important to remember that this bill also includes a heavy dose of tough love. If the ARC determines that Amtrak cannot become free of Federal operating subsidies, then plans will be made for liquidation or a major restructuring will be undertaken.

Having worked with Tom Downs, I am a firm believer that he and the men and women who have worked so hard to keep Amtrak moving will meet the goal of self-sufficiency. If they cannot, even after Congress has provided them with the tools they have asked for, then I am ready to close them down. But I want to know that they had the opportunity, the resources and the tools to meet that goal, first. And that is why it is so important that we adopt the amendment offered by Senator HUTCHISON.

It is also important to look at what, until today, has prevented us from moving the Amtrak reform legislation—labor and liability.

According to the General Accounting Office, labor accounts for 52 percent of the costs at Amtrak. You don't need to be an accountant to know that if Amtrak is to succeed it needs to be able to address these costs. Amtrak has asked for the ability to sit down at the bargaining table and negotiate on the issues of contracting out of services and severance pay, which under current law is 6 years. The Committee bill required both sides to negotiate. Under the Hutchison amendment, the issue of contracting out shall itself be negotiated in the next round of contract negotiations.

A lot has changed since Amtrak was created and we need to allow the system to change with the times if it is to be a competitive force as we enter the next century. The men and women of Amtrak have worked hard to improve the system, make no mistake about it, and they have more at stake then anyone for without Amtrak they have no job. I do not believe that asking them to sit down at the table and negotiate is asking too much.

The Hutchison amendment also makes changes in the liability issue that has long held up reform. It is a much misunderstood issue and I applaud the Senator from Texas' ability to reach agreement on the issue.

The Senate will make an important decision today. We can take the responsible approach, pass reform, and help put Amtrak on the road to self-sufficiency. Or we can take the irresponsible approach, kill the bill and shut down passenger rail service. I have the luxury, I suppose, of coming from a State that will not be impacted one way or the other at this time. Maine does not have train service. We would like it, and we are waiting for a decision by the Surface Transportation Board to determine if we will get it, but the people of my State believe that a national passenger rail system is important, and so do I.

A national passenger rail system is as much a part of our future as it is of our past. The Journal of Commerce noted last year that Amtrak's presence eliminates the need for 20 additional highway lanes in New York City and 10 new tunnels under the Hudson. It also replaces 27,000 cars on the highway between Boston and New York every day. We can only add so many lanes to any given highway.

We need Amtrak—not as a reminder of our past, but as a vital part of our transportation future, and I urge my colleagues to join me in passing this bill.

Mr. HOLLINGS. Mr. President, I rise today in support of S. 738, the Amtrak Reform and Revitalization Act of 1997, and urge its immediate passage.

S. 738 is the final product of a long collaborative process between Democrats and Republicans alike who have come together in a bipartisan way in order to save and strengthen Amtrak, the Nation's passenger rail carrier. Credit must be given to Senator HUTCHISON, the subcommittee chairman, Senator MCCAIN, our Commerce Committee chairman, and the majority leader, Senator LOTT who took a personal interest in this legislation to get it done. On my side of the aisle we must acknowledge the contributions of Senators KERRY, BREAUX, and FORD who negotiated this compromise.

In addition, we should mention those Senate staff members who worked long hours to bring this legislation to the floor today. They include: Ann Begeman and Charlotte Casey from the Commerce Committee majority staff; Amy Henderson and Larry DiRita from Senator HUTCHISON's staff; Carl Biersack of the majority leader's office. On the Democratic side I want to mention: Ivan Schlager, Jim Drewry, Clyde Hart, and Carl Bentzel from the committee staff; Gregg Rothschild from Senator KERRY's office; Mark Ashby from Senator BREAUX's staff; Greg Rohde from Senator DORGAN's office; Tom Zoeller from Senator FORD's office; and Jonathan Adelstein of the minority leader's office.

This bill gives Amtrak the tools it says it needs to survive and prosper into the 21st century. In order for this to be done, each of Amtrak's stakeholders has had to give up some benefit. Amtrak passengers will have to bear a limit on Amtrak's liability to them, much the same way that the airlines limit their liability to passengers. Amtrak employees will have labor protections trimmed, but they will retain the ability to renegotiate these protections in the collective bargaining process. In addition, Amtrak management will be under increased scrutiny to perform. The bill establishes an Amtrak Reform Council to advise Amtrak management and to report to the Congress on Amtrak's progress to self-sufficiency.

However, in return for those sacrifices, the bill provides Amtrak, for perhaps the first time, sufficient funds for it to repair and revitalize its track

and facilities to grow into a first-class rail passenger service. The United States ranks very low in the world in the amount of money it spends on rail passenger service. According to one study the United States ranks below Bangladesh in the amount of money we allocate to this service. With this bill we can begin to close that gap and give the American people a service they can use and be proud of.

Mr. SHELBY. Mr. President, I compliment my colleagues on the Senate Commerce, Science, and Transportation Committee on today's successful passage of the Amtrak reauthorization bill. I acknowledge that the procurement, labor, and liability reforms contained in this bill as amended by the chairman's substitute amendment are the end result of difficult negotiations and compromises among many competing interests, and represent many years' effort. Issues such as contracting out and mandatory 6-year severance pay have been taken out of statute and put on the negotiating table.

I hope this bill's provisions, along with future negotiations, result in some real reforms. Even with the $2.3 billion in tax credits that will be released on January 1, 1998 if this reauthorization bill is enacted into law, Amtrak will still be hard-pressed to continue running trains in the future, if meaningful improvements are not made in the way the railroad does business. Since I have taken on the chairmanship of the Senate Appropriations Transportation Subcommittee this year, one thing has become crystal clear: Amtrak does not intend to be weaned from Federal subsidies any time soon. The Amtrak-Brotherhood of Maintenance of Way Employees [BMWE] union agreement reached last weekend contains contingencies that require appropriations levels higher than those in current law or contemplated by the balanced budget agreement. Amtrak touts its glidepath to self-sufficiency as the funding path that will eventually lead to the elimination of Federal operating subsidies. However, the Amtrak-BMWE agreement points to a glidepath in the opposite direction.

The fiscal year 1998 transportation appropriations bill provided $793 million for Amtrak operating and capital expenses. Added to Federal subsidies paid to Amtrak since the Corporation was formed in 1971, the taxpayers have thus far spent $22 billion on a national railroad that carries fewer than 20 million passengers a year—less than 1 percent of all annual intercity passenger trips in the United States. According to the General Accounting Office, the average Amtrak direct Federal subsidy is $38 per passenger trip, compared to $1.50 per commercial airline passenger enplanement. This is subsidy that comes out of the pockets of every American taxpayer, and yet, wide swaths of the country are not served at all by Amtrak, and many communities that do have train service only see the train a few times a week, or at odd hours of the night.

There is a growing sense that Federal funding of Amtrak can no longer be justified on fiscal or mobility grounds, and that it is time to consider phasing out the railroads's public monopoly status. I really hope that the reforms contained in this reauthorization bill do make a difference in the way Amtrak does business. Because if they do not, by releasing these tax credit funds, the Congress may simply be extending Amtrak's financial instability for 2 more years, and costing the taxpayers yet more appropriated funds for the subsidy of a failed experiment.

Mr. BIDEN. Mr. President, I am pleased that we finally have before us the legislation we need to give Amtrak a new lease on life. In my remarks this afternoon, I will start with the bottom line.

When we pass this legislation today, Amtrak will be eligible to receive the $2.3 billion that was provided in last summer's balanced budget plan. This legislation authorizes the continued existence of Amtrak—that authorization expired in 1994—and therefore gives Amtrak access to the capital fund that some of us have worked so many years to establish.

Agreement on the terms of Amtrak's reauthorization has not been easy, Mr. President. It has taken several years to accomplish, marked by many long hours and more frustrations than I care to recall, as agreements we thought were done unraveled over and over again.

The bill before us this afternoon has required the best efforts of many of my colleagues, who have persevered in the face of those frustrations. We could not have reached this point without the leadership of Senator HUTCHISON, along with Senator MCCAIN, and of course, their colleague on the Commerce Committee, the distinguished majority leader, to reach agreement on the many difficult issues that this legislation has raised.

And I know that without the persistence of Senator JOHN KERRY, along with Senators HOLLINGS and BREAUX, we would not have reached this point.

And if I may say so, Mr. President, the entire Delaware congressional delegation has been a part of this process from the beginning. My good friend BILL ROTH, chair of the Finance Committee, and our Governor, Tom Carper, who is on the Amtrak board of directors, both continued to play their key roles at critical moments in this process.

The result is a bipartisan compromise, that required that everyone give up some of what they wanted to get as much as possible of what Amtrak needs. Those of us who followed these negotiations closely can count many moments when it seemed that this legislation was dead. Only the long-suffering perseverance of the key players made this legislation possible.

But let's be clear about where we are in the life of Amtrak. As my good friend, Senator MCCAIN, has stressed today, Amtrak is indeed in dire economic trouble. And yes, some of this trouble is indeed due to some of the constraints that we in Congress put on Amtrak's business practices when we created it a quarter of a century ago. That is why the reforms in this legislation are needed.

But I believe that much of the problem is due to our failure over the years to provide our Nation's passenger rail system with the level of financial support that we give to other elements of our country's transportation system.

As Senator KERRY has argued here this afternoon, we here in the United States rank below some of the poorest Nations on the planet in the level of financial support per citizen that we provide our passenger rail system.

One result of this has been that during the 25 year life of Amtrak, its employees have seen their wages cut as the cost of living grew while their paychecks stagnated.

In my State of Delaware, we have two of the essential maintenance facilities for Amtrak—at the Wilmington and Bear, DE yards. The workers at these facilities are the best in the business, and are carrying on a tradition that reaches back to the turn of the century in which Delaware has provided essential support for passenger rail along the East Coast.

The hard work that the men and women of the Delaware yards have put in keeping Amtrak's equipment and tracks safe and dependable has been rewarded with a stagnant standard of living. And our citizens—not just in East Coast urban areas, as we often hear, but in small towns all over the country—have had much less passenger rail service than the citizens of other major industrial nations.

By failing to support Amtrak adequately, we have been forced to live with a less efficient transportation system, reducing the effectiveness of the more substantial funds we provide for highways and airports, which are crowded with travelers who might otherwise be able to travel by rail.

We all hope that Amtrak will make the best of the management reforms in this bill to put passenger rail on a healthier financial track for the future. But this legislation entails more than operating reforms and access to a new capital fund.

As Senator MCCAIN so rightly pointed out, this legislation makes provision for termination of Federal financial support for Amtrak's operations by the year 2002, something already part of our long-term budget plans. It includes

provision for a study of the possibility of Amtrak's bankruptcy and liquidation. For the first time in Federal law, we are contemplating the possibility of shutting down passenger rail in this country.

So while those of us who put in the hard work that made this moment possible should rightfully be proud of those efforts, we must not lose sight of the big picture. While we have bought a little more time for Amtrak, we have by no means assured that passenger rail—essential to the efficient operation of every other industrial economy's transportation system—will survive in the United States.

Over the next 5 years, there will be more tough choices as we move toward the twin goals of a balanced Federal budget and the end of Federal operating support for our country's passenger rail system. If we fail to provide Amtrak with the resources it needs to modernize, to attract the ridership and revenues that can advance the goal of self-sufficiency, today's accomplishment will be hollow.

I am not convinced, Mr. President, that we have chosen the right course for passenger rail in this country. No one argues against reforms that make the best use of taxpayers dollars, reforms that permit Amtrak to make use of the best business practices to attract riders and to expand our country's passenger rail system.

But by themselves, those reforms will not relieve us of our responsibility to keep passenger rail alive.

Senator KERRY reminded us today that the European Community has committed to major new investments on top of their substantial contributions to their continent's passenger rails system. As the most productive economy in the world, we should face up to the need to make similar commitments here.

So many benefits flow from these investments—benefits that can be measured, but not always on the books of any given passenger rail system—that the rest of the developed world is willing to make that kind of commitment. Those benefits include more efficient use of fuel, cleaner air, reduced congestion on our highways and at our airports—real benefits that add up to real dollars saved that can be put to better use.

In today's world—with balanced budgets and increased economic competition—we must make sure that we capture those benefits and save those dollars. That is why the fight for passenger rail in the United States is far from over today.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that the vote that was scheduled for 2:15 be delayed until the end of my comments.

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

Mr. KERRY. Mr. President, I am delighted to join with the Senator from Texas, the chairman of the Commerce Committee, the Senator from Arizona, Senator HOLLINGS, Senator BREAUX in strongly supporting Amtrak itself and, equally important, supporting this reauthorization bill which is pending before the Senate.

I offer my sincere thanks to the Senator from Texas, Senator HUTCHISON, for her persistence on behalf not just of the bill but particularly Amtrak, which she just talked about, which she has vision of and of which we share a vision.

I also thank Senator MCCAIN who worked hard with all of us. Despite his own very deeply felt misgivings regarding federally subsidized passenger rail, as chairman he was very fair to all of the opinions that existed on the committee and gave us the opportunity to be able to come together to forge what I think is a good compromise.

A compromise, obviously, doesn't leave everybody happy. It is not supposed to. There are folks on both sides of the aisle who, if they wrote their own bill, would have written a different bill. Clearly, that is true. But it is because we reached that compromise that I think we put Amtrak in a position not only to survive but to thrive, and we have preserved the rights of labor to be able to negotiate appropriately for their relationship with the management.

I will not review, in the interest of time, any of the specific provisions at this moment. Senator HUTCHISON has done that. Senator MCCAIN has done that. But I would like to take a moment just to emphasize what I think can't be emphasized enough, which is the importance of Amtrak to the country and particularly important to the Northeast Corridor Improvement Project and to the transportation infrastructure of the Northeast region of the country. I think it is important to all the regions it reaches, but I particularly point out that the future completion of the Northeast corridor, which this legislation will help to ensure, is expected to attract 3 million additional passengers annually between New York and Boston.

This improved rail service is going to ease the congestion of Logan and other major Northeast airports. The Federal Railroad Administration expects passenger air service between Boston and New York to decrease by 40 percent as a result of these measures and to result in the elimination of over 50 daily New York-Boston flights. Indeed, without this legislation, and without the continued modernization of rail travel in the Northeast, the four airports between New York and Boston would be projected to produce annual passenger delays of over 20 million hours per year. That is lost productivity. That is a lost competitive edge for our country, as well as for the region.

We can expect improved Northeast rail service that will come as a result of this legislation to have a spillover positive impact on road congestion. Mr. President, 5.9 billion passenger miles were taken on Amtrak in 1994. These are trips that were not taken on crowded highways and airways. Improved rail service in the Northeast is projected to eliminate over 300,000 auto trips each year from highways that are increasingly overly congested, and it will reduce auto congestion around the airports as well as improving air quality for the country and in the Northeast.

As these figures demonstrate, a healthy and financially viable passenger rail system is the key to ensuring an efficient transportation infrastructure in our country. We simply cannot continue, in some parts of the country certainly, to build more and more roads and more and more airports. The space doesn't allow it. We should look to Europe, and we should look to Japan, and we should look to other countries for the experience that they have had as more and more of the square miles of their country are consumed by business and by living space and where they have had to make use of those spaces effectively.

The fact is that in the United States of America within the next 20 to 30 years, the vast majority of our population, 75 percent of it, will live within 50 miles of coastline, including the Great Lakes. We will need to consider how we move people and products as those areas become more crowded.

So, simply stated, we need Amtrak because we cannot continue to pave our way out of our transportation problems. I would like to take just a quick moment to address some of those in the Congress who criticize Amtrak and any kind of Federal subsidy of rail as a form of some kind of central planning that is inherently dangerous and that supposedly the United States has always avoided. The fact is, Mr. President, we have not only not always avoided it; we have relied significantly on that kind of Federal input and planning to help us to be able to build the network of transportation that we rely on.

Throughout our Nation's history, we in Congress have been proactive and aggressive about this kind of assistance. You can drive in one relatively straight line from the northern coast of Maine to Florida on a well-paved road because the Federal Government planned it and because we funded the Interstate Highway System. The planning and construction of our Nation's ports and canal networks, transcontinental railroads, the air traffic control system, and the Interstate Highway System are all examples of Federal leadership in transportation policy which led to overall economic

growth, to improved transportation efficiency and, finally, to the development of entirely new industries.

Indeed, while we in Congress have argued over whether the Federal Government should or shouldn't ensure a healthy inter-city rail system, internationally it is no secret that a well-founded rail network is an essential ingredient of a strong 21st century economy.

In fact, every major economic power, except the United States, invests several billions of dollars annually in passenger rail transportation. The European Union plans to invest more than $100 billion to better utilize and integrate its multibillion-dollar-rail network. And our economic competitors in Asia, including China, Taiwan, Malaysia, and South Korea, are all investing heavily in rail.

The unfortunate truth is that on a per capita basis, at least 34 countries, including Guinea, Myanmar, South Africa, Iran, and Botswana each spend more than the United States on passenger rail. In this light, which I think is the correct light in which to view what we are doing today, we are doing the bare minimum necessary to ensure continued passenger rail travel in the United States and to maintain a vibrant national transportation network.

Finally, I would like to take a moment just to say something about the men and women in Amtrak's labor organizations who work extraordinarily hard daily to ensure that the trains are in working order, that the tracks are maintained and that millions of Americans are able to get to work and travel comfortably and safely from city to city.

Much has been made in the arguments over reform about labor provisions in U.S. law which did give protections to those who worked on Amtrak. Those protections were to guarantee that their jobs wouldn't be contracted away or that a specific level of a severance might exist in order to safeguard them.

Before one overly criticizes those provisions which we have changed and which, in my judgment, we appropriately came to a compromise on, recognizing the times that we now live in, but it is important to not be overly cynical about them and to, frankly, understand the context in which they came about.

Amtrak was formed only in the 1970s', and the reason it was formed was that the freight carriers were unwilling to continue to provide passenger service. It was unclear at the time whether a new entity, called Amtrak, was going to be able to survive at all. It needed experienced, skillful workers in order to be able to put that survival to the test, in order to try to become a viable entity.

So to attract those skilled, viable workers from another job under another umbrella which they worked in where they had a pension and where they had years of experience, it was necessary to say to them, "You are not going to lose your job immediately. We are going to guarantee you that for taking the risk for helping to make Amtrak work, we will provide you with a guarantee."

The labor provisions that are at issue in this debate were originally put into Amtrak law in order to attract employees from other carriers so that they would work for Amtrak. Simply stated, the provisions guaranteed that people who came to work for Amtrak when they didn't know it would survive would receive nothing more than the protection they had enjoyed previously.

Since that time, I point out to my colleagues, that Amtrak employees have made tremendous financial sacrifices in order to help keep Amtrak going. I don't think those have been recognized. In the early 1980's, Amtrak employees agreed to a 12-percent wage deferral in order to help Amtrak's bottom line. This deferral has never been repaid. So in point of fact, it became not a deferral, it became a wage giveback, a 12-percent wage giveback.

From 1987 through 1992, Amtrak employees agreed to have their wages frozen, even though management received salary increases as high as 15 percent during that period.

In addition, Amtrak employees are paid considerably less than workers holding similar jobs in other transportation agencies. For example, Amtrak car mechanics will earn $2,200 less than those car mechanics on Atlanta's commuter lines; $6,500 less than those on Chicago's commuter lines; and $16,300 less than those on New York's and New Jersey's PATH commuter lines. A mechanic who started to work at Washington's Metro in 1980 literally would have received over $100,000 more than if he or she had worked for Amtrak.

So now with this bill, Amtrak's employees are making yet another sacrifice, and they are giving up statutory protections to allow them severance benefits in the event of route cuts and also to change the contracting-out provisions.

Mr. President, one of the reasons we have this bill is because Amtrak employees have agreed to make this sacrifice. I think that those of us in Congress and the millions of Americans who enjoy Amtrak ought to be grateful for their courage and commitment to its continued viability.

I believe we have laid the groundwork for Amtrak to survive. Labor would be permitted to negotiate as normally as they can negotiate in the marketing process. I think we have reached an accommodation that will help us keep Amtrak not just alive but on the first steps to becoming a model, hopefully, in the long run as we go into the next century for what a good passenger rail system can be.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from the great State of Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the Senator from Massachusetts who was so helpful in working out this compromise. I think, as he said, a lot of people had to give something that they didn't want to give, which probably means that we did a fair compromise. Senator BREAUX, who is also on the floor, was very much a part of this. Senator HOLLINGS, who was here, I also thank.

If there is no one else wishing to speak, then I would like to have third reading and then go to a vote, if that is possible.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass, as amended?

The bill (S. 738), as amended, was passed.

Mr. LOTT. Mr. President, today the Senate acted in a fully bipartisan manner to adopt meaningful and genuine legal, labor, and management reforms for America's national passenger railroad. It offers legislative solutions that could begin to restore the fiscal health of this failing railroad.

American taxpayers have already invested over $20 million in this railroad.

Let me be clear: the Senate is sending a bipartisan message to this railroad—the management and the workers must fundamentally change both their culture and operating methods.

Amtrak cannot continue getting subsidies.

The legislation adopted today is an amendment to the bill reported by the Commerce Committee earlier this year. It is the bill sponsored by Senator KAY BAILEY HUTCHISON. The amendment was a joint effort of several members of the Commerce Committee on both sides of the aisle.

I want to personally commend the Senate's Commerce Committee for their leadership on this important transportation issue.

I'm sure the nearly 2 million Americans who ride the commuter rail system every day want to also thank them.

I also want to recognize the work of a number of dedicated staffers who have invested many hours, evenings and weekends to get the legislative language right. The work was intense, emotional and personal, but everyone maintained their professional manner and got the job done. The staff responsible for the details are: Ann Begeman, Clyde Hart, Amy Henderson, James

Drewry, Lloyd Ator, and Penny Compton.

Let me just take one moment and clarify one important issue within this reform bill. The current industry practice between Amtrak and other rail carriers is to allocate financial responsibility for claims. This makes sense and in fact many such contractual agreements exist today. The language in section 28103(b) of the bill is intended to confirm that such contractual agreements are consistent with Federal law and public policy. One should not construe this section as modifying such agreements.

Today, the Senate has taken action to ensure America's passenger rail service will not be interrupted. And, the Senate also mandated reforms to assure a prosperous passenger railroad.

Mr. President, this reauthorization reform for Amtrak is long overdue, but it is on the right track.

EXECUTIVE SESSION

NOMINATION OF CHRISTINA A. SNYDER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of Christina A. Snyder, which the clerk will report.

The legislative clerk read the nomination of Christina A. Snyder, of California, to be U.S. district judge for the central district of California.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I am glad to see that the Senate is finally turning its attention to the nomination of Christina Snyder. She was first nominated in May 1996, over 17 months ago. Her hearing was finally held in July of this year and after another 2-month delay, she was reported by the Judiciary Committee without objection. She has been pending on the Senate Calendar without action and without any explanation for the 2-month delay that has since ensued.

It seems that the delay in considering her nomination had nothing to do with her outstanding qualifications or temperament or ability to serve as a Federal judge. Rather, it seems that some opposed this fine woman and held up her nomination to a very busy court because she had encouraged lawyers to be involved in pro bono activities.

Ms. Snyder has been held up anonymously for months and months. When the Judiciary Committee finally met to consider her nomination, I was curious to learn who and what had delayed her confirmation for over a year. But no one spoke against her and no one voted against her.

Ms. Snyder has been an outstanding lawyer, a member of the American Law Institute, and someone who contributes to the community and has lived the ethical consideration under Canon 2 of the Code of Professional Responsibility. I congratulate her on her outstanding career.

When she was being interrogated about her membership on the boards of Public Counsel and the Western Center on Law and Public Interest, Senator FEINGOLD properly observed:

> [I]t is kind of an irony when we get to the day where if you don't participate in pro bono activities, you are somehow in a situation where your record is a little safer vis a vis being appointed to a Federal judgeship. And then when you get involved in pro bono activity, that might actually cause you to get a few more questions. . . . [T]hat can't be an encouragement for lawyers to get involved in pro bono activities on behalf of people who don't have the ability to go to court very easily.

After all these months, I was please to hear Senator SESSIONS pronounce Ms. Snyder "an outstanding individual with a fine record" and "a capable lawyer of integrity and ability," when her nomination was considered by the Judiciary Committee.

I congratulate Ms. Snyder and her family and look forward to her service on the Federal court.

Although I am delighted that the Senate will today be confirming Christina Snyder as a Federal district court judge, the Republican leadership has once again passed over and refused to take up the nomination of Margaret Morrow. Ms. Morrow's nomination is the longest pending judicial nomination on the Senate Calendar, having languished on the Senate Calendar since June 12.

The central district of California desperately needs this vacancy filled, which has been open for more than 18 months, and Margaret Morrow is eminently qualified to fill it. Thus, while the Senate has finally proceeded to fill one of the judicial emergency vacancies that has plagued the U.S. District Court for the central district of California, it continues to shirk its duty with respect to the other judicial emergency vacancy, that for which Margaret Morrow was nominated on May 9, 1996.

Just 2 week's ago, the opponents of this nomination announced in a press conference that they welcomed a debate and rollcall vote on Margaret Morrow. But again the Republican majority leader has refused to bring up this well-qualified nominee for such debate and vote. It appears that Republicans have time for press conferences to attack one of the President's judicial nominations, but the majority leader will not allow the U.S. Senate to turn to that nomination for a vote. We can discuss the nomination in sequential press conferences and weekend talk show appearances but not in the one place that action must be taken on it, on the floor of the U.S. Senate.

The Senate has suffered through hours of quorum calls in the past few weeks which time would have been better spent debating and voting on this judicial nomination. The extremist attacks on Margaret Morrow are puzzling—not only to those of us in the Senate who know her record but to those who know her best in California, including many Republicans.

They cannot fathom why a few Senators have decided to target someone as well-qualified and as moderate as she is. Just this week I included in the CONGRESSIONAL RECORD a recent article from the Los Angeles Times by Henry Weinstein on the nomination of Margaret Morrow, entitled "Bipartisan Support Not Enough for Judicial Nominee." This article documents the deep and widespread bipartisan support that Margaret Morrow enjoys from Republicans who know her. In fact, these Republicans are shocked that some Senators have attacked Ms. Morrow.

For example, Sheldon H. Sloan, a former president of the Los Angeles County Bar Association and an associate of Gov. Pete Wilson, declared that: "My party has the wrong woman in their sights." Stephen S. Trott, a former high-ranking official in the Reagan administration and now a court of appeals judge, wrote to the majority leader to try, to free up the Morrow nomination. According to this article, Judge Trott informed Senator LOTT:

> I know that you are concerned, and properly so, about the judicial philosophy of each candidate to the federal bench. So am I. I have taken the oath, and I know what it means: follow the law, don't make it up to suit your own purposes. Based on my own long acquaintance with Margaret Morrow, I have every confidence she will respect the limitations of a judicial position.

Robert Bonner, the former head of DEA under a Republican administration, observed in the article that: "Margaret has gotten tangled in a web of larger forces about Clinton nominees. She is a mere pawn in this struggle." I could not agree more.

I ask unanimous consent to have printed in the RECORD an article by Terry Carter from the Los Angeles Daily Journal entitled "Is Jihad on Judicial Activism About Principle or Politics?" In that article Senator SESSIONS is quoted as saying that the Senate "can have a vote on [Morrow] nomination tomorrow." Well, today is tomorrow. It is high time to free the nomination of Margaret Morrow for debate and a vote.

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

[From the Los Angeles Daily Journal, Nov. 6, 1997]

IS JIHAD ON JUDICIAL ACTIVISM ABOUT PRINCIPLE OR POLITICS?

(By Terry Carter)

WASHINGTON.—Three years after being nominated for the federal bench—having been branded a California "activist," grilled by Senate Judiciary Committee members about her personal voting habits and consigned to nomination limbo by an unidentified senator's "hold"—it would have been understandable if Los Angeles lawyer Margaret Morrow began composing a withdrawal letter in her head.

If she did, she could have looked for inspiration to what previous failed nominees had written.

"Despite the unpleasantness of the process, I am grateful for the honor of having had your support," one would-be federal judge wrote to his sponsor. ". . .For a while there, I really thought that your Herculean efforts had overcome the false and misleading charges that were made against me."

The author of that letter found salve in a manner few dream of. After his 1986 bid for a judgeship fell to a party line vote, then-Alabama U.S. Attorney Jeff Sessions, who faced questionable charges of racial insensitivity during Judiciary Committee hearings, went on to become a two-term governor and was elected to the Senate in 1994 along with a number of other uncompromising firebrands. Today, Sessions sits on the very Judiciary Committee that rejected him, and he holds his thumb up or down on judicial nominations.

In an interview, Sessions said, "We can have a vote on [Morrow] tomorrow as far as I'm concerned. And I'd want to talk about some of her writings and statements and the Senate could vote." Sessions went on to say, "Margaret Morrow has written disrespectfully of the potential for good public policy coming out of the referendums in California. We have a real popular uproar over judges who've overturned referendums."

She likely would be, Sessions said, "a judicial activist."

In the judicial activism wars, Morrow will be either a victim or a survivor. In the spring, Morrow, a partner with Arnold & Porter and the first woman president of the State Bar, made it through the committee on a 13–5 vote.

Tough questions from, among others, Sen. Charles Grassley, R-Iowa, about how she voted on past state referenda were seen by many observers as transparent attempts to see how, as a judge, she might rule on matters concerning immigration, the death penalty, medical use of marijuana and other hot-button issues. But she seemed to weather the storm. Even the conservative Judiciary Committee chairman, Sen. Orrin Hatch, R-Utah, finally pronounced Morrow fit, saying his reservation about her potential for judicial activism had been assuaged. Now that her name has gone to the floor, her candidacy is promised a full-fledged debate by both sides.

Either way, Morrow has come to define the renewed flare-up of the age-old debate over the role of judges, predicted 200 years ago by Madison and Hamilton in the Federalist Papers. But there is a difference this time. Swirling in the background is a clash of old and new politics on Capitol Hill, particularly among Republicans campaigning for re-election and intent on keeping control of the Congress, even as they battle among themselves over leadership.

Republicans didn't have to look far to find a bogeyman in the judiciary—which not only is a good target, but it can't fight back.

Chasing so-called judicial activists is more than sucker-punching a patsy, as liberals put it. It gives Republicans something to do together while battling over party leadership. The excesses, the speed, have come mostly from the Young Turks and some old hands trying to get ahead. Whenever one pulls a foot off the accelerator to slow it down, another jams it to the floor—and no one wants out of the car.

"On this issue it's more strategy and tactics that bring disagreement among conservatives, not goals and objectives," said Elliot Mincberg, counsel for the liberal interest group People for the American Way. The Young Turks and the establishment all agree to keep as many Clinton nominees off the bench as they can in a four-year stall, as much as they can get away with it.

The old guard hasn't gone out of its way to thwart the excesses. One of the most extreme of those was the announcement by Rep. Tom DeLay, R-Texas, earlier this year that he would seek impeachment of activist judges. DeLay recently reiterated the threat, and added that he wants it to "intimidate" judges.

Republican colleagues are quick to say that's beyond the pale, that impeachment for individual rulings won't happen, but, they admit, they like how it pushes the curve farther to the right.

A good example of that right-shifting spectrum is Hatch's unilateral move earlier this year to end the American Bar Association's formal role of advising the Senate on judicial nominations, though individual senators still receive reports, and the more important pre-screening for the White House continues. Hatch told colleagues privately that he did so to keep the hard liners from doing worse. He said he's in the middle, but the middle keeps moving to the right.

The hunt for judicial activists is also proving a good fund-raising tool for some Republicans. Another freshman senator on the Judiciary Committee, John Ashcroft, R-Mo., already is signaling a run for the presidency. It was Ashcroft who placed the "hold" on the Morrow nomination, it was revealed last month. And Ashcroft used his chairmanship of the subcommittee on the Constitution, Federalism and Property Rights to hold hearings on judicial activism this year. "Its a good launching pad," said one Hill staffer. A sophisticated Internet user, Ashcroft at one point dedicated much of his Web site to judicial activism.

He is one of only 10 senators, for several months one of only six, to sign the so-called Hatch Pledge, which was crafted in February by the Judicial Selection Monitoring Project, a spinoff of the conservative Free Congress Education and Research Foundation. Each senator was asked to sign the pledge. It seized a sentence from a speech by Hatch at a Federalist Society meeting in his home state. "Those nominees who are or will be judicial activists should not be nominated by the president or conformed by the Senate, and I personally will do my best to see that they are not."

Hatch himself declined the request, citing personal policy against signing pledges, but he praised the efforts of the coalition of 260 conservative groups brought together by the Judicial Selection Monitoring Project. Also not joining Ashcroft in signing it were Grassley and Sessions. "I believe in fighting judicial activism but I don't need to sign a pledge," Sessions said. While judicial activism has been debated hotly the past two years in a presidential campaign, congressional hearings, on op-ed pages and in think tanks and bar panel discussions; the term's definition remains slippery. "It has been debased by conservatives so badly it has degenerated into an epithet for decisions you don't like—it's aimed only at results," said Bruce Fein, a former high-ranking official in the Ronald Reagan Justice Department.

Just the same, the debate quickened and became more focused in June when the Supreme Court struck down federal laws concerning religious freedom, Internet decency and handgun regulation. Outcries from both the left and the right questioned the process—calling it judicial activism—that led to these results.

No one did so more strongly than Hatch, who is considered by many to be an ideological soul-mate of Chief Justice William Rehnquist and Justices Antonin Scalia and Clarence Thomas. But those three were in the majority that were against Hatch's own Religious Freedom Restoration Act, which Congress enacted to maneuver around an earlier Supreme Court ruling.

"The Supreme Court has thrown down a gauntlet," Hatch said in a statement released the day after the decision was announced. "I intend to pick it up." After stumping against judicial activism for the better part of a year, Hatch suddenly expanded the term. Now he complained about "conservative judicial activism."

Perhaps, as a result, there will be a finer point to the debate, which is likely to continue. It has quickened in academia. But asking legal scholars to define judicial activism is like asking judges to interpret the Constitution. Often the only common thread is their certainty. An activist against judicial activism, Thomas Jipping of the Judicial Selection Monitoring Project offers a quote from Humpty Dumpty in a colloquy with Alice after she ventured beyond the looking glass: "When I use a word it means just what I choose it to mean—neither more nor less."

Without using the term, Justice John Paul Stevens, in a 35-page dissent in Printz v. US, which struck down parts of the Bready Handgun Violence Prevention Act, chided his conservative colleagues—Rehnquist, Scalia, and Thomas in particular—for engaging in the kind of judicial activism they've eschewed so vocally in the past. Stevens pointed out that they had resorted to "emanations" and "penumbras" from the Constitution, tools liberals often are accused of wielding to torture the document.

While there is no locus classicus defining judicial activism, Laurence Tribe at Harvard Law School may trump them all: "To say there is a neutral vantage point outside the system for someone to declare in an Olympian and purportedly objective way that this is activism and that is restraint is itself a rather arrogant delusion."

But then, Tribe comes from the "eye of the beholder" school of thought, which tends to be composed of liberals. Those in the middle offer "on the one hand, and not the other" definitions. And conservative scholars usually define the term in considerable detail and nuance, with explanations of the mistakes others make in trying to do so.

Most are quick to mention specific cases, both old and recent. Some still argue Marbury v. Madison, 5 U.S. 137 (1803).

The conservative constitutional law professor Michael McConnell, now teaching at the University of Utah College of Law, made this response to Tribe. During the past 10 to 20 years, he said, the term judicial activism "has been a rhetorical theme of conservatives criticizing the court, and it's only

natural that their ideological opposites would try to deconstruct and weaken that by saying it could be anything in the eye of the beholder."

McConnell offered a definition: "When a court imposes its own moral or political judgments in place of those of the democratically elected branches, without adequate warrant in the constitutional text, history, structure and precedent." But then he acknowledged the eye-of-the-beholder argument. "The devil is in the subordinate clause because we all see that differently," McConnell added.

A corollary to the argument that judicial activism is in the beholder's eye might be that made by some that it is necessary. Conservatives have complained for years that liberals went to the courts to get policy they couldn't muster through legislatures. Now many conservatives would like to turn the tables.

Clint Bolick, director of the libertarian Cato Institute's Center for Constitutional Studies, believes the courts "should play a feisty role." The courts, particularly the Supreme Court, were intended to be "a vigorous guardian of individual liberties against the encroachment of other branches of government," he explained. So at Cato, "we're in the business of securing judicial activism of the right kind, as in the correct kind." The Supreme Court's decisions striking down several federal laws this past term are "the way the court is supposed to be activist," he said.

In a more playful take on reining in judicial activism a belt with a jagged edge, the pro-life, Christian-oriented Family Research Council in June announced winners of its Court Jesters Award, for judges it believes stepped out of bounds. Noticeably missing from the list, as the conservative gratify Fein pointed out, were two who made headlines during the year. One is federal Judge John Spizzo in New York, who acquitted two men arrested for blocking access to an abortion clinic because their actions stemmed from "conscience-driven religious belief" rather than willful criminal intent. The other is a state court judge in Alabama who posted in Ten Commandments in his courtroom and invited clergy to lead juries in prayer prior to hearing cases. The FRC's director, Gary Bauer, was willing to offer a written definition of judicial activism for this story but was unavailable over several weeks for an interview to discuss the topic.

"So many conservatives are so unprincipled in attacking judicial activism because the real grievance is against the results they don't like," said Fein, a columnist for the conservative Washington Times newspaper and a regular commentator on CNN, "And the standards Republicans are now voicing to screen Clinton nominees is what they said in the Bork hearings should never be applied," he said referring to the failed Republican nomination of Robert Bork in 1986.

The Jihad against judicial activism is seen some, in part, as the continuation of a dynamic the simmered through the Bork hearings: a long continuing battle against the Warren and Burger court. For one such attack through the rear-view minor former attorney general Edwin Meese appeared Ashcroft's hearings on judicial activism. A fellow the Heritage Foundation, Meese followed up, releasing to the Judiciary Committee a report titled "Putting the Federal Judiciary Back on Track." The former Reagan administration official wants a number of landmark decisions by the Warren and Burger courts reversed, and agrees with Bork much-criticized belief that Congress should be empowered to overrule Supreme Court decision by simple majority vote.

For some, that rear-view mirror is cloudy. "The irony of complaints now about judicial activism," said Professor Erwin Chemerinsky of the University of Southern California Law School, "is that the majority of justices on the Supreme Court and the majority of federal judges are Republican appointees. And the Supreme Court hasn't recognized a new constitutional right in 25 years."

That may be why many believe the judicial activism wars are more of a political tool. Federal judges and the Supreme Court are "pushing fewer hot bottoms than they were 25 or 30 or 40 years ago," said A.E. Dick Howard, a constitutional scholar at the University of Virginia School of Law. The debate over judicial activism "is not as hot today. No attack on the modern court is comparable to [President Richard] Nixon's attacks on the Warren court."

There is no broad-based criticism of the courts today that compares to the time of Brown v. Board of Education, 347 U.S. 483 (1954), and issues of one-person-one-vote and school prayer. Howard explained. Criticism today is more episodic, he said.

On Capitol Hill, senators trying to break the lock on judicial nominations believe Chief Justice Rehnquist should go further than criticizing it in his annual report on the judiciary, "Who reads that?" asks one Senate staffer, "He needs to get out and say it in speeches." And others say that if President Clinton went to war over one or two judges, win or lose in Senate confirmations, the floodgates would open for all the others. "Every time a president has fought, if it looks like he's fighting for principle, he wins politically," said Professor Herman Schwartz, of American University's Washington College of Law. "People would pay attention, American like an independent judiciary."

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christina A. Snyder, of California, to be U.S. District judge for the central district of California? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Colorado [Mr. CAMPBELL] is necessarily absent.

The result was announced—yeas 93, nays 6, as follows:

[Rollcall Vote No. 297 Ex.]

YEAS—93

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

NAYS—6

Burns	Craig	Faircloth
Coverdell	Enzi	Grams

NOT VOTING—1

Campbell

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ORDER OF PROCEDURE

Mr. LEAHY. I see the distinguished majority and minority leaders on the floor. If they are seeking recognition, obviously I yield, but I ask that I be recognized for less than 5 minutes after they are finished.

Mr. LOTT. I thank the Senator for being willing to yield. I think the Senators would like to hear a little bit more about what the schedule would be, and now is a good time to do it.

I ask unanimous consent once we have completed this discussion, Senator LEAHY be recognized for 5 minutes to speak as he sees fit.

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

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent there now be a period of morning business until 3:30, with Senators permitted to speak for up to 10 minutes each.

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

APPROPRIATIONS COMMITTEE MEETING

Mr. STEVENS. I announce to the Senate that the Appropriations Committee will meet tomorrow at noon to see if we can devise a way to complete action on all bills tomorrow. That is tomorrow at 12 noon in 128.

SCHEDULE

Mr. LOTT. Mr. President, Senator DASCHLE and I have been talking about the rest of the schedule this afternoon.

First, once again, I am very pleased that after 3 years of effort, we have a bipartisan compromise on Amtrak reform. That was a good day's work. It still has to go to conference, but I believe now that we have a good chance

to get that legislation through. That would be very beneficial to maintaining a national rail passenger system that would pay for itself.

I believe we are now prepared to go to the D.C. bill. We have worked out an agreement on that. Then later on this afternoon we hope to be able to have another vote. We hoped we would get something on the labor-HHS appropriations conference report. We don't know for sure, but that may not be possible. We still have the option to go back to fast track, and there are some amendments, I am sure, that are in the offing. But whatever votes we would have this afternoon, and it appears it would be a minimum of one more vote, but the last vote for today would occur not later than 5 p.m. this afternoon, and we would then come back in tomorrow at noon and get an assessment of where we are.

We are still hoping there may be an FDA reform conference report agreement. There is a possibility. We have worked out an agreement on the adoption-foster-care issue. If either of those are ready, we would try to do those tomorrow afternoon. We also would get an assessment of what will happen with regard to the appropriations bills coming from the House and also see if there is any way we can take some action that would help to expedite some conclusion to the appropriations process.

With regard to fast track, we will continue to go back to it and have discussion, debate, and amendments when they are ready. The House has delayed their taking a vote on fast track until Saturday or Sunday. They will not do it today. Of course, that will have an impact on what we do and when we do it. I don't think we can say anything beyond that until we see what happens in the House.

We have been asked by our colleagues in the House and by the administration to stay and continue to work to see if we can resolve the outstanding issues on appropriations and be prepared to act on fast track, if and when the House does act. We will keep the Members informed. We will try to be conscious of schedules, but I think you should be prepared to have at least one more vote this afternoon, and there is a possibility that there would be a vote or two tomorrow afternoon and Sunday afternoon.

Again, on Sunday we would not be in until probably 1 o'clock to give Members an opportunity to go to church. One of the reasons why we won't have votes after 5 o'clock tonight is because of the Jewish sabbath. We are trying to honor Members' commitments in that regard while still trying to move this process forward.

There is a 50–50 chance, still, that we can finish all this by Sunday. There is one thing for sure: If we don't stay here and keep working, there is a 100-percent chance we will be here next Friday. Let's keep trying to get it to a conclusion. I believe it is possible.

I thank Senator DASCHLE for collaborating with me on these issues. I wonder if the minority leader might want to add anything?

Mr. DASCHLE. I think the majority leader has laid it out pretty well. We have had a lot of questions about what the schedule is for the weekend. As the majority leader has indicated, we can expect to be here tomorrow and most likely on Sunday. I think if we can work as we have in the last few hours on appropriations bills and other related legislation, there is at least that 50–50 chance we can complete our work this weekend.

One of the concerns that I have been hearing is that at some of the meetings we are not getting the kind of attendance that is necessary in order to complete the negotiations. I urge all Senators, as these meetings are scheduled—sometimes they are with very short notice—that people drop what they are doing and come to the meetings so we can expedite these negotiations.

I appreciate everyone's participation and cooperation and, again, we will work with the majority leader to see if we can accommodate what he has laid out for the agenda for this weekend.

Mr. LOTT. I yield the floor.

Mr. LEAHY. Mr. President, I ask unanimous consent to be able to yield to the senior Senator from Alaska without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Katie Howard be permitted privileges of the floor.

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

DAIRY DECISION OF MINNESOTA FEDERAL COURT

Mr. LEAHY. Mr. President, a court decision was issued recently which could throw the entire system of supplying milk to consumers into chaos and could lead to dramatically higher milk prices for consumers.

This decision was a runaway ruling that jeopardizes the survival of thousands of dairy farmers outside the Midwest.

The current milk marketing order system assures local milk production and reliable supplies of fresh and wholesome local milk.

The system is designed, according to the Congressional Research Service, to avoid "shortages of milk," and "to assure consumers of adequate and dependable supplies of pure and wholesome fluid milk."

In this respect, America is the envy of many nations in the world which have unreliable milk supplies shipped in from distant locations at high prices because there is no local competition.

Price differentials, which were struck down in this decision, help keep local producers in business, help cover the costs of transporting fluid milk, and avoid shortages of milk in supermarkets, according to CRS.

Common sense tells us that the cost of producing and transporting milk varies from region to region. A flat pricing system is flat-out wrong.

I joined with 47 of my colleagues recently in sending a letter to the Secretary of Agriculture urging him to keep the current system which assures local supplies of fresh milk to millions of American families.

The key to this system that has worked so well for decades is under attack—once again—in Minnesota.

It is no secret that Northern Midwestern States want to provide milk to the Nation. New technology is available where they can "drain" the water out of their milk, ship the resulting concentrate, and then reconstitute the milk at distant locations.

Over time, this new concentration of the dairy industry in Northern Midwestern States could put thousands of dairy farmers out of business around the Nation. I am very afraid that, ultimately, prices to consumers will rise as the supply of milk becomes more and more concentrated in one area of the country.

My major fear is that when Midwestern winter storms blanket roads with snow, or when freezing conditions in the North stop traffic on the interstates, or when there is a trucker's strike, that consumers in the rest of the country are going to feel lucky if they can buy milk for just $5 a gallon. Parents who need milk for children might want to pay a lot more than $5 a gallon, if they could buy milk at any price.

I do not think consumers are going to like this system of being dependent on reconstituted milk being shipped in from 1,000 miles away at who knows what price.

Our current system of encouraging local production of milk works very well for consumers. USDA has been right to promote the local production of fresh milk instead of this system of concentrating the industry in one region and then shipping products to be reconstituted into milk later.

The Court's ruling—unless stayed—will be effective almost immediately. the order will not have a great deal of effect in states fortunate enough to be in Northeast Dairy Compact, or in states that have their own milk order system such as California.

In those states, local dairy farmers should be able to stay in business and provide towns and cities with local, fresh supplies of milk.

When disasters, or winter storms hit, consumers in these areas will be able to buy milk.

USDA must appeal the decision immediately—no ifs, ands, or buts. The

existence of thousands of dairy farmers is at stake.

It is unclear to me precisely which order regions will be affected by the Court order. The Order terminates Class I differentials in "all surplus and balanced marketing orders and all deficit orders that do not rely on direct shipments of alternative milk supplies from the Upper Midwest or from other deficit orders which in turn rely on the Upper Midwest for replacement supplies."

A balanced market is one with sufficient milk to meet demand plus a 40% reserve. A surplus market produces milk in excess of the demand and reserve percentage.

Thus, a few Southeastern states may be exempt from the Order.

For states like New York, Pennsylvania, New Jersey, and some Southeastern States, and Southern Midwestern States, impact of the Order should come swiftly as banks decline to make loans to dairy farmers.

The expectation is that producer income will drop significantly and that farmers would go out of business as lenders refuse to provide credit.

Prices in the Northern Midwest could strengthen 20 to 30 cents per hundredweight (one-hundred pounds) sold—but it is too early to really know how much their prices would go up.

This action was originally filed some years ago by Eric Olsen, Patricia Jensen, James Massey and Lynn Hayes representing the Farmers Legal Aid Action Group. It was filed before the Honorable Judge David S. Doty of the Fourth Division for the District of Minnesota.

Mr. President, I know that my distinguished colleague from Vermont, Mr. JEFFORDS, will also be addressing the Senate on the same issue. Again, It is about a court decision that was issued recently which could throw the entire system of supplying milk to consumers into chaos and could also lead to dramatically higher milk prices for consumers.

The decision was a runaway ruling that jeopardizes the survival of thousands of dairy farmers everywhere except the Midwest.

Now, the current milk marketing order system, which is a very complex one, assures local milk production, and it assures reliable supplies of fresh and wholesome local milk. In this respect, we are the envy here in the United States of most nations of the world. Most nations have unreliable milk supplies that are shipped in from distant locations at high prices, because there is no local competition. Common sense tells us that the cost of producing and transporting milk varies from region to region. You can't have a flatout pricing system that is the same everywhere.

Now, again, I joined with 47 other Senators recently in sending a letter to the Secretary of Agriculture urging him to keep the current system, which assures local supplies of fresh milk to millions of Americans. It's no secret that northern Midwestern States want to provide all the milk to the Nation. They have a technology where they take all the water out of their milk and you get this kind of "glop" that is left, and you ship it to distant places and somebody pumps some water back into it, and you end up with this reconstituted milk, which they can then sell. If you do that, what is going to happen is that the "glop" producers of this reconstituted milk will all be in one part of the country and the rest of us will be everywhere else in the country. The rest of the country will be at their mercy, depending upon when, how often, and at what price they want to send this concentrate to us.

Now, my major fear is—especially coming from a part of the country that has severe winters—what happens when the Midwestern winter storms blanket roads with snow, or you get the freezing conditions in the North and that stops traffic on the Interstates? It happens fairly often. Or what happens when there is a truckers' strike? When that happens, I think you are going to find consumers in the country feeling lucky they can buy milk for $5 a gallon. Parents who need milk for their children might have to pay a lot more than $5 a gallon if they have to buy milk at whatever price. Whatever price they get it for, it is going to be the reconstituted "glop" coming to that area—and water is going to have to be added—from producers from a thousand miles away. I don't think this makes much sense. I like the system we have today, which encourages producers in a number of different areas of the country where they can produce fresh milk for the consumers at prices they can afford.

Now, the court's ruling will be effective immediately. It is not going to have a great deal of effect on the States in the Northeast dairy compact or States who have their own milk order system, such as California. In those States, local dairy farmers should be able to stay in business and provide local, fresh supplies of milk. When disasters and winter storms hit, consumers in those areas will be able to get milk. What I worry about is all the other areas.

The Department of Agriculture has to appeal this decision immediately—no ifs, ands, or buts. The existence of thousands of dairy farmers is at stake. USDA has to act for these farmers and for the consumers.

Mr. President, I see my distinguished colleague from Vermont on the floor. I now yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont, Mr. JEFFORDS, is recognized.

Mr. JEFFORDS. Mr. President, I commend my colleague from Vermont for raising what could be a very important issue to all of the people of this country who like milk. I don't understand how a court could do that, other than the fact that, when I read he was from Minnesota, I new why it was done. The judiciary sometimes gets a little prone to its own constituency. But I want to tell you, I want to raise the danger that this precedent sets. I urge Secretary Glickman to appeal the judge's decision and to make sure that this does not maintain an existence.

If this ruling survives, it could be the final financial blow to many farmers throughout the country. It could also lead to higher prices consumers pay for their milk. Senator LEAHY and I have stood on the floor many times defending Vermont's dairy farmers and dairy farmers across the country. We have fought to give both the dairy farmers and the consumers a fair and stable milk price. At times, debates on dairy policy have pitted one region against the other. In this case, a group of Midwestern milk producers hope to eliminate the pricing structure for fluid milk that dairy farmers and consumers rely upon for stable prices.

This methodology of creating a system to provide differentials was created way back in our history, at a time when the original milk acts were considered, recognizing that it's incredibly important that we have fluid milk available to the families all across the Nation. One only has to remember back a few years ago when there was a tremendous drought in Minnesota and Wisconsin, in the area where these farmers say they can produce it for all the country. As a result of that, we had the huge price increases. We had to supply milk to other regions because they could not produce it sufficiently in Minnesota and Wisconsin. That is a demonstration as to why the original dairy legislation in the acts of the thirties made sure that this fluid milk would be available across the Nation at all times, understanding the need for fresh milk.

If this ruling of the judge from Minnesota prevails, the entire country may ultimately rely on Minnesota and her bordering States for their milk supply. This would be extremely dangerous to consumers for prices and not being able to get it because of the lack of milk.

I know that in Vermont, every morning—and I am sure it's the same at breakfast tables across the country—people enjoy fresh milk that was produced and packaged within a reasonable distance of their home and at reasonable prices. There are many other reasons for maintaining a healthy dairy industry in each region. The economic and social benefits ripple through each farming community.

Mr. President, the present system for pricing fluid milk is currently under

consideration from the U.S. Department of Agriculture. There is tremendous support for maintaining the current pricing structure for fluid milk. Recently, as Senator LEAHY mentioned, 48 Senators and 113 House Members sent a letter to Secretary Glickman urging him to keep the current system.

It is critical that the Secretary act quickly to request a stay and appeal this decision. I urge my colleagues to join Senator LEAHY and myself in that request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

DISTRICT OF COLUMBIA APPROPRIATIONS BILL

Ms. MOSELEY-BRAUN. Mr. President, I rise to state my objection to the motion to proceed on the District of Columbia appropriations bill, at least temporarily. I want to explain why.

There is currently an amendment on the D.C. appropriations bill that will grant certain Central Americans access to the suspension of deportation procedure. These are refugees—people who leave their countries for political asylum here. And they will not be deported because of the amendment that is part of the D.C. appropriations bill. It covers some 191,000 Salvadorans, some 21,000 Nicaraguans, some 118,000 Guatemalans, and I certainly support the suspension of deportation for all of those groups of asylum seekers. It does not, however, cover just about 18,000 Haitians. In fact, the only group of asylum seekers that were left out of the bill as it came out of the House were the Haitians.

This is not only patently unfair but certainly suggests almost a tin ear on the racial implications of what came out of the House by the House Members who put this together that they would not understand—that singling out the Haitians for exclusion from this relief would be perceived as negative in many parts of this country which is nothing short of stunning to me.

I am happy to report that I had a conversation with the majority leader, Senator LOTT. He wants to try to help us with this situation. Senator GRAHAM has an actual bill to try to fix the situation with regard to the Haitians separate and apart from the District of Columbia appropriations. I support and would cosponsor Senator GRAHAM's legislation. However, the catch here and the reason for my voicing my objection right now—my temporary objection right now—is that, as Senator LOTT pointed out in his comments, we talk about whether or not these Haitians would be deported in the meantime until Senator GRAHAM's bill can get passed. We don't yet have an agreement from the administration, from the INS, from the House, from the Senate in terms of Senate oversight. We don't have an agreement that these Haitians won't be singled out—18,000 out of almost 250,000 people to be deported in the interim until the Graham effort is concluded.

So I find myself in the difficult position of having to object to proceeding to something that might otherwise be a good thing until this obvious blatant error is—at least until we get some commitments that these people will not be harmed. That is what the number of men, women, and children need for their lives in behalf of and in pursuit of democracy. It is not fair to single them out for special treatment for no rational reason other than as they have brought to me that they fear they have been singled out because of their color, that they have been singled out because of their race.

That is not right. That is not what this country stands for. I hope that is not the signal that we are going to send by the way this legislative process works out.

So, until we get an agreement on suspension of deportation, I am afraid I will have to object to the motion to proceed with regard to the District of Columbia appropriations bill. I know there are some other issues. I hope these issues get worked out. I hope this issue gets worked out.

I want to put the Senate on notice that this legislation in its current form sends the absolute wrong signal to the country and, indeed, to the world regarding our commitment to family.

How are you going to suspend deportation for 191,000 people from El Salvador, 21,000 people from Nicaragua, 118,000 people from Guatemala and not allow 18,000 people from Haiti to take advantage of the same relief under almost identical circumstances? There is no reason for it. There is no rational for it. Quite frankly, I would be remiss if I allowed this mistake to go forward. I am confident it is going to be worked out.

Again, my conversation with Senator LOTT, my conversation with Senator GRAHAM, with Senator KENNEDY, and with Senator MACK—we have had conversations across the board. We just want to make certain there is agreement before this starts to leave here—that there is a agreement that these people will not be kicked out of country under circumstances in which almost 250,000 people similarly situated are allowed to stay. That is my objection. That is my problem with the bill at the time.

I want to make the point that we in the Senate are not prepared to send that kind of negative signal to the country or to the rest of the world, and that we will at least resolve the deportation issue before the District of Columbia appropriations legislation goes forward.

I thank the Chair.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

NIH ENDORSES ACUPUNCTURE

Mr. HARKIN. Mr. President, earlier this week an expert scientific panel at the National Institutes of Health strongly endorsed acupuncture as an effective treatment for certain conditions. This is the first time that the NIH has endorsed a major alternative therapy. It is truly a breakthrough, and is just the type of advance that I envisioned when I worked to establish the Office of Alternative Medicine at the NIH.

The consensus conference held by NIH involved top scientists from around the Nation, including those with expertise in acupuncture and experts in research evaluation and design. These scientists, led by Dr. David Ramsey, president of the University of Maryland, Baltimore, objectively evaluated the evidence of acupuncture's efficacy and came to a consensus that this therapy is safe and provides significant help for a number of health problems.

They found that acupuncture is an effective treatment for postoperative dental pain, postoperative and chemotherapy-induced nausea, nausea during pregnancy, and other conditions. They also identified a number of other conditions, including asthma, substance addiction, stroke rehabilitation, headache, general muscle pain, low back pain, carpal tunnel syndrome, for which acupuncture demonstrates effectiveness but with a less degree of certainty.

I was dismayed to read that despite this consensus agreement after rigorous evaluation of the scientific evidence, there is still a fringe element in the medical community that refuses to acknowledge the facts. These critics seem only to be interested in bad mouthing anything out of what they consider to be the medical mainstream. While we all benefit from a healthy dose of skepticism in the scientific process, I hope in the future, this small group of critics take off their blinders long enough to objectively look at the scientific evidence and give credit where credit is due.

Mr. President, as I have said before, millions of Americans—more and more each day—are using alternative medical therapies. In 1993, the FDA reported that Americans were spending $500 million a year for between 9 and 12 million acupuncture treatment visits. Unfortunately, research has not kept pace. The NIH has failed to break through biases that exist and devote the attention to this area that is needed. As a result, American consumers

have been denied information about the effectiveness of the therapies they are using or thinking of using.

I am pleased to report that the conference report on the fiscal year 1998 Health and Human Services appropriations bill has agreed to provide more than a 50-percent increase to the Office of Alternative Medicine to expand efforts like this week's consensus conference on acupuncture to other work and to investigate and validate complementary and alternative therapies. Our report also guarantees that this increase will be spent on grants and contracts that directly respond to requests for proposals and program announcements issued by the Office of Alternative Medicine.

Mr. President, this week's endorsement of acupuncture by NIH is a positive step forward for the American public and for the medical research in our Nation. I hope that it will lead not only to greater acceptance of, and access to, cost effective acupuncture services, but to increased willingness on the part of NIH and the medical community to commit to the objective evaluation of a range of promising complementary and alternative medical therapies.

Mr. President, I ask that the full text of the findings of this historic NIH consensus panel be printed in the RECORD.

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

NATIONAL INSTITUTES OF HEALTH CONSENSUS DEVELOPMENT STATEMENT

INTRODUCTION

Acupuncture is a component of the health care system of China that can be traced back for at least 2,500 years. The general theory of acupuncture is based on the premise that there are patterns of energy flow (Qi) through the body that are essential for health. Disruptions of this flow are believed to be responsible for disease. The acupuncturist can correct imbalances of flow at identifiable points close to the skin. The practice of acupuncture to treat identifiable pathophysiological conditions in American medicine was rare until the visit of President Nixon to China in 1972. Since that time, there has been an explosion of interest in the United States and Europe in the application of the technique of acupuncture to Western medicine.

Acupuncture describes a family of procedures involving stimulation of anatomical locations on the skin by a variety of techniques. The most studied mechanism of stimulation of acupuncture points employs penetration of the skin by thin, solid, metallic needles, which are manipulated manually or by electric stimulation. The majority of comments in this report are based on data that came from such studies. Stimulation of these areas by moxibustion, pressure, heat, and lasers is used in acupuncture practice, but due to the paucity of studies, these techniques are more difficult to evaluate. Thus, there are a variety of approaches to diagnosis and treatment in American acupuncture that incorporate medical traditions from China, Japan, Korea, and other countries.

Acupuncture has been used by millions of American patients and performed by thousands of physicians, dentists, acupuncturists, and other practitioners for relief or prevention of pain and for a variety of health conditions. After reviewing the existing body of knowledge, the U.S. Food and Drug Administration recently removed acupuncture needles from the category of "experimental medical devices" and now regulates them just as it does other devices, such as surgical scalpels and hypodermic syringes, under good manufacturing practices and single-use standards of sterility.

Over the years, the National Institutes of Health (NIH) has funded a variety of research projects on acupuncture, including studies on the mechanisms by which acupuncture may have its effects, as well as clinical trials and other studies. There is also a considerable body of international literature on the risks and benefits of acupuncture, and the World Health Organization lists a variety of medical conditions that may benefit from the use of acupuncture or moxibustion. Such applications include prevention and treatment of nausea and vomiting; treatment of pain and addictions to alcohol, tobacco, and other drugs; treatment of pulmonary problems such as asthma and bronchitis; and rehabilitation from neurological damage such as that caused by stroke.

To address important issues regarding acupuncture, the NIH Office of Alternative Medicine and the NIH Office of Medical Applications of Research organized a 2½-day conference to evaluate the scientific and medical data on the uses, risks, and benefits of acupuncture procedures for a variety of conditions. Cosponsors of the conference were the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Institute of Allergy and Infectious Diseases, and National Institute of Arthritis and Musculoskeletal and Skin Diseases, the National Institute of Dental Research, the National Institute on Drug Abuse, and the Office of Research on Women's Health and the NIH. The conference brought together national and international experts in the fields of acupuncture, pain, psychology, psychiatry, physical medicine and rehabilitation, drug abuse, family practice, internal medicine, health policy, epidemiology, statistics, physiology, and biophysics, as well as representatives from the public.

After 1½ days of available presentation and audience discussion, an independent, non-Federal consensus panel weighed the scientific evidence and wrote a draft statement that was presented to the audience on the third day. The consensus statement addressed the following key questions:

What is the efficacy of acupuncture, compared with placebo or sham acupuncture, in the conditions for which sufficient data are available to evaluate?

What is the place of acupuncture in the treatment of various conditions for which sufficient data are available, in comparison with or in combination with other interventions (including no intervention)?

What is known about the biological effects of acupuncture that helps us understand how it works?

What issues need to be addressed so that acupuncture may be appropriately incorporated into today's health care system?

What are the directions for future research?

The primary sponsors of this meeting were the National Human Genome Research Institute and the NIH Office of Medical Applications of Research. The conference was cosponsored by the National Institute of Diabetes and Digestive and Kidney Diseases; the National Heart, Lung, and Blood Institute, the National Institute of Child Health and Human Development, the NIH Office of Rare Diseases; the National Institute of Mental Health; the National Institute of Nursing Research; the NIH Office of Research on Women's Health; the Agency for Health Care Policy and Research; and the Centers for Disease Control and Prevention.

1. What is the efficacy of acupuncture, compared with placebo or sham acupuncture, in the conditions for which sufficient data are available to evaluate?

Acupuncture is a complex intervention that may vary for different patients with similar chief complaints. The number and length of treatments and the specific points used may vary among individuals and during the course of treatment. Given this reality, it is perhaps encouraging that there exist a number of studies of sufficient quality to assess the efficacy of acupuncture for certain conditions.

According to contemporary research standards, there is a paucity of high-quality research assessing efficacy of acupuncture compared with placebo or sham acupuncture. The vast majority of papers studying acupuncture in the biomedical literature consist of case reports, case series, or intervention studies with designs inadequate to assess efficacy.

This discussion of efficacy refers to needle acupuncture (manual or electroacupuncture) because the published research is primarily on needle acupuncture and often does not encompass the full breadth of acupuncture techniques and practices. The controlled trials usually have only involved adults and did not involve long-term (i.e., years) acupuncture treatment.

Efficacy of a treatment assesses the differential effect of a treatment when compared with placebo or another treatment modality using a double-blind controlled trial and a rigidly defined protocol. Papers should describe enrollment procedures, eligibility criteria, description of the clinical characteristics of the subjects, methods for diagnosis, and a description of the protocol (i.e., randomization method, specific definition of treatment, and control conditions, including length of treatment, and number of acupuncture sessions). Optimal trials should also use standardized outcomes and appropriate statistical analyses. This assessment of efficacy focuses on high-quality trials comparing acupuncture with sham acupuncture or placebo.

Response rate

As with other interventions, some individuals are poor responders to specific acupuncture protocols. Both animal and human laboratory and clinical experience suggest that the majority of subjects respond to acupuncture, with a minority not responding. Some of the clinical research outcomes, however, suggest that a larger percentage may not respond. The reason for this paradox is unclear and may reflect the current state of the research.

Efficacy for specific disorders

There is clear evidence that needle acupuncture is efficacious for adult post-operative and chemotherapy nausea and vomiting and probably for the nausea of pregnancy.

Much of the research is on various pain problems. There is evidence of efficacy for postoperative dental pain. There are reasonable studies (although sometimes only single studies) showing relief of pain with acupuncture on diverse pain conditions such as menstrual cramps, tennis elbow, and

fibromyalgia. This suggests that acupuncture may have a more general effect on pain. However, there are also studies that do not find efficacy for acupuncture in pain.

There is evidence that acupuncture does not demonstrate efficacy for cessation of smoking and may not be efficacious for some other conditions.

While many other conditions have received some attention in the literature and, in fact, the research suggests some exciting potential areas for the use of acupuncture, the quality or quantity of the research evidence is not sufficient to provide firm evidence of efficacy at this time.

Sham acupuncture

A commonly used control group is sham acupuncture, using techniques that are not intended to stimulate known acupuncture points. However, there is disagreement on correct needle placement. Also, particularly in the studies of pain, sham acupuncture often seems to have either intermediate effects between the placebo and Ôreal' acupuncture points or effects similar to those of the Ôreal' acupuncture points. Placement of a needle in any position elicits a biological response that complicates the interpretation of studies involving sham acupuncture. Thus, there is substantial controversy over the use of sham acupuncture as control groups. This may be less of a problem in studies not involving pain.

2. What is the place of acupuncture in the treatment of various conditions for which sufficient data are available, in comparison with or in combination with other interventions (including no intervention)?

Assessing the usefulness of a medical intervention in practice differs from assessing formal efficacy. In conventional practice, clinicians make decisions based on the characteristics of the patient, clinical experience, potential for harm, and information from colleagues and the medical literature. In addition, when more than one treatment is possible, the clinician may make the choice taking into account the patient's preferences. While it is often thought that there is substantial research evidence to support conventional medical practices, this is frequently not that case. This does not mean that these treatments are ineffective. The data in support of acupuncture are as strong as those for many accepted Western medical therapies.

One of the advantages of acupuncture is that the incidence of adverse effects is substantially lower than that of many drugs or other accepted medical procedures used for the same conditions. As an example, musculoskeletal conditions, such as fibromyalgia, myofascial pain, and "tennis elbow," or epicondylitis, are conditions for which acupuncture may be beneficial. These painful conditions are often treated with, among other things, anti-inflammatory medications (aspirin, ibuprofen, etc.) or with steroid injections. Both medical interventions have a potential for deleterious side effects, but are still widely used, and are considered acceptable treatment. The evidence supporting these therapies is no better than that for acupuncture.

In addition, ample clinical experience, supported by some research data, suggests that acupuncture may be a reasonable option for a number of clinical conditions. Examples are postoperative pain and myofascial and low back pain. Examples of disorders for which the research evidence is less convincing but for which there are some positive clinical reports including addiction, stroke rehabilitation, carpal tunnel syndrome, osteoarthritis, and headache. Acupuncture treatment for many conditions such as asthma, addiction, or smoking cessation should be part of a comprehensive management program.

Many other conditions have been treated by acupuncture, the World Health Organization, for example, has listed more than 40 for which the technique may be indicated.

3. What is known about the biological effects of acupuncture that helps us understand how it works?

Many studies in animals and humans have demonstrated that acupuncture can cause multiple biological responses. These responses can occur locally, i.e., at or close to the site of application, or at a distance, mediated mainly by sensory neurons to many structures within the central nervous system. This can lead to activation of pathways affecting various physiological systems in the brain as well as in the periphery. A focus of attention has been the role of endogenous opioids in acupuncture analgesia. Considerable evidence supports the claim that opioid peptides are released during acupuncture and that the analgesic effects of acupuncture are at least partially explained by their actions. That opioid antagonists such as naloxone reverse the analgesic effects of acupuncture further strengthens this hypothesis. Stimulation by acupuncture may also activate the hypothalamus and the pituitary gland, resulting in a broad spectrum of systemic effects. Alteration in the secretion of neurotransmitters and neurohormones and changes in the regulation of blood flow, both centrally and peripherally, have been documented. There is also evidence that there are alterations in immune functions produced by acupuncture. Which of these and other physiological changes mediate clinical effects is a present unclear.

Despite considerable efforts to understand the anatomy and physiology of the "acupuncture points," the definition and characterization of these points remains controversial. Even more elusive is the scientific basis of some of the key traditional Eastern medical concepts such as the circulation of Qi, the meridian system, and the five phases theory, which are difficult to reconcile with contemporary biomedical information but continue to play an important role in the evaluation of patients and the formulation of treatment in acupuncture.

Some of the biological effects of acupuncture have also been observed when "sham" acupuncture points are stimulated, highlighting the importance of defining appropriate control groups in assessing biological changes purported to be due to acupuncture. Such findings raise questions regarding the specificity of these biological changes. In addition, similar biological alterations including the release of endogenous opioids and changes in blood pressure have been observed after painful stimuli, vigorous exercise, and/or relaxation training; it is at present unclear to what extent acupuncture shares similar biological mechanisms.

It should be noted also that for any therapeutic intervention, including acupuncture, the so-called "non-specific" effects account for a substantial proportion of its effectiveness, and thus should not be casually discounted. Many factors may profoundly determine therapeutic outcome including the quality of the relationship between the clinician and the patient, the degree of trust, the expectations of the patient, the compatibility of the backgrounds and belief systems of the clinician and the patient, as well as a myriad of factors that together define the therapeutic milieu.

Although much remains unknown regarding the mechanism(s) that might mediate the therapeutic effect of acupuncture, the panel is encouraged that a number of significant acupuncture-related biological changes can be identified and carefully delineated. Further research in this direction not only is important for elucidating the phenomena associated with acupuncture, but also has the potential for exploring new pathways in human physiology not previously examined in a systematic manner.

4. What issues need to be addressed so that acupuncture may be appropriately incorporated into today's health care system?

The integration of acupuncture into today's health care system will be facilitated by a better understanding among providers of the language and practices of both the Eastern and Western health care communities. Acupuncture focuses on a holistic, energy-based approach to the patient rather than a disease-oriented diagnostic and treatment model.

An important factor for the integration of acupuncture into the health care system is the training and credentialing of acupuncture practitioners by the appropriate state agencies. This is necessary to allow the public and other health practitioners to identify qualified acupuncture practitioners. The acupuncture educational community has made substantial progress in this area and is encouraged to continue along this path. Educational standards have been established for training of physician and non-physician acupuncturists. Many acupuncture educational programs are accredited by an agency that is recognized by the U.S. Department of Education. A national credentialing agency exists that is recognized by some of the major professional acupuncture organizations and provides examinations for entry-level competency in the field.

A majority of States provide licensure or registration for acupuncture practitioners. Because some acupuncture practitioners have limited English proficiency, credentialing and licensing examinations should be provided in languages other than English where necessary. There is variation in the titles that are conferred through these processes, and the requirements to obtain licensure vary widely. The scope of practice allowed under these State requirements varies as well. While States have the individual prerogative to set standards for licensing professions, harmonization in these areas will provide greater confidence in the qualifications of acupuncture practitioners. For example, not all States recognize the same credentialing examination, thus making reciprocity difficult.

The occurrence of adverse events in the practice of acupuncture has been documented to be extremely low. However, these events have occurred in rare occasions, some of which are life threatening (e.g., pneumothorax). Therefore, appropriate safeguards for the protection of patients and consumers need to be in place. Patients should be fully informed of their treatment options, expected prognosis, relative risk, and safety practices to minimize these risks prior to their receipt of acupuncture. This information must be provided in a manner that is linguistically and culturally appropriate to the patient. Use of acupuncture needles should always follow FDA regulations, including use of sterile, single-use needles. It is noted that these practices are already being done by many acupuncture practitioners; however, these practices should be uniform. Recourse for patient grievance and

professional censure are provided through credentialing and licensing procedures and are available through appropriate State jurisdictions.

It has been reported that more than 1 million Americans currently receive acupuncture each year. Continued access to qualified acupuncture professionals for appropriate conditions should be ensured. Because many individuals seek health care treatment from both acupuncturists and physicians, communication between these providers should be strengthened and improved. If a patient is under the care of an acupuncturist and a physician, both practitioners should be informed. Care should be taken so that important medical problems are not overlooked. Patients and providers have a responsibility to facilitate this communication.

There is evidence that some patients have limited access to acupuncture services because of inability to pay. Insurance companies can decrease or remove financial barriers to access depending on their willingness to provide coverage for appropriate acupuncture services. An increasing number of insurance companies are either considering this possibility or now provide coverage for acupuncture services. Where there are State health insurance plans, and for populations served by Medicare or Medicaid, expansion of coverage to include appropriate acupuncture services would also help remove financial barriers to access.

As acupuncture is incorporated into today's health care system, and further research clarifies the role of acupuncture for various health conditions, it is expected that dissemination of this information to health care practitioners, insurance providers, policymakers, and the general public will lead to more informed decisions in regard to the appropriate use of acupuncture.

5. What are the directions for future research?

The incorporation of any new clinical intervention into accepted practice faces more scrutiny now than ever before. The demands of evidence-based medicine, outcomes research, managed care systems of health care delivery, and a plethora of therapeutic choices makes the acceptance of new treatments an arduous process. The difficulties are accentuated when the treatment is based on theories unfamiliar to Western medicine and its practitioners. It is important, therefore, that the evaluation of acupuncture for the treatment of specific conditions be carried out carefully, using designs which can withstand rigorous scrutiny. In order to further the evaluation of the role of acupuncture in the management of various conditions, the following general areas for future research are suggested.

What are the demographics and patterns of use of acupuncture in the U.S. and other countries?

There is currently limited information on basic questions such as who uses acupuncture, for what indications is acupuncture most commonly sought, what variations in experience and techniques used exist among acupuncture practitioners, and whether there are differences in these patterns by geography or ethnic group. Descriptive epidemiologic studies can provide insight into these and other questions. This information can in turn be used to guide future research and to identify areas of greatest public health concern.

Can the efficacy of acupuncture for various conditions for which it is used or for which it shows promise be demonstrated?

Relatively few high-quality, randomized, controlled trials have been published on the effects of acupuncture. Such studies should be designed in a rigorous manner to allow evaluation of the effectiveness of acupuncture. Such studies should include experienced acupuncture practitioners in order to design and deliver appropriate interventions. Emphasis should be placed on studies that examine acupuncture as used in clinical practice, and that respect the theoretical basis for acupuncture therapy.

Although randomized controlled trials provide a strong basis for inferring causality, other study designs such as used in clinical epidemiology or outcomes research can also provide important insights regarding the usefulness of acupuncture for various conditions. There have been few such studies in the acupuncture literature.

Do different theoretical bases for acupuncture result in different treatment outcomes?

Competing theoretical orientations (e.g., Chinese, Japanese, French) currently exist that might predict divergent therapeutic approaches (i.e., the use of different acupuncture points). Research projects should be designed to assess the relative merit of these divergent approaches, as well to compare these systems with treatment programs using fixed acupuncture points.

In order to fully assess the efficacy of acupuncture, studies should be designed to examine not only fixed acupuncture points, but also the Eastern medical systems that provide the foundation for acupuncture therapy, including the choice of points. In addition to assessing the effect of acupuncture in context, this would also provide the opportunity to determine if Eastern medical theories predict more effective acupuncture points, as well as to examine the relative utility of competing systems (e.g., Chinese vs. Japanese vs. French) for such purposes.

What areas of public policy research can provide guidance for the integration of acupuncture into today's health care system?

The incorporation of acupuncture as a treatment raises numerous questions of public policy. These include issues of access, cost-effectiveness, reimbursement by State, Federal, and private payors, and training, licensure, and accreditation. These public policy issues must be founded on quality epidemiologic and demographic data and effectiveness research.

Can further insight into the biological basis for acupuncture be gained?

Mechanisms which provide a Western scientific explanation for some of the effects of acupuncture are beginning to emerge. This is encouraging, and may provide novel insights into neural, endocrine and other physiological processes. Research should be supported to provide a better understanding of the mechanisms involved, and such research may lead to improvements in treatment.

Does an organized energetic system exist in the human body that has clinical applications?

Although biochemical and physiologic studies have provided insight into some of the biologic effects of acupuncture, acupuncture practice is based on a very different model of energy balance. This theory may provide new insights to medical research that may further elucidate the basis for acupuncture.

How do the approaches and answers to these questions differ among populations that have used acupuncture as a part of its healing tradition for centuries, compared to populations that have only recently begun to incorporate acupuncture into health care?

CONCLUSIONS AND RECOMMENDATIONS

Acupuncture as a therapeutic interventions is widely practiced in the United States. There have been many studies of its potential usefulness. However, many of these studies provide equivocal results because of design, sample size, and other factors. The issue is further complicated by inherent difficulties in the use of appropriate controls, such as placebo and sham acupuncture groups.

However, promising results have emerged, for example, efficacy of acupuncture in adult post-operative and chemotherapy nausea and vomiting and in post-operative dental pain. There are other situations such as addiction, stroke rehabilitation, headache, menstrual cramps, tennis elbow, fibromyalgia myofascial pain, osteoarthritis, low back pain, carpal tunnel syndrome, and asthma where acupuncture may be useful as an adjunct treatment or an acceptable alternative or be included in a comprehensive management program. Further research is likely to uncover additional areas where acupuncture interventions will be useful.

Findings from basic research have begun to elucidate the mechanisms of action of acupuncture, including the release of opioids and other peptides in the central nervous system and the periphery and changes in neuroendocrine function. Although much needs to be accomplished, the emergence of plausible mechanisms for the therapeutic effects of acupuncture is encouraging.

The introduction of acupuncture into the choice of treatment modalities that are readily available to the public is in its early stages. Issues of training, licensure, and reimbursement remain to be clarified. There is sufficient evidence, however, of its potential value to conventional medicine to encourage further studies.

There is sufficient evidence of acupuncture's value to expand its use into correctional medicine and to encourage further studies of its physiology and clinical value.

Mr. HARKIN. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I would like to take this opportunity to respond to my friends, the Senators from Vermont, Mr. LEAHY and Mr. JEFFORDS, who just spoke with regard to a recent decision by the Federal District Court of Minnesota. It also gives me an opportunity to not only present a different perspective on that ruling, but to also hail the ruling, which is the first ray of hope that the dairy farmers in the upper Midwest, and in particular the farmers in my home State of Wisconsin, have had for a very, very long time.

I think the judge in this case ruled correctly. In the Minnesota Milk Producers versus Dan Glickman, Secretary of the U.S. Department of Agriculture, Federal Judge David Doty finally said what Wisconsin dairy farmers have long known is the case, and that is that the current Federal milk marketing order system is outdated and is, in fact, illegal, given the realities of our national dairy market today. This system was set up some 60 years ago, because at that time it was not always possible for consumers in other parts of the country, particularly the South and the Southeast, to get fresh milk

because of inadequate refrigeration and transportation technology. So this system was set up on the basis of how far a farmer lived from Eau Claire, WI—the supposed reserve supply of milk in the United States. In other words, the closer a farmer lived to Eau Claire, WI, the less he got as an add-on for his class I fluid milk. The system worked, and it certainly provided the needed fresh milk for virtually every marketing order in the country east of the Rocky Mountains.

Times have changed. During the past 60 years these areas, such as the Northeastern, Southwestern and Southcentral regions of the United States, are now able to produce enough milk to provide for their fluid milk needs and then some. Yet there is still a gross discrepancy between what a dairy farmer gets, let's say in Texas or Vermont, for his or her class I milk, and what a farmer in Wisconsin gets for the same type of milk. For example, farmers in Wisconsin may receive $1.20 per hundredweight in addition to the base price for milk, but in other regions more distant from Wisconsin, dairy farmers might receive $2 or $3 or even $4 more than Wisconsin farmers.

These are very serious disparities and these differentials have led to an extremely unfair situation to the dairy farmers in the upper Midwest. The decision by the district court this week finally says, "Enough is enough." It takes note, in effect, of the fact that in the last 17 years, Wisconsin alone has gone from having 45,000 dairy farms to less than 25,000. We have lost over 1,000 dairy farms per year each year. And when upper Midwest dairy farmers talk about all of the problems facing their industry, the complaint that arises most often is the unfairness of the Federal milk marketing order system.

In contrast to what the two Senators from Vermont were saying—one of them actually indicated there had to be these disparities in order for milk to be supplied to consumers—the fact is, current market conditions and existing technologies no longer necessitate a system that prices milk based on distance from Eau Claire. In fact, in recent years, when our dairy farmers have tried to sell their milk in Chicago, have been beaten out of that market by milk from southcentral and southwestern producers. How can that be if these regions can't produce enough milk for their own needs in that area? Obviously, they can meet their needs and still afford to export milk to other regions because they are receiving a higher class I milk price. And the result is that this system subsidizes the farmers in the Southeast, Northeastern, and regions of the United States and provides them an unfair advantage and competitive advantage over our farmers in the upper Midwest. It has had a lot to do, in my view and the view of almost every farmer in Wisconsin, with the loss of so many of our dairy farms in our State.

It is ironic, at a time when the Federal Government, including Congress with the passage of the 1996 farm bill, has made it a policy to reduce Government pricing interference in agricultural markets, that it is still interfering in a very serious and detrimental way with a free and open national dairy market. This decision by the judge in the U.S. District Court of Minnesota—a Federal court—is an excellent decision. It is a decision that finally tells it like it is—and that is that there is no legitimate basis for these discriminatory class I price differentials which provide one farmer in the Northeastern part of the United States and another farmer in Texas far more for the same type of milk than the hard-working farmers in Wisconsin or Minnesota.

Mr. President, we in Wisconsin and the upper Midwest praise this court ruling. We believe it is an important, proper and very overdue decision. It gives us some hope that the remaining farmers in our State, in the upper Midwest, will be allowed to survive without the interference of an outdated and unfair system—in fact, as now indicated by the court, a system that is unlawful, given the changes in the dairy market and given the changes in the times.

Mr. President, this court decision was, at long last, the right one and I look forward to the positive consequences that can flow from it.

I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

NATIONAL DRUG POLICY

Mrs. FEINSTEIN. Mr. President, I rise this afternoon to commend and strongly support Gen. Barry McCaffrey, Director of the Office of National Drug Policy Control, in his call for increased funds for the drug interdiction effort. I have been one who has been most critical over the low priority effort that has been made to stop the flow of drugs into this country. The recent series in the Washington Post—I think it was five articles—pointed out that anywhere from 5 to 7 tons a day of heavy narcotics is flowing into our country.

General McCaffrey reports that he has been visiting at least four Cabinet Secretaries, including the Cabinet Secretary representing Defense, to really ask for moneys to increase the interdiction efforts with respect to hard narcotics.

I, who have criticized, must also be one who stands and supports this. Later today, Senator COVERDELL and I, and I hope the distinguished Senator from Iowa, Senator GRASSLEY, who has just come to the floor, will be joining in a letter to the Secretary, also indicating our support.

General McCaffrey insists that he cannot certify the Pentagon's requested budget for fiscal 1999 unless it includes $141 million in additional drug interdiction funding. I believe the general is right in taking this action. I urge the administration to support him.

While highlighting the fact that other Federal agencies have increased their counternarcotics spending at a faster rate, the general has asked that the Defense Department increase the amount it spends for the drug fight in four key areas.

The first is Andean coca reduction. He is asking for an increase of $75 million to carry on the drug fight in the Andes region, where American and local officials are working in cooperation to disrupt the cocaine export industry.

National Guard counterdrug operations—he is asking for an increase of $30 million to support antidrug activities of the National Guard that partially restores reductions incurred since 1993 in State plans funding, which include support for counterdrug activities along the border.

Third, he is asking for an increase of $12 million for a program to intercept traffickers in the Caribbean Basin, including southern Florida, Puerto Rico, the U.S. Virgin Islands, and the eastern Caribbean. This would implement commitments made by the President during the Caribbean summit in Barbados.

And he is asking for money for Mexican initiatives, an increase of $24 million to provide additional resources to reduce the flow of illicit drugs from Mexico and for a drug training program for Mexican officials so that they can locate and arrest drug traffickers and money launderers at the border.

The point that General McCaffrey makes, that I think is so important, is although the domestic funding of domestic agencies to fight drugs has gone up, the Defense Department funding, which is really the interdiction funding—the air surveillance, the radar, the trafficking, those things that are going into really cutting off the flow of narcotics—has gone down by 2 percent this year. If you look at a chart of its decline over a period of years you will see where it went up to a high in 1992, came dramatically down by 1994, and has remained virtually flat, even declining some more, between 1995 and 1999. So the current DOD budget is only 1.3 percent higher than fiscal year 1990.

We were told we have 5 to 7 tons of cocaine and hard narcotics coming in over our border a day. And yet, the DOD budget is only 1.3 percent higher in these areas than it was in 1990. That is less than a single year of inflation.

So, I think the head of this Office of Drug Control has a very, very good

point in asking for this money and, frankly, for really putting his foot down. Many of us in the Senate have been after him to be more vigorous to stop the flow of narcotics: "Why don't you do something about it? Why don't you see that the air and sea and land interdiction is beefed up?" He can't do that without the resources to do it.

Mr. President, I happen to believe in terms of the appropriateness of it being in the Defense Department budget, that there is no threat to America's national security equal to the threat of drugs. Tens of thousands of people are killed in this country from drugs. Hundreds of thousands of lives in this country are ruined by drugs. It is largely responsible today for the crime rate in virtually every community throughout this Nation. It is a driving force and a central drawing card for the gang movement in the United States and its spread across State lines.

The cartels have flourished because of it, and with it has come some of the most violent actions which anyone can possibly conceive: prosecutors killed, attorneys threatened. Just today, if you pick up the newspaper, you will see one of the cartel leaders, Amado Carrillo Fuentes, who underwent plastic surgery. The doctors who performed that surgery disappeared. Their bodies were just found. Their fingernails had been pulled out. Their bodies were covered with burns. The garrote still remained around their neck. And this is everyday action surrounding drugs, the movement of drugs and the activities of the five big Mexican cartels.

All of this has created increased and, I think, unnecessary tensions between two countries, neighboring countries—the United States and Mexico—who should be good friends and working together. We can't work together without the resources to carry out the job well. No nation today, again, presents the threat to this Nation's national security as does the heavy flow of narcotics into this country.

So I am very proud, and Senator COVERDELL and I will be issuing a joint press statement indicating our strong support for this action. We want a standup drug czar. We want him to call it as he sees it. We want him to take forceful action wherever that action is needed.

I am proud to stand here representing one of the States that is impacted in a major way by drugs, to say both to the Secretary of Defense and to the President of the United States, "Please support the drug czar in his request for these additional moneys. They are necessary for him to do the job."

I thank the Chair, and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

EXTENSION OF MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that morning business be extended until 4 o'clock.

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

Mr. GRASSLEY. 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.

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

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

CONFIRMATION OF CHRISTINA SNYDER

Mrs. FEINSTEIN. Mr. President, I thank the Senate, in particular I thank the majority and minority leaders for the agreement that allowed the confirmation of Christina Snyder as a Federal district court judge to proceed. I think this body will be proud of Mrs. Snyder's work on the bench. I have a great deal of faith in her.

I thank the majority leader very much for scheduling this vote on the nomination of Christina Snyder. Mrs. Snyder is an excellent candidate, and I am delighted that the Senate will act today on her nomination.

Christina Snyder's nomination has been pending before the Senate since being reported by the Judiciary Committee on September 18, and the California district courts face an urgent need for additional judges on the bench.

I recommended Chris Snyder to the President, in January 1996, for appointment to the central district of California because I believe she is extremely well qualified for the position.

Christina Snyder is a highly respected lawyer in Los Angeles. She has more than 20 years of experience in the courtroom and served as a partner in three respected Los Angeles law firms.

She has focused her legal career on civil proceedings, where approximately 70 percent of her cases have been in the Federal courts.

Her practice has consisted of complex civil litigation, representing mostly defendants, including cases involving the Federal securities laws, civil RICO, antitrust, intellectual property, and the Lanham Act.

Christina's record for integrity and decisiveness has earned the respect of her peers, both Democrats and Republicans alike.

Chris Snyder has the support of professors, judges, and lawyers in the central district and throughout California.

Among her many supporters are such prominent Republican Los Angeles leaders as Mayor Richard Riordan, who noted his very high regard and enthusiastic support for her, and Sheriff Sherman Block.

As a testament to her high regard by her colleagues in the legal profession, Mrs. Snyder was nominated for membership to the prestigious American Law Institute. Membership in the organization is equally divided between lawyers, judges, and legal professors. It is indeed an honor to be elected to the organization and Mrs. Snyder was elected to the institute the very first time she was nominated, a noteworthy accomplishment.

Mrs. Snyder has also lectured on various subjects related to banking law and intellectual property law, and is currently coauthoring a treatise on the local rules of practice of the Federal courts in the State of California.

As an attorney for over 20 years, she has the experience and temperament to excel in this position.

I urge the Senate to confirm her nomination to the central district court.

Thank you, Mr. President. I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. I want to pick up on a thank you here about the fact that we were able to confirm today an outstanding candidate that Senator FEINSTEIN recommended to the President, Christine Snyder.

NOMINATION OF MARGARET MORROW

Mrs. BOXER. Mr. President, I personally say to Senators LOTT and DASCHLE an enormous thank you for working out an agreement by which we can vote on another extraordinary woman, Margaret Morrow, and make sure that vote will take place before the February break.

We have had one or two Senators who put anonymous holds on this nomination. I am happy to say they decided to come out and talk about why they don't feel it is a good nomination, because at least we know who is objecting to Margaret Morrow.

Those two Senators and I have spoken. We have written to each other extensively, and they have agreed that it is only fair that there be a vote on Margaret Morrow. She has the support of Senator HATCH. She has the support of many members of the Judiciary Committee on both sides of the aisle. Margaret Morrow will make a great judge. I think it is most unfortunate that she has to wait until February, but I feel that at least we have a commitment for a date certain that we will have a vote, and that will be before the February recess.

Again, I thank very much the majority leader, Senator LOTT, and the Democratic leader, Senator DASCHLE,

for working with me to make sure that this happens.

I think as we wind down, I have something to be very happy about, which is that we are going to have a vote on Margaret Morrow. I know when my colleagues see the strong bipartisan support she has in the State of California and in this U.S. Senate that she will win confirmation.

Thank you very much, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, I ask unanimous consent that I may have as much time as I require.

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

ORIGINS OF FAST TRACK

Mr. BYRD. Mr. President, I have followed the fast-track debate closely, and it is with some disappointment that I note the absence of any discussion of the constitutional and institutional framework that governs our country's approach to foreign trade. A proper understanding of that framework is essential if we are to have a productive, enlightened debate about fast track.

I am also convinced that some of fast track's most ardent admirers might find their ardor dimmed a little if they recognize the sordid truth about fast track.

Accordingly, I wish to speak, not overly long, about the illegitimate birth and disreputable pedigree of fast track. And I will attempt to unfold a decidedly unflattering but undeniably truthful account of how Presidential machinations and arrogance combined with congressional spinelessness to produce the monstrosity of fast track. They will learn that fast track is not about saving jobs or opening markets or building a bridge to the next century. Fast track, in a very considerable measure, is about *power*—raw, unfettered, Presidential power. And Mr. President, let me point out to any colleagues who doubt my reliability and objectivity in this regard that much of what I have to say is drawn from a recent article in the George Washington Journal of International Law and Economics, whose author appears favorably disposed to fast track.

I start by noting that the Constitution assigns Congress a major role in the regulation of foreign affairs. Contrary to popular opinion—and contrary to the beliefs of most Presidents—the executive branch does *not* possess sole authority over foreign affairs. Indeed, beyond the general statement in article II, section 1 that "[t]he executive Power shall be vested in a President of the United States of America," the Constitution contains only four provisions that grant the executive clear foreign relations authority.

Now, I carry in my shirt pocket a copy of the Constitution of the United States. Alexander the Great greatly admired the Iliad. And he carried with him a copy of the Iliad, a copy that Aristotle had carefully examined and refined somewhat. And it was called the "casket copy." Aristotle slept with this casket copy of the Iliad under his pillow. And along with the Iliad, there was a sword.

Now, Mr. President, I do not have a copy of the Constitution at night under my pillow, but I try to carry it at all times whether I am in West Virginia or whether I am here. I try to carry a copy of the Constitution in my shirt pocket. It is a copy of the Constitution that I have had for several years. It only cost 15 cents at the time I procured it from the Government Printing Office. Although the price has advanced now to probably about $1.50, $1.75, it is still the same Constitution.

We may have added one or two or three amendments to the Constitution since I first procured this copy. I have not stopped to check on that. But the Constitution itself has not changed in that time other than, as I say, some amendments have been added.

Would it surprise Senators to know that the Constitution contains only four provisions that grant the executive clear foreign relations authority? As one scholar has dryly observed, "the support these clauses offer the President is less than overwhelming." The clauses, all in article II, are these: the power to appoint ambassadors and to negotiate treaties, (section 2, clause 2), and both of these require the Senate's "Advice and Consent"; also the responsibility to receive ambassadors from foreign governments, (section 3); and the authority to command the Armed Forces in case Congress, through its responsibilities and powers under the Constitution, provides Armed Forces for the President to command, (section 2, clause 1). These narrow provisions provide a rather shaky foundation on which to build a case for the Executive's predominance over foreign affairs.

Congress, by contrast, is explicitly given substantial authority under the Constitution and in the Constitution over foreign affairs. While the Constitutional Convention saw a lot of debate about which branch was better qualified to make foreign policy, the document that was signed on September 17, 1787 gives us a clue as to which side won. Fully 11 of the powers granted to Congress in article I, section 8 involve foreign affairs. They include the powers: (1) "To regulate Commerce with foreign Nations" (clause 3); (2) "To lay and collect Taxes, Duties, Imposts and Excises" (clause 1); (3) "To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations" (clause 9); (4) "To declare War . . . and make Rules concerning Captures on Land and Water" (clause 11); (5) "To raise and support Armies" (clause 12); (6) "To provide and maintain a Navy" (clause 13); and (7) "To provide for organizing, arming, and disciplining, the Militia." (clause 16). When one throws into the mix Congress' power to make the law—section 1, article 1—and its control over spending and appropriations in section 9, one conclusion is inescapable, namely: Congress' authority over foreign affairs is formidable.

Despite the Constitution's clear language, however, the history of this country has seen the executive branch assume control over increasingly large swathes of foreign affairs power, while Congress has occasionally taken back a scrap or two or a crumb or so for itself. It is now almost axiomatic that the President is sole representative of the United States before foreign nations. This is the culmination of a process that began in the earliest days of the Republic, when Congress met infrequently, giving the President effective day-to-day power over foreign affairs; the process has since accelerated with the advent of modern media—particularly television—which provide the President with a singularly powerful forum in which to make his case on matters of foreign policy.

While the executive branch has assumed general authority over foreign affairs, for a long time Congress made sure that its power over foreign trade remained on the eastern end—on the eastern end—of Pennsylvania Avenue. After all, the Constitution is clear on this point: Congress has sole authority over trade. Two of the article I clauses as I just cited deals squarely with that issue, and they are conclusive, namely: Congress must "regulate Commerce," it has the power to "regulate Commerce with foreign Nations" and has the power to "lay and collect . . . Duties, Imposts and Excises."

For much of this Nation's history, there was little tension between the legislative and executive branches over trade regulation, unlike other areas of foreign policy, such as the use of military force.

As I have said on earlier occasions, for the first 150 years or so of its existence, Congress exercised broad control over foreign trade and tariffs. Starting in 1934, however, Congress decided that it no longer wished to unilaterally exercise its power to set tariffs. Accordingly, Congress delegated to the President in the Reciprocal Trade Agreements Act of 1934 the authority to negotiate tariff agreements and to proclaim changes in tariff rates, within

certain boundaries set by Congress. This so-called "Proclamation Authority" was periodically renewed, typically for brief periods of around 3 years.

It did not take Congress long to decide that it had given away—that it had delegated—too much trade negotiating authority. The result was the Trade Expansion Act of 1962 which, among other things, created the Office of the Special Representative for Trade Negotiations; required that multilateral trade negotiations include designated members of the Senate Finance Committee and the House Ways and Means Committee; and prevented the President from negotiating certain tariff reductions designated by the Tariff Commission.

Congress soon discovered that the Trade Expansion Act was not enough to rein in a newly emboldened executive branch, which set about seizing as much control over foreign trade as it could get away with—and then some. The first shoe to fall was the United States-Canada Automotive Products Agreement of 1965, which the administration secretly negotiated for over a year without so much as notifying Congress. When President Johnson sent the Agreement to Congress for approval, presenting it as a *fait accompli* which needed only a legislative rubber stamp, a number of my colleagues were disconcerted at what they viewed as his high-handedness. Many resented the President's usurpation of Congress' rightful role in trade matters. And I suspect that many others wish that they had then stood up for congressional prerogatives rather than permitting the Executive to accumulate still broader powers over trade. Instead, members adopted a course of conciliation and appeasement; they should have known, as history so often reminds us, that nothing, nothing, whets the appetite for power so much as a tender morsel of the substance.

The other shoe dangled briefly before falling to the floor with a resounding crash a few years later. This time, the issue was the 1964–67 Kennedy Round of the General Agreement on Tariffs and Trade, or GATT. At the time, tariffs were relatively low, which meant that more attention was focused on nontariff barriers. This posed a problem for congressional oversight. After all, while tariff changes could be restricted within a designated range of percentage rates, it was much more difficult to provide precise limits on the negotiation of nontariff barriers. During the second session of the 89th Congress the Senate therefore adopted a concurrent resolution, S. Con. Res. 100, "urging the President to instruct U.S. negotiators in Geneva to bargain only on provisions authorized in the Trade Expansion Act of 1962."

Now, what was the President's response to this clear, explicit instruction from the Senate? As best I can determine, the President simply cast those directions aside, for he promptly entered into two nontariff barrier agreements that the 1962 act had not authorized. One of these agreements was an antidumping code, for which President Johnson claimed "sole executive agreement authority." I was a Member of the Senate back then, and let me assure you that we did not look kindly on the President's blatant refusal to follow our instructions or those of the Constitution. Our response was to state unequivocally that the President's agreement did not supersede domestic law or limit the Tariff Commission's statutory discretion to implement the antidumping laws. Congress made clear that the President's antidumping agreement would be followed only in cases where it did not conflict with standing law; and Congress reiterated that no President—not even that master arm-twister, Lyndon Baines Johnson—could encroach upon Congress' power to make the laws.

The second nontariff agreement that President Johnson entered into without congressional authorization was the repeal of the American Selling Price method of customs valuation. Once again, the President asserted his authority to make—or, in this case, to repeal—the laws. It is just what we are seeing happen in the case of line-item veto. Congress has given the President the authority to repeal laws. Shame, shame on Congress. Once again, and to its everlasting credit, Congress stood firm. We condemned President Johnson's refusal to heed the Senate's instructions and we rejected his outrageous belief that "executive authority" allowed him to make trade agreements that changed U.S. domestic law! Few scholars, today, of course, would agree with the President's position, but the matter was less clearly defined then. And, Mr. President, I for one am relieved that Congress stood fast in defense of its constitutional powers. I wish it would wake up one day and read history and read the Constitution again.

The battle was not over, however. President Nixon continued his predecessor's attempts to usurp Congress' trade authority, though this time by persuasion rather than by intimidation. The different tactics of Presidents Johnson and Nixon towards the same goal may say a lot about their respective personalities and presidencies. President Johnson had launched a frontal attack upon Congress, relying on brute force and his own, ample powers of persuasion to intimidate the legislature into granting him greater trade power. Nixon, however, took a different tack; rather than storming the barricades of Congress, he tried to convince us to open the gates to him.

The President made a powerful pitch for Congress granting him the ability to unilaterally change domestic law. He declared, with a fervor that subsequent fast track supporters have echoed, that the ability of the country to enter into trade agreements hung in the balance. The future of the United States itself was in jeopardy *unless* Congress would delegate to him—you will be hearing the same thing today; the United States was in jeopardy unless Congress would delegate to him—the authority to proclaim all changes to U.S. law necessitated by a trade agreement. Now, how prosperous. I will not dwell on the obvious constitutional infirmities of Nixon's proposal; suffice it to say that giving the President the power to proclaim changes to U.S. law might have raised a few eyebrows at the Constitutional Convention! Don't you think so? It might have raised a few eyebrows up there with that illustrious group of men that included James Madison, Hamilton, Elbridge Gerry, and others. You would have seen some eyebrows going up and down. Our Constitution's framers knew full well that lawmaking by Executive fiat is the very definition of tyranny.

I wish that this story of the executive branch's attempt to seize the powers of the legislative had a happier ending; one of the sad truths known to all historians is that, in real life, the endings are so often confused or disappointing. President Nixon did not, of course, win the authority to proclaim changes to domestic law. However, he did succeed in pressuring Congress to grant him the authority to negotiate certain trade agreements which Congress might neither amend nor debate extensively: what we now simply call "fast track." The President's invocation of the national interest, and the fears he raised that, without fast track—and we are hearing the same siren call today—he would be unable to implement an effective trade policy for the United States, and it won the day. In a moment of weakness—and Congress has had its moments of weakness, as in this instance—Congress allowed itself to be seduced by the President's rhetoric and his appeal to patriotic duty; and a short time later, lo and behold, fast track was born.

Well, today, Mr. President, history appears to be repeating itself. Once again, the air is filled with the dire, somber predictions about what will happen if fast track is not approved. I read that there are all kinds of trading, all kinds of promises being made, and we are seeing arms twisted out of shape—no bones broken, you understand, but just arms being twisted. Once again, we have a President who appeals to national interest and insists that he will be unable to negotiate trade agreements without fast track. Once again, Members have ears that cannot hear and eyes that cannot see. Once again, we have a Congress that appears overawed by Executive authority and unwilling to assert its rightful

role in regulating trade—in fact, a Congress that is quite willing, perhaps happy, as was the Roman senate in that case, to hand off another of its duties to a dictator or to an emperor—in our case, happy to hand off another of its constitutional duties to the Executive.

I am sure that most of the viewing public must wonder why any elected official would willingly give up some of the power of the people, the power that, under the Constitution, is to be exercised by elected representatives of the people. Power, after all, they must imagine, is what politicians crave most.

Oh, that we could review again the story of Lucius Quinctius Cincinnatus, who in the year 458 B.C. was called upon by a delegation from the Roman senate. And upon inquiring why this delegation had come to him to interrupt his plowing of his small farm of three acres alongside the Tiber River, he was informed that the senate had decided to thrust upon him the power of a dictator so that he could rid Rome of the threat of certain tribes to the east, the Aequians. And being the loyal patriot that he was, Cincinnatus turned to his wife Racilia and said, "We may not have enough food to live on this winter because we won't be able to sow our fields." Nevertheless, he wiped his perspiring forehead, took on the regalia of a dictator, and loyally assumed the responsibilities and duties that the Roman senate had placed upon him. He rid the city of Rome of the threats, and he relieved the Roman legions that were being surrounded by the armies of the tribes to the east. Within 16 days, he had accomplished this mission. And he turned back the powers of dictatorship.

So there was the old-fashioned model of simplicity, the old-fashioned model of one who did not seek power, who did not want power. He did not want the power thrust upon him, but he willingly gave up this power.

So, today, the people of the United States, I am sure, feel that power is what politicians most crave. Isn't it the thirst for power that causes politicians to chase campaign money like a hound on the scent of a fox? Isn't it power that opens doors, rolls out red carpets, and serves up free food and drink? Isn't it really power, more often than character, that invites the respect of others? So how can the public possibly accept the notion that Congress is actually giving up some of its power—its constitutional power—through fast track?

Now, I am not claiming that the fast track legislation is unconstitutional; I am simply saying that the Congress is willingly giving up much of its power under the Constitution through fast track—not only giving it up, but saying: here it is, take it, relieve me of it.

Perhaps, in this age of television, in which the 30-second sound bite is preferable to a complete and meaningful discussion of issues, some politicians have come to the realization that it is easy, perhaps preferable, to retain the illusion of power, without actually having to be saddled with any of the burdensome responsibility that comes with true power. They would rather not have it because it carries with it responsibilities.

Think about that. If we give up the power of Congress, we no longer have to take the heat for bad decisions, do we? We can just point the finger. We can take those letters from angry constituents and say, "Sorry, not me. It is not my fault. Blame the President. That is his power now. He did that."

How much nicer will our reelection campaigns be? Not having to run for 3 years, it would be much nicer for me, much easier for me, to say, "That wasn't my responsibility." What will our opponents be able to complain about? How can they possibly run negative ads against us when we have given all of our responsibility to somebody else?

I can see the campaign ads now. "Vote for me. I didn't do anything, but I sure looked good not doing it." And our opponents could retort, "Don't vote for him. I cannot attach any blame to him for anything, but he has big ears." So there we have it. If we hand over all of our powers, and thus all of our responsibilities, then we can't be blamed for anything. All we need to do is keep our hair well coiffed, buy fancy suits, have a nip here and a tuck there, keep a list of snappy sound bites in our pocket—that's all it will require to be an invincible political candidate.

Is this what we really want? Is this what the American public out there deserves? Certainly not. We were elected to do a job—to protect and defend the Constitution of the United States. Actually, we took an oath to support and defend the Constitution of the United States. How many of us have read it lately? We certainly are doing a sad job of it when we agree to bind ourselves to fast track and to lie prostrate, waiting for the executive caboose to rumble over us.

I said a few moments ago that history seemed to be repeating itself. And others have said that, and for good reason. Lord Byron said, "History with all its volumes vast hath but one page." Cicero said, "To be ignorant of that which occurred before you were born is to remain always a child."

So history is repeating itself. I wonder why that is. God created water and other things in the beginning. He created water, H_2O—two parts of hydrogen and one part of oxygen. And it hasn't changed. It is still the same. It is still H_2O. It is still two parts of hydrogen and one part oxygen. Well, human nature hasn't changed either from the beginning. It changed through Abel. Abel's blood cried out from the ground. Human nature hasn't changed. We are still a slave of it.

So history seems to be repeating itself because human nature hasn't changed. Today, I urge my colleagues to study history: Stand firm. Do not give up your constitutional responsibility. Do not rise to the bait offered by those who accuse you of protectionism; the cause of freer and fairer trade is not served by Congress abdicating its power. Do not be fooled into thinking that no country will negotiate with the world's foremost economic power because of concern about how that country's legislative branch conducts its debates; the foolishness of that argument should be self-evident. And don't allow the threats, cajolements, incentives, rewards, punishments or imprecations that the administration may cast your way; don't allow these to sway your decision. I hope that the House will stiffen—stiffen its opposition to fast track. It is time to resist the executive's encroachments on the prerogatives of Congress. It is time, Mr. President, for Congress to throw off its cloak of humility and deference and reverence for the executive and to assert its rightful constitutional role in the regulation of commerce with foreign nations.

Mr. President, recent polls have illustrated how ill-informed most Americans are about their Constitution. Oh, they like it, all right, but few of them can accurately answer or debate the questions about it. Even fewer, I would posit, understand how well and how carefully the Constitution balances the powers given to the three branches of Government—a balance constructed by the Founding Fathers as a defense against the evils of one-man rule. Our Founding Fathers wanted to escape the tyranny that a king can impose over a subservient and subjugated people. And that is why our forefathers fought the American Revolution. That is why lives were risked, and that is why lives were lost. Our Founding Fathers knew that every President would be tempted to amass power to himself, and they hoped that the combined strength of the elected representatives in Congress could check those power grabs.

Of course, there were those at the Convention who were concerned about the thirst of the legislative branch for power and how it might encroach on the powers of the President. But they could not foresee the day when we would have political parties. They could not foresee the day when the President of the United States would be the titular head of a political party; how he would command hundreds and thousands of patronage positions. They could not foresee the day when television would bring to the American people the news of the second—not the news of the minute, but the news of the second.

Isaiah, a great prophet, was right when he said:

Prepare ye the way of the Lord, make straight in the desert a highway for our God.

Every valley shall be exalted, and every mountain and hill shall be made low: and the crooked shall be made straight, and the rough places plain:

And the glory of the Lord shall be revealed, and all flesh shall see it together.

And that is true. Isn't television exalting the valleys and making low the mountains and the hills? Isn't all flesh seeing the glory of the Lord together?

There came a time when the clock struck and we had the underocean cable, the wireless telegraph, the telephone, the diesel motor train, the airplane—all of these things. And by all of these things, radio and television, the printing press—by all of these things, then, the glory of the Lord has been revealed in all of the globe. And Isaiah's prophecy has come true.

So, our Founding Fathers could not possibly have foreseen the time when Americans would have these wonderful inventions. And when the President would have, at the snap of his finger, all of the media in that White House gather around his bully pulpit. They could not foresee these things.

For the most part, this system has worked. And I hope and pray that it will continue to work. Thus, I say to my colleagues in the House and here: Stand firm. Hold fast, and together let us oppose this fast track to nowhere.

Mr. President, I yield the floor. 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. 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.

SENATOR BYRD'S 80TH BIRTHDAY

Mr. DASCHLE. Mr. President, on January 8, 1997, the Senate noted the beginning of Senator Robert C. BYRD's 51st year of public service to the people of West Virginia. On that occasion, I spoke of Senator BYRD's public record, of his service in both houses of the West Virginia State legislature, his service in both houses of the U.S. Congress, of the leadership positions he has held in the Senate, and of the remarkable seven consecutive terms to which he has been elected to represent the people of West Virginia as a U.S. Senator. I spoke of the public man, of the fascinating orator seen edifying Senators and C-SPAN audiences alike with his grasp of history and his love of the Constitution and of this body.

On November 20, Senator BYRD will mark another, more personal, anniversary. On November 20, Senator BYRD will celebrate the completion of his 80th year of life. To celebrate this event, along with his current and many of his former staff members, I want to share with this body and the world some of our reflections on the personal man, the side of Senator BYRD we see, respect, and honor every day.

If the heart of West Virginia is made of coal—that rich, compressed carbon of long-ago life that breathes fire to warm our homes and light our dark nights—then Senator BYRD is a diamond honed over time to be its purest, clearest core. Years of experience and study have cut many facets in his character, each adding a distinctive sparkle.

ROBERT C. BYRD never forgets the people of West Virginia. He cares, deeply, about living up to the trust and confidence that has been placed in him and about setting the best possible example for others that he can in his own life and behavior. He is a tireless worker. Many of his staff members can tell stories about leaving him in his office late at night, still working, and dragging themselves wearily in the next morning, only to be greeted by his chipper, "Good morning." His energy and drive have not lessened over the years. When added to his own natural bent for self-improvement, this tendency can make him a challenging man to work for, but trying to live up to this challenge has made every member of his staff a better and more committed employee.

Senator BYRD speaks often about the old values—about the importance of hard work, the love of family, respect for authority, loyalty to community and country, and about reverence for the Creator. He does not say these things because he believes they are popular or engaging—he talks about them because he believes in them and because he lives by these values. He keeps a King James Bible on his desk and often refers to its passages, seeking ancient wisdom to guide him through the mire of convoluted political issues and diverse viewpoints.

Senator BYRD does not take anything or anyone for granted. Being a Senator and working in the Capitol building has lost none of its importance and none of its magic for Senator BYRD. Often, when the Sun is setting behind the Washington Monument, he will invite his staff to look out the window and down the Mall, so that moment—that special vantage point and that sunset—would not be taken for granted.

To travel with Senator BYRD in West Virginia is to see up-close the tremendous respect and esteem in which he is held. Yet, his stature as a national statesman has not created a chasm between him and those he serves. On the contrary, all West Virginians feel as if they know him. And, not only do people feel they know him, many have a personal story to tell about him. They often comment on "the night he spent with our family," or when "he had dinner at our house," or when "he spoke at my commencement," or when "he helped my mother to get her widow's benefits after my dad died."

As he values each and every citizen of West Virginia, so does Senator BYRD value everyone who works for him—for themselves and for the job that they do for him and the people of West Virginia. He sets high standards, but he never asks more of anyone than he asks of himself. And, his drive is tempered by thoughtfulness.

He goes out of his way to smile, greet, and speak gently with everyone in his office. When personal or family tragedies strike, he is also there, offering support and encouragement, and living up to his belief that family must come first. Senator BYRD has seen members of his staff through cancer, the birth and death of children, the loss of parents, and all of life's best and worst experiences with characteristic kindness and understanding. In return, he has a loyal group of employees, who belie the common perception that staff turnover on Capitol Hill is frequent. His current staff combine for a total of over 4 centuries of experience in his service and in service to the Nation and the people of West Virginia, and his former staff remain close to him.

Working with Senator BYRD is an honor because he is a legendary figure even in his own time. He is larger than life, not only for the positions he has held and his accomplishments, but for his principles. On many occasions he has quoted Mark Twain: "Fame is vapor, popularity an accident, riches take wings' only one thing endures: character." He is a man of principle who is willing to stick to those principles, his experience, and his reason, with his eye always on the unforgiving pen of history and not on polls or interest group calls. He has taken some lonely stands, speaking candidly and thoughtfully about controversial nominations and treaties, and even calling for Senators to step down when their actions were detrimental to the institution of the Senate.

Senator BYRD's legacy to West Virginia is not one that will be measured solely in years of service, or in the number of offices held, or, even, as some might cynically suggest, in dollar signs. More than anyone or anything in memory, Robert C. BYRD has provided West Virginians with hope—hope of a better economy, hope that dreams of well-paying jobs and nice homes do not have to be hooked on the back of a bumper on a winding road leading out of State, hope that the way of life cherished among West Virginia's hills will survive and even flourish, to be passed on to future generations. He has made them feel proud—proud of their way of life, proud of their State and proud of him. There is a difference in West Virginia today that can be attributed to a

renewed feeling of hope and a sense of belief in the State that Senator BYRD has so unselfishly worked to fulfill.

As his 51st year of public service draws to a close, and the beginning of his 81st year dawns, we all offer our heartiest congratulations and best wishes to the man we have been honored to work with, and to learn from. To follow in his example, let us close with a quote, this one from Alexander Pope (1688–1744) in a letter to Mr. Addison, that captures Senator BYRD's essence:

Statesman, yet friend of truth! Of soul sincere,
In action faithful, and in honour clear;
Who broke no promise, served no private end,
Who gained no title, and who lost no friend.

Working for Senator BYRD is an honor and a privilege of which every member of his staff is mindful each day, and it is a blessing for which each one will always be grateful. The sign of a truly great man is how, by the example of his own daily living, in and out of the public's view, he touches and changes everyone around him for the better. Through him, his staff becomes part of a great and living institution, dedicated like Senator BYRD to the service of the Nation and of the great State of West Virginia.

Today, I join Senator BYRD's staff in wishing him a happy 80th birthday and happy 51st year of public service.

Mr. President, I ask unanimous consent that a list of Senator BYRD's staff, many of whom contributed greatly to this birthday wish, be printed in the RECORD.

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

Ann Adler
James Allen
Neyla Arnas
Alisa Bailey
Suzanne Bailey
Mary Bainbridge
Anne Barth
Sue Bayliss
Betsy Benitez
Elizabeth Blevins
Pat Braun
C. Richard D'Amato
Dionne Davies
Mary Dewald
Carol Dunn
Joan Drummond
Mary Edwards
Glenn Elliott
James English
Tina Evans
Elias Gabriel
Carolyn Giolito
Patrick Griffin
Scott Gudes
Kimberly Hatch
Marilyn Hill
Paulette Hodges
Cynthia Huber
Susan Huber
James Huggins
Gail John
Helen Kelly
Peter Kiefhaber
Charles Kinney
Carol Kiser
Kevin Kiser
Catherine Lark-Preston
Angela Lee
Kathleen Luelsdorff
Rebecca Roberts-Malamis
Sue Masica
Martin McBroom
Lane McIntosh
Martha Anne McIntosh
Nora Martin
Joseph Meadows
Carol Mitchell
Jennifer O'Keefe
Nancy Peoples
Richard Peters
David Pratt
Barbara Redd
Peter Rogoff
Terrance Sauvain
Melissa Wolford Shelk
Mary Jane Small
Elysa Smith
Terri Smith
Leslie Staples
Joe Stewart
Lesley Strauss
Brenda Teutsch
Lisa Videnieks
Jacquie Watkins
Julie Watkins
Paul Weinberger
B.G. Wright
Gail Stanley
Scott Bunton
Lula Davis
Melvin Dubee
Tom Fliter

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business will be extended until 5:30 p.m. with Senators permitted to speak for up to 10 minutes each.

In my capacity as a Senator from the State of Alabama, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I ask that I may proceed as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

DEPARTMENT OF JUSTICE—CIVIL RIGHTS DIVISION

Mr. SESSIONS. Mr. President, lately, a discussion has been undertaken about the question of civil rights. Some think civil rights means preferences, quotas, and set-asides; others say it principally means equality in the law. That has been a major bone of contention as we have considered the nomination of Bill Lann Lee, an able attorney, for the position of chief of the Civil Rights Division of the U.S. Department of Justice.

We have had a lot of discussions about this question in recent years, and it is an important issue as this Senate considers that nomination. But there are other matters that come before the Civil Rights Division of the Department of Justice. It is a great division; it has played a tremendous role in the changing of race relations in America and has helped break down legal and de facto desegregation throughout this country. It has a great staff of 250 lawyers.

But I think it is also a matter of significance and importance that the chief of the Civil Rights Division maintain clear and firm control and supervision over that Department. In recent years, as the situation in our Nation has changed, legal barriers to equality have been broken down, and actions by that Department have raised questions about the validity of their actions and whether or not the positions they are taking on a number of cases are worthwhile.

I have heard complaints about that. As a U.S. attorney for 12 years, I saw this division operate. Sometimes the actions taken by the Department were valid, however in many cases their actions can fairly be characterized as questionable. As the attorney general for the State of Alabama, I have seen a number of instances that trouble me about the role and the legal position of the Department of Justice. Just this week, there was a major decision by the U.S. Eleventh Circuit Court of Appeals. That opinion rendered an important decision. One newspaper article, described this opinion as a "stinging rebuke" to the U.S. Department of Justice. The Federal court ordered the Department of Justice to pay $63,000 in attorney's fees to a Dallas County commission in Alabama over an election dispute that dragged on for 4 years. Let me read you some of the comments from that article. I think it points out the need to make sure that the person we have as chief of the Civil Rights Division is balanced and fair and treats everyone with the justice that the Department contends that they do.

Calling this case "very troubling," the appeals court blasted the Department of Justice for its continued refusal to pay legal fees and for its insistence that the white leadership on the Dallas County commission helped a candidate win an election contest. This is what the court said:

A properly conducted investigation would have quickly revealed there was no basis for the claim of purposeful discrimination against black voters.

The opinion also pointed out that the actual placement of Dallas County voters within districts was made by the predominantly black board of registrars. An attorney, John Kelly, who litigated the case for the county commission, said, "This is the toughest Federal court decision I have ever read."

Indeed, I would have to agree with that. It is remarkable. The decision means that the Federal Government will have to pay to the county commission, out of taxpayers' money, your money and my money, $62,872.49 into their fund, to pay for the attorneys, which the court found were having to defend a case that was unjustified.

The opinion was written by a U.S. district judge from California who was sitting by designation on the eleventh circuit panel. Although the repayment of the attorneys fees is partial compensation to those aggrieved by the Department's actions, as this judge stated, "Unfortunately, we cannot restore

the reputation of the persons wrongfully branded by the Justice Department as the public officials who deliberately deprived their fellow citizens of their voting rights. We also lack the power to remedy the damage done to race relations in Dallas County by the unfounded accusations of purposeful discrimination made by the Department of Justice."

The three-judge panel suggested to the Justice Department that it be "more sensitive" in the future "to the impact on racial harmony that can result from the filing of a claim of purposeful discrimination." The court said it found the Justice Department's actions, "without a proper investigation of the truth, unconscionable."

"Hopefully," the court goes on to say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. President, I think that the Department of Justice has an important role in this country to ensure equal rights, to make sure everyone has the right to vote, to make sure that there is equal justice under the law. But they also have a responsibility to be fair, to carry on their cases effectively, to be nonpartisan, to be objective, and to be careful in the cases they bring. This case went on for 4 years, when in fact, it could have been disposed of in short order with an effective investigation.

So, whoever is chosen to head the Civil Rights Division of the Department of Justice will have an important task. I asked Mr. Lee when I interviewed him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights?" Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—that is, approve—a law change in Alabama in which the judges on a panel went from five members to seven members who would be elected at large. They said that they did have a right to object to that, that that law could not take effect until they had approved it—read it, studied and approved it. We did not believe that was so. There was legal authority present, including a decision made by the U.S. Supreme Court, that clearly indicated to me as attorney general of Alabama that they had no authority to preclear that decision. So I said we were going to proceed with it, and they maintained their objection.

Now, there is an interesting thing about this that you may not know. If you object to a ruling of the Department of Justice, Civil Rights Division, in Washington, DC, and you live in Alabama, you can't file a lawsuit in Federal court in Alabama to get a conclusion of the matter. Under the law, you have to file the lawsuit in Washington, DC, in Federal court, which is a very expensive process. I submit, Mr. President, they didn't think we would do it. They didn't think we cared enough about that principle to do so. But we told them they were wrong and they were going to lose this opinion, and we would file the suit. They called our bluff and refused to preclear or agree that they did not have control over this position.

So we filed a suit, and the case proceeded for a short time. The U.S. Department of Justice then confessed—admitted—that they had no basis for their case, and conceded our point.

I say to you, Mr. President, that you can say that was a mistake and some might say so. In my opinion, it was a heavyhanded application of the law.

Those were good attorneys. They knew they didn't have to have a good legal basis for the position they took, and they tried to bluff the State of Alabama and force the State of Alabama to capitulate anyway.

So this is the kind of thing that is important. All of us care about justice in America. Also, we care about the law being enforced, and we believe that civil rights attorneys can also make errors; civil rights attorneys can actually do civil wrongs. We believe that they have to obey the law, also.

So I would just say that this points out another reason, as we debate who should be the head of the Civil Rights Division of the Department of Justice, that we select a person who is balanced, who is fair, who is objective, and who will follow the law, including the Constitution of the United States, the laws passed by this Congress, and the case authority of the courts of the United States.

Mr. President, that concludes my remarks. I yield the floor.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

PRIVILEGE OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Mr. Jaffer Mohiuddin, a legislative fellow in my office, be granted the privilege of the floor for the remainder of the day.

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

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1418 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. I ask unanimous consent to proceed not to exceed 3 minutes as in morning business.

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

ALABAMA - COOSA - TALLAPOOSA AND APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACTS

Mr. SESSIONS. Mr. President, I would like to take this opportunity to express my gratitude today for the cooperation of my colleagues, and in particular my good friend and home State colleague, Senator RICHARD SHELBY, as well as colleagues from Florida and Georgia and the chairman of the Judiciary Committee, Senator ORRIN HATCH, and the chairman of the Constitution Subcommittee, Senator JOHN ASHCROFT, for their expedited consideration of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River basin compacts that passed the Senate today.

Our citizens in Alabama and the Southeast region have many benefits from an outstanding environment and a generous water supply. But population increases have made water resources extremely valuable. The water compacts passed today by the Senate are the first step in allowing the three States of Alabama, Georgia, and Florida to enter into legal, acceptable agreements which will ensure the water resources of the region are divided in a responsible and equitable way, which protects the environment and ensures a reliable supply of water for drinking, agriculture, and recreation.

Passage of these water compacts is the result of nearly 20 years of work between the States of Alabama, Florida, and Georgia. Today's action represents only the initial step in a challenging process which must ultimately be carried through by these States. The water compacts themselves do not contain the formula for actually dividing the water resources, but serve only to grant permission to the States to create a formula themselves. Without the water compacts, it is likely my home State of Alabama, along with Georgia and Florida, would be forced into Federal court for protracted litigation to determine an equitable way to divide these resources. The action taken today will allow our States to enter into thoughtful negotiations rather

than wasteful litigation to determine a permanent solution to our region's water resource problems.

Mr. President, no remarks on this action by me today would be complete without my mentioning the work of Alabama Gov. Fob James and State Representative Richard Laird, who have worked tirelessly toward this end. Governor James has personally given his attention to the matter, and negotiations have been ongoing, as I have noted, for many years. Representative Laird has been very active in this entire process and has been the main spokesman for Alabama's effort for over 3 years. As a former attorney general in the State of Alabama and one who was involved in these activities, I know firsthand the personal commitment that Representative Laird has given to this effort.

I also want to take this opportunity to recognize Mr. Craig Kneisel, the chief of the environmental section of the Alabama Attorney General's office. Craig Kneisel has been the chief of that environmental office since its founding around 20 years ago. He has given leadership and legal advice to this effort that has reached a good conclusion today.

So we have made a major step toward making an equitable resolution of the water problems of these States, but we have to keep on going. There is no doubt that, as our population increases, as our economy grows, there will be greater and greater stress on these wonderful environmental resources. We must protect them and at the same time must make sure that economic growth is facilitated by having a healthy environmental resource such as these two river basins.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. 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. KERREY. I thank the Chair.

Mr. President, are we in morning business?

The PRESIDING OFFICER. Morning business has just concluded.

Mr. KERREY. It is only 20 to 6.

The PRESIDING OFFICER. It is morning somewhere.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

Mr. KERREY. I thank the Chair.

DRUG CZAR BARRY McCAFFREY AND THE DRUG WAR

Mr. KERREY. Mr. President, 2 years ago Senator SHELBY, the distinguished Senator from Alabama, and I were managing the Treasury-Postal appropriations bill on the floor at about this time of the year, I believe.

And one of the actions that we had taken in our bill was to zero out the drug czar's office. And the reason that we had done that was that we were quite unhappy with the progress and the performance and, especially, the effort made to interdict and the effort here at home to try to get young people to quit consuming drugs.

We were persuaded at the end of the day, Senator HATCH, Senator BIDEN, and the President himself, saying that they were going to make some substantial changes.

Change No. 1 that they made was to bring on Barry McCaffrey, a retired Army general. I do not know how they talked him into it. Somehow they managed to talk him into coming back and being the drug czar.

Yesterday, Mr. President, Barry McCaffrey sent a letter to the Secretary of Defense. Among other things he has done over the past couple years, this justifies both the President's confidence in him and Senator SHELBY's and my confidence that action would occur.

General McCaffrey sent Secretary Cohen, Secretary of Defense, a letter on the 6th of November saying essentially that:

> The National Narcotics Leadership Act requires that the Office of National Drug Control Policy review the drug budget of each department and certify whether the amount requested is adequate to implement the drug control program of the President. For [fiscal year] 1999, the Department of Defense has requested $809 million for drug control programs, approximately the same level as FY 1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. . . . that this budget cannot be certified.

Mr. President, this is a gutsy move. As you know, as everybody around this town very long knows, to send the Department of Defense a letter saying, "We're not going to certify that your budget is adequate to accomplish the strategy that we have all approved in terms of fighting drugs in America," is a rather substantially gutsy move. And I support it 100 percent.

Perhaps Secretary Cohen will have a response to it. I have a great deal of respect for Secretary Cohen as well. Perhaps he will be able to come back and give a justification as to why the additional money for the Andean Coca Reduction Initiative, for the Mexican Initiative, for the Caribbean Violent Crime and Regional Interdiction Initiative, and for the National Guard Counterdrug Operations are fully funded at the $809 million level.

My guess is, he will not. My guess is that General McCaffrey has done his homework and analyzed it well and understands what the drug policy is supposed to accomplish. And he understands that as drug czar he has authority.

In the past, drug czars have not exercised that authority quite as willingly. Barry McCaffrey did. And I hope this Congress supports him. All of us, when we are home, we will have townhall meetings. And if the subject of drugs comes up of, what are we doing? people say to me, "At least I hear you say it's a war on drugs. Describe the nature of the war we're fighting. Are we winning it? Are we losing it? What kind of resources are we putting into it?" I say, "We've got a drug czar. We've got a drug strategy. And we're implementing that drug strategy. We're not going to hold anything back in order to be successful."

What General McCaffrey has done is he has called upon the Department of Defense to do just that. As I said, I have not seen Secretary Cohen's response to this letter. I am here this evening just to applaud the drug czar for having the courage that previously drug czars have been a little reluctant to show. And if it is shown that these additional resources are needed in order to be able to answer the question at home in townhall meetings in Nebraska that that is what is needed to get the job done, then I hope the Congress will provide the Department of Defense with the resources and insist that the Department of Defense allocate in 1999 the resources in order to be able to get it done.

I have not read all of them, the three- or four- or five-part series in the Washington Post on the problem of drugs coming across the border—so-called. There is not much of a border between the United States and Mexico. It is over 2,000 miles. And from what I have seen down there, there is not much to let you know when you are in Mexico or in the United States. And there is a tremendous amount of truck and automobile traffic and an awful lot of resources and money behind the effort to get drugs into the United States.

It is corrupting Mexico, making it difficult for them to operate—an extremely violent world. And in this morning's paper, there is a story about Mr. Fuentes' doctors, three of whom were held responsible for his death, apparently, giving him a facelift or something so he would look a little different. They were found in concrete canisters along a road in Mexico.

These guys play for keeps. From their standpoint, it is a war. From their standpoint, they are deploying the maximum amount of resources, their considerable amount of wealth and resources.

Barry McCaffrey, a first-rate military officer, now our drug czar, when he says to me, "We need additional resources in order to be successful in these four areas," I pay attention to him. And I applaud his willingness to be able to come to the Department of Defense and to this Congress and say,

"This is what we need to do in order to be successful."

Mr. President, I ask unanimous consent that three documents be printed in the RECORD: One is the letter of November 6 that General McCaffrey sent to Secretary Cohen, and another is the document that indicates the additional resources that are needed, and the third is the "Legal Authority to De-Certify Agency Budgets."

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

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, November 6, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY COHEN: The National Narcotics Leadership Act requires that the Office of National Drug Control Policy (ONDCP) review the drug budget of each department and certify whether the amount requested is adequate to implement the drug control program of the President. For FY 1999, the Department of Defense (DoD) has requested $809 million for drug control programs, approximately the same level as FY 1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. §1502(c)(3)(B) that this budget cannot be certified.

To correct the deficiencies in the current FY 1999 proposal, DoD needs to amend its FY 1999 budget to include an additional $141 million in drug control initiatives, which will enhance operations in the Andes, Mexico, the Caribbean, and along our borders. Details associated with these amendments are highlighted in the enclosed document. Under 21 U.S.C. §1502(c)(5), DoD is required to include this additional funding in its FY 1999 submission to the Office of Management and Budget.

The support of the Department of Defense (DoD) is critical to achieving the goals of the National Drug Control Strategy. Appreciate your leadership of DoD's important counterdrug programs. The outstanding success of these missions in a credit to the dedicated men and women of our armed forces. Working together, the Executive Branch can structure a drug control budget which will reduce drug use and its consequences in America. Look forward to receiving the Department's amended FY 1999 budget proposal. Your support on this issue, which is so vital to our Nation's security and the health of our young people, is critical.

Respectfully,

BARRY R. MCCAFFREY,
Director.

FY 1999 DRUG CONTROL BUDGET AMENDMENTS DEPARTMENT OF DEFENSE (AS REQUIRED BY 21 U.S.C. §1502(C)(5))

Andean Coca Reduction Initiative (+$75 million). This initiative incorporates enforcement and interdiction measures that will disrupt the cocaine export industry. These efforts will include support for host nation programs to interdict the flow of coca base and cocaine in source countries, as well as expanded support to Peruvian and Colombian riverine interdiction programs.

Mexican Initiative (+$24 million). This proposal will provide additional resources to reduce the flow of illicit drugs from Mexico into the United States and disrupt and dismantle criminal organizations engaging in drug trafficking and money laundering. This effort will help implement the Declaration of the Mexican-U.S. Alliance Against Drugs signed by President Zedillo and President Clinton on May 6, 1997. It will expand U.S. operational support to detection and monitoring missions in Mexican airspace and territorial seas, establish a joint law enforcement investigative capability in the Bilateral Border Task Forces, and aid the Mexican Government in developing a self-sustaining interdiction capability.

Caribbean Violent Crime and Regional Interdiction Initiative (+$12 million). This effort will target drug trafficking-related criminal activities and violence in the Caribbean Region, including South Florida, Puerto Rico, the U.S. Virgin Islands, and the independent states and territories of the Eastern Caribbean. This will implement commitments made by the President during the Caribbean Summit held in Barbados.

National Guard Counterdrug Operations (+$30 million). These funds will partially restore reductions incurred since FY 1993 in State Plans funding, which includes support for counterdrug activities along the border.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,
Washington, DC, November 6, 1997.

Memorandum for Director
Through: Chief of Staff
From: Charles Blanchard, Director, Office of Legal Counsel

LEGAL AUTHORITY TO DE-CERTIFY AGENCY BUDGETS

At your request, both General Counsel Judith Leonard and I independently reviewed ONDCP's statutes to determine our authority to certify national drug control agency budget.

It is our firm and considered legal opinion that the statute gives you two specific powers:

(1) The power to "certify in writing as to the adequacy of such [agency budget] request in whole or in part . . . and [should a budget not be certified] . . . include in the certification an initiative or funding level that would make this request adequate." [21 U.S.C. §1502(c)(3)(B)]; and

(2) The power to "request the head of a department or agency to include in the department's or agency's budget submission [to OMB] funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy" [21 U.S.C. §1502(c)(5)]

Most importantly, the statute makes quite clear that "the department or agency shall comply with such a [ONDCP] request." [21 U.S.C. §1502(c)(5)] In our view, this power to order an agency to place specific initiatives in the budget request is the most important power.

We have reviewed the proposed letter to the Secretary of Defense, and believe that it is fully consistent with this statute.

Mr. KERREY. I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

EXTENSION OF MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the hour for morning business be continued until 6:30 p.m., this date, with Senators able to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BURNS. 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. ROTH. Mr. 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. ROTH. Mr. President, I ask unanimous consent my staffer, Bob Nickel, be permitted to be on the floor during this speech.

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

COMMENDING THE SENATE FOR ADDRESSING NATO ENLARGEMENT

Mr. ROTH. Mr. President, I wish to address the great efforts that this Chamber has undertaken on the matter of NATO enlargement—the extension of the alliance membership to the democracies of Central and Eastern Europe.

It is sometimes charged that Congress has provided serious consideration to this matter. Anyone who makes this argument has not paid attention to the legislation Congress passed on this matter over the last 3 years and have clearly ignored the activities of our committees, particularly the extensive amount of hearings that have been held over the last 2 months. Our leadership on both sides of the aisle is to be commended for the time and effort they have dedicated to this important matter.

Allow me to quickly review the highlights of Congress' role in the NATO enlargement issue. It is important to remember that Congress, in a most bipartisan manner, has led the charge for NATO enlargement.

In 1994, the 104th Congress, then led by a Democratic majority, passed the NATO Enlargement Participation Act, an initiative of then-Senator Hank Brown. This act not only endorsed NATO enlargement, but also called upon the President to establish programs to assist selected Central European democracies prepare for the burdens and responsibilities of alliance membership. This was a bipartisan initiative, one that found strong support in both parties. I might add that NATO enlargement was even a key pillar in the GOP's Contract With America.

In 1996, the Senate passed by recorded vote of 81–16 the NATO Enlargement Facilitation Act, a bill that explicitly endorsed NATO membership for Poland, the Czech Republic, Hungary, and Slovenia.

This summer the alliance finally heeded the urging of Congress. Last July, at the Madrid summit, the North Atlantic Council invited Poland, Hungary, and the Czech Republic to accession negotiations that will culminate in protocols of accessions that should be approved and signed this December at the annual NAC ministerial.

I might add that I had the honor serving as a member of the President's delegation to the Madrid summit along with Senators JOE BIDEN, GORDON SMITH, and BARBARA MIKULSKI. We attended in our capacity as members of the Senate's NATO Observer Group. Our role in this historic summit reflected the bipartisan support behind NATO's policy of enlargement and the degree of consultation and communication occurring on this issue between Congress and the administration.

Since the Madrid summit, and particularly over the last 2 months, this Chamber has focused on NATO enlargement in a manner I believe unprecedented for any realm of issues. I and Senator JOE BIDEN have had the privilege of facilitating 16 NATO Observer Group meetings with administration officials, experts, and foreign officials including NATO Secretary General, Javier Solana.

I want to especially commend the leadership of the Senate committees, whose statutory jurisdictions are far broader, for directing so much of their energies to this matter.

Over the last 2 months alone, the Foreign Relations Committee, the Appropriations Committee, and the Senate Budget Committee have held a total of nine hearings on NATO enlargement. They have addressed such issues as the geopolitical rational behind this initiative, the effect it has on Russia's evolution as international actor and as a democracy, the financial costs, and the military implications, among other issues, and the pro's and con's that one hears on these matters.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the meetings and hearings that have been conducted by these three Senate committees on NATO enlargement.

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

SENATE COMMITTEE HEARINGS ON NATO ENLARGEMENT

October 7: Senate Foreign Relations Committee begins hearing on NATO expansion. Strategic Rationale of NATO Enlargement with Madeleine Albright.

October 9: Senate Foreign Relations Committee hearing on NATO Enlargement. Pros and Cons of NATO Enlargement with Senator Roth, Zbigniew Brzezinski, Jeanne Kirkpatrick, Michael Mandelbaum and Jonathan Dean.

October 21: Appropriations Committee hearing on NATO Enlargement. NATO Enlargement Costs with Madeleine Albright and William Cohen.

October 22: Appropriations Hearing on NATO Enlargement. NATO Enlargement Costs and DoD Readiness Impact with Chairman Joint Chiefs of Staff General Hugh Shelton and SACEUR General Wes Clark.

October 23: Appropriations Committee Hearing on NATO Enlargement. GAO Studies on NATO Enlargement Costs with Henry L. Hinton, Jr., Assistant Comptroller General, General Accounting Office.

October 28: Senate Foreign Relations Committee hearing on NATO Enlargement. Costs, Benefits and Burden Sharing of NATO Enlargement.

October 29: Budget Committee hearing on NATO Enlargement. NATO/EMU Costs with James Baker and Susan Eisenhower.

October 30: Senate Foreign Relations Committee hearing on NATO Enlargement. NATO-Russia Relations with Henry Kissinger.

November 5: Senate Foreign Relations Committee hearing on NATO Enlargement. Public Views on NATO Enlargement.

Mr. ROTH. These hearings have been conducted to the highest standard. They have addressed the most contentious and potentially divisive dimensions of NATO enlargement. They have provided a powerful podium for skeptics and for those who simply want to be sure that all the "i's" have been dotted.

Mr. President, I firmly believe that NATO enlargement will yield a stronger alliance, a more peaceful and more stable Europe, and a Europe that will be an even more effective partner for the United States in a world where our shared interests are increasingly global in nature.

I am not going to burden this Chamber with another rendition of why I support NATO enlargement.

However, I have followed these hearings closely, and I would like to address what I think one should draw from their deliberations on three of the most important issues of NATO enlargement: the cost; its relationship to America's global interests; and, the future of Russia.

Costs has been the most debated dimension of NATO enlargement. However, the Senate's examination of this issue so far leaves me even more confident that this will be a most worthwhile investment.

Earlier this year, the President, at the request of Congress, estimated that NATO enlargement will cost the United States some $100–200 million per year over the next decade.

Last month, Secretary Cohen and Secretary Albright testified to the Appropriations Committee that the costs to the United States may be less because some if not much of the infrastructure existing in Poland, the Czech Republic, and Hungary is more capable than previously estimated.

More detail on the costs of NATO enlargement is an urgent priority. NATO will soon complete its own estimate of the costs of integrating the three nations. This report is due before the December NAC ministerial. It is imperative that this study is fully transparent, clear, and specific.

With that said, even if NATO enlargement were to cost the United States some $500 million a year over the decade, that yearly cost would still amount to about a quarter of the cost of one B-2 bomber. That is not a bad deal considering the gains we will attain in solidifying peace and stability in post-cold-war Europe.

The Senate hearings have also reaffirmed my confidence that NATO enlargement will enhance America's ability to secure its vital interest around the globe—not just those in Europe.

NATO enlargement is critical step toward a more unified and more peaceful Europe. It is, thus, fundamental to Europe's evolution into a partner that will more effectively meet global challenges before to the transatlantic community. An undivided Europe at peace is a Europe that will be better able to look outward, a Europe better able to join with the United States to address necessary global security concerns. A partnership with an undivided Europe in the time-tested architecture of NATO will enable the United States to more effectively meet the global challenges to its vital interests at time when our defense resources are increasingly strained.

This was a, if not the, central theme of former national security advisor Zbigniew Brzezinski's recent presentation before the Senate Foreign Relations Committee. To use his words:

> NATO expansion is central to the vitality of the European-American connection, to the scope of a secure and democratic Europe, and to the ability of the America and Europe to work together in promoting international security.

European instability, which is inherently more likely should we fail to extend Alliance membership to the democracies of Central Europe, portends to be the greatest of drains upon U.S. defense resources, energy, and effort. This has already proven to be the case in Bosnia. We must take the pro-active steps necessary to consolidate and widen the zone of security and, thus, peace and stability in Europe. NATO enlargement is the most effective step we can take toward this end.

Third, these Senate hearings have constructively and aggressively addressed concerns that have been voiced about the potential impact of NATO enlargement upon Russia's future.

Testimony from Under Secretary of State Thomas Pickering, our former Ambassador to Moscow, emphasized that NATO enlargement has not produced a revanchist Russian foreign policy nor undercut democracy in Russia. In fact, let me quote directly form Ambassador Pickering's testimony.

He stated:

> Over the last 18 months, precisely, when NATO enlargement has been a salient point of our agenda, Russian reform and security cooperation have moved forward, not backward.

This former Ambassador to Russia added that in the course of NATO enlargement, Yeltsin was reelected as Russia's President and that since then he has elevated reformers in his government. Moreover, Yeltsin has appointed a new defense minister, one who publicly supports START II. Most importantly, last May Russia signed the Founding Act, an agreement that offers an unprecedented opportunity for a new era of cooperation and partnership between the Alliance and Russia.

Mr. President, too many times this year Congress has been accused of paying inadequate attention to the policy of NATO enlargement. The fact is that Congress has aggressively addressed this matter. Congress has not only been engaged in this policy its bipartisan leadership on this matter has actually been a catalyst of action.

Much commendation is due to the Senate leadership and the Chamber as a whole for the sustained attention that has been directed to the many facets of this issue. The amount of consultation that has occurred between the administration and Congress makes NATO enlargement a model of how to approach the executive-legislative dimension of U.S. security policy.

I fully recognize that our deliberations on NATO enlargement are far from over. More hearings are sure to be held on this important policy, as they should be. However, I thought it important to highlight the tremendously effective efforts that this Chamber has already directed to this matter of national security.

SENATOR BIDEN'S NATO SPEECH

Mr. ROTH. Mr. President, our colleague, Senator JOE BIDEN, addressed the Permanent Representatives to the North Atlantic Council, the so called NAC, during their visit to the United States last month. His speech was an impressive overview of the state of debate here in the United States on NATO enlargement and how that debate is being affected the debate in Europe on issues of transatlantic security. Among these are, of course, the effort to foster reconciliation and peace in the Balkans.

The next coming months will feature a number of important events concerning NATO enlargement, including the NAC ministerial in mid-December which will yield protocols of accession into NATO for Poland, Hungary, and the Czech Republic.

Keeping in mind the debate that we will have early next year on NATO enlargement, I encourage my colleagues to read Senator BIDEN's statement. It is one that should also be closely read by our colleagues in the executive branch.

Mr. President, I ask unanimous consent that Senator BIDEN's outstanding speech on NATO enlargement be printed in the RECORD.

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

RATIFICATION OF NATO ENLARGEMENT BY THE U.S. SENATE

(By Senator Joseph R. Biden, Jr.)

I am honored by the invitation of the North Atlantic Council to share my thoughts on the American side of one of the most important foreign policy decisions that our alliance has faced for many decades: ratification of the admission of Poland, the Czech Republic, and Hungary to membership in the North Atlantic Treaty Organization.

First, let me make clear that I am a strong proponent of NATO enlargement. In the interest of brevity, and because there is no need to persuade this audience, I will not go into the details of my rationale.

Let me just say I believe the case for enlargement is overwhelmingly persuasive. First, it is my belief that the inclusion of the three aforementioned countries—if they meet all of NATO's rigid political, military, and economic criteria—would strengthen the alliance and enhance the security of the United States.

Second, the consequences if we fail to act are equally serious. The history of the twentieth century has taught us that if the United States distances itself from European affairs, the result on the continent is instability leading to chaos. Ultimately, dealing with the instability and chaos will cost far more in blood and treasure than the initial costs of staying engaged.

Finally, there is the moral factor. As Secretary of State Albright noted in her testimony before the Senate Foreign Relations Committee:

What possible justification can there be for confirming the old cold war division of Europe by freezing out the new democracies east of Germany?

As most of you know, according to the U.S. Constitution, international treaties must be ratified by a two-thirds majority in the Senate. In this case, we would be ratifying an amendment to the Treaty of Washington of 1949. As the Democratic party's chief foreign policy spokesman in the Senate, I have the responsibility to lead the fight for ratification.

Despite what I believe to be the overwhelming logic for NATO enlargement, ratification will not be easy—it will not be a "slam dunk," as we say in this country. It will be considered, not only in the context of national security policy, but in the context of domestic politics.

And in the context of our debate about engagement versus isolationism. I know most of you are primarily concerned with military matters. But I hope you will convey to the civilian and political leaders in each of your countries the kinds of issues that could derail ratification in the U.S. Senate—to the detriment of all of us.

My principal reasons for being cautious about NATO enlargement revolve around two sides of the same issue: burden-sharing. The first side relates to sharing the costs of NATO enlargement; the second side relates to sharing the military duties in Bosnia.

Contrary to assertions by some European politicians, these cost and burden-sharing issues are not superficial problems. They have direct relevance, not only to the ratification of enlargement, but also to the kind of alliance we will have in the 21st century.

First the costs. There has been a good deal of publicity in the United States about three widely differing cost estimates of NATO enlargement. NATO's own cost-estimate—mandated by the North Atlantic Council at last July's Madrid summit—will not be known until just before the December NATO ministerial. So any firm predictions about how that will come out would be risky and premature.

Nonetheless, the latest estimate from the Clinton administration, offered this week in testimony before the Foreign Relations Committee, was somewhat reassuring. It appears that the NATO estimate may be somewhat lower than the Pentagon's earlier study because only three—not four—countries are to be added to the alliance, and some of their militaries are in a bit better shape than previously thought.

Whatever the final numbers, the atmospherics of the debate over cost-sharing since Madrid have been damaging to Trans-Atlantic solidarity. Public statements from West European leaders that their countries should not—or even will not—pay any additional costs for enlargement given potent ammunition both to neo-isolationists in the U.S. Senate and to those who favor engagement but who have legitimate questions about costs.

Although there have been many warnings in the United States about the possibly huge costs of NATO enlargement, to my knowledge not a single American politician has said that we will not pay our share if enlargement is ratified. Yet when European leaders—before even waiting for the official NATO cost-study to come out in December—threaten not to pay even one additional franc or mark for enlargement, it is waving a red flag in front of my colleagues in the Senate.

Many of my fellow Senators are aware of the fact that West Europeans face competing priorities. We know that the eleven European NATO members who are also members of the European Union are currently engaged in painful budget cutting in order to meet the criteria for a single currency, the Economic and Monetary Union (EMU) on January 1, 1999. And we are aware that Germany and others are insisting that those countries who qualify be held to rigid fiscal discipline thereafter through a so-called "stability pact" without "political" criteria.

We do not underestimate the political stakes: resentment against this belt-tightening played a key role in the defeat of President Chirac's coalition in the French national elections last June and in the one-day temporary fall of Prime Minister Prodi's government in Italy earlier this month. Several other EU member states have also seen anti-austerity demonstrations.

As a politician, I empathize with the challenge my European parliamentary colleagues face. But we all have to make difficult choices. For example, in my country after years of spirited debate we have finally agreed upon a plan to balance the Federal budget by the year 2002. In fact, by having taken extremely painful measures like reducing the civilian Federal workforce by more than a quarter-million individuals we may reach a balanced budget even earlier.

So however difficult it may be, if you—our European allies—want continued American involvement in your security, to use a baseball metaphor, your governments will have to "step up to the plate." Let me be as frank as I possibly can: Americans simply must not be led to believe that our European allies will cut corners on NATO in order to fulfill their obligations to the European union.

Let me go one step further, if NATO is to remain a vibrant organization with the

United States playing a lead role, when the alliance cost figures are issued in December, the non-U.S. members must join the United States in declaring their willingness to assume their fair share of direct enlargement costs.

This includes developing the power projection capabilities to which all alliance members agreed in the "strategic concept" in 1991, before enlargement was even being seriously discussed. The flexibility afforded by these power projection enhancements are central to NATO's ability to carry out its expanded, new mission—to defend our common ideals beyond our borders, while we continue to carry out the core function of defending the territory of alliance members.

Some of our European allies—the United Kingdom, France, Germany, and the Netherlands, in particular—are making strides in improving the deployability and sustainability of their forces. But neither their forces, nor those of the rest of our European partners, are as yet fully deployable.

If our European partners were not to meet these force-projection obligations—and it was this part of the Pentagon study that occasioned the loudest criticism from across the Atlantic—the United States would continue to possess the only fully deployable and sustainable land and air forces in the alliance and would therefore be cast in the permanent role of "the good gendarme of Europe"—a role that neither the American people, nor the Senate of the United States, would accept.

I also would like to comment on the recent call by some West European defense ministers for counting economic assistance to Central and Eastern Europe as a substitute for meeting their countries' current alliance commitments and their future share of enlargement costs. Their proposal makes no sense and is totally counter-productive.

First of all, European statistics on economic assistance typically include healthy components of export credits, tied aid, and investment, making alleged comparisons with U.S. assistance one of "apples versus oranges." Thus, the difference in the amount of economic aid from Western Europe and from the United States is less significant than some European politicians would have us believe.

Second, even if Western European economic assistance to the East since 1990 has exceeded our own, it would be unwise to consider these contributions as a substitute for obligations related to NATO's military budget: it would only reinforce the "European businessman"/"American gendarme" syndrome. It would widen the military gap between the U.S. and the continent and, not unintentionally, give a comparative advantage to Western European companies in dealing with the East on the economic front. We in the United States simply won't play that game.

Third, and most importantly, such substitution arguments are ultimately self-defeating for Europe. As many of my Senate colleagues are eager to point out, if Western Europe claims security credit for its economic assistance to Eastern Europe, then the United States can justifiably claim credit for its worldwide containment of the threat of nuclear proliferation, for keeping international sea lanes open, and for guaranteeing continued access to Middle East oil.

To be blunt: I don't think you want us to play that game, because we can win it hands down.

The real point is that burden-sharing is not a book-keeping exercise. We would all do well to restrict the NATO burden-sharing discussion to just that—military burden-sharing in the alliance.

One other point related to comparative spending on defense: above and beyond enlargement and power-projection capability, unless you—our European allies—significantly upgrade your militaries, particularly in gathering and real-time processing of information, a "strategic disconnect" between a technologically superior United States military and outdated Western European militaries will eventually make it impossible for NATO to function effectively. From several personal conversations, I believe that this is a worry that many of you share.

There is a second dark cloud looming on the horizon of Trans-Atlantic relations. In the spring of 1998, just when the U.S. Senate is likely to be voting on amending the Treaty of Washington to accept new members, American SFOR ground forces are scheduled to be completing their withdrawal from Bosnia.

As it now stands, our European NATO allies will follow suit, in line with their "in together, out together" policy, despite a U.S. offer to make our air, naval, communications, and intelligence assets available to a European-led follow-on force, with an American rapid reaction force on standby alert "over the horizon" in Hungary or Italy.

My colleagues in the Senate have listened carefully as some European NATO members, led by France, call for more European leadership in the alliance and for a sturdier "European pillar" in NATO. But when they hear those same European voices say they will refuse to maintain troops in Bosnia without U.S. participation, it sounds like unfair burden-sharing and it only reinforces their doubts about NATO itself. After all, if Bosnia is the prototypical crisis the alliance will face in the next century, and internal squabbling prevents it from dealing effectively with Bosnia now, even staunch NATO supporters will be hard-pressed to defend its continued relevance.

France's position on Bosnia is particularly irritating when one considers its insistence on European command of Allied Forces Southern Europe (AFSOUTH) in Naples, the home of the U.S. Sixth Fleet. No matter how Paris tries to dress it up, this demand is perceived by U.S. Senators as a gratuitous poke in the eye. Not only is this idea a non-starter, it simply poisons the Trans-Atlantic atmosphere.

As many of you may know, I have been deeply involved in our policy toward Bosnia since 1991. My own personal view is that it was unwise to have set a June 1998 date for SFOR's withdrawal and that the United States should agree to a scaled-down ground force in Bosnia beyond that date, with Europeans comprising the overwhelming majority of the ground forces. In short, a C.J.T.F. (combined joint task force), but one in which the United States has at least some forces present in all its components.

But whatever the final mix of post-SFOR forces, it is essential that we settle this issue this fall in order for an orderely redeployment to take place and to clear the air for the parliamentary debates on NATO enlargement. Time is running short.

Let me sum up by giving you my prognosis for ratification of NATO enlargement in the U.S. Senate. The debate has already begun and will continue to be lively. In the end, I believe it will be very difficult for most of my colleagues to vote against admitting the Poles, Czechs, and Hungarians if the final accession negotiations reveal that they are qualified for membership.

But I also believe that unless the United States quickly comes to a satisfactory burden-sharing understanding with our European and Canadian allies, the future of NATO in the next century will be very much in doubt.

In that context, an advance European declaration of willingness to share fairly in the enlargement costs that NATO will announce in December, and a spirit of compromise on a post-SFOR force for Bosnia, would considerably enhance the chances for ratification of NATO enlargement by the U.S. Senate.

Together we can enlarge and strengthen NATO, but only if we fairly share the burden of meeting the challenges of the twenty-first century.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, November 6, 1997, the Federal debt stood at $5,431,079,031,652.94 (Five trillion, four hundred thirty-one billion, seventy-nine million, thirty-one thousand, six hundred fifty-two dollars and ninety-four cents).

One year ago, November 6, 1996, the Federal debt stood at $5,245,748,000,000 (Five trillion, two hundred forty-five billion, seven hundred forty-eight million).

Five years ago, November 6, 1992, the Federal debt stood at $4,087,224,000,000 (Four trillion, eighty-seven billion, two hundred twenty-four million).

Ten years ago, November 6, 1987, the Federal debt stood at $2,396,279,000,000 (Two trillion, three hundred ninety-six billion, two hundred seventy-nine million).

Twenty-five years ago, November 6, 1972, the Federal debt stood at $435,570,000,000 (Four hundred thirty-five billion, five hundred seventy million) which reflects a debt increase of nearly $5 trillion—$4,995,509,031,652.94 (Four trillion, nine hundred ninety-five billion, five hundred nine million, thirty-one thousand, six hundred fifty-two dollars and ninety-four cents) during the past 25 years.

CONGRATULATIONS TO ANNA TAYLOR CELEBRATING HER 100th BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Anna Taylor of Grandview, MO, who will celebrate her 100th birthday on November 22. Anna is a truly remarkable individual. Anna has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Anna's life has meant much more, however, to the many relatives and friends whose lives she has touched over the last 100 years.

Anna's celebration of 100 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 Anna's many friends and

relatives in wishing her health and happiness in the future.

COMMERCIALIZATION OF BIOTECHNOLOGIES

Mr. ABRAHAM. The Federal Government has spent millions of dollars during the past decade to support research laboratories, universities and the private sector to develop technologies to reduce the Nation's reliance on imported oil through the use of renewable energy sources, and to improve the efficiency and reduce the cost of cleaning up federally-owned sites which are contaminated with hazardous waste. This research is extremely valuable and is directed at addressing some of the most serious challenges facing our Nation. Unfortunately, these national research and development initiatives often do not provide maximum benefit to the Federal Government or to the private sector, since the technologies are not demonstrated to be effective on a commercial scale. It is my hope that as we continue to pursue these issues, the Federal Government can do more to help give the lessons learned from this research broader application.

A new program which recently has come to my attention—Acceleration Demonstration of Federally Sponsored Research for Renewable Energy Production and Environmental Remediation—seeks to remedy this problem. It seems to me that through a cooperative effort with the Department of Energy, its laboratories and other federally-sponsored research institutions, non-profit research and business development organizations could help commercialize existing federal research so that Americans could benefit more widely from these Federal initiatives.

Mr. BURNS. I agree with my colleague from Michigan. Commercialization of Federal research, particularly through non-profit organizations, could play a significant role in expanding the benefits from this research and get the most from our Federal research investments.

Mr. DASCHLE. The Senator is right. The Federal Government should do more to help commercialize the results of federally-sponsored research. DOE should consider what steps it can undertake to better achieve this objective.

Mr. DOMENICI. The Department of Energy has a number of programs by which it might be able to team with non-Federal entities to commercialize technologies developed by the Department. I would encourage the Department of Energy to review the proposal mentioned by my colleagues and, to the extent appropriate within existing Department of Energy technology transfer programs, consider it for possible funding.

Mr. REID. That is correct. Funding is available under this bill for DOE in the Acceleration Demonstration of Federally Sponsored Research for Renewable Energy Production and Environmental Remediation programs account that can be awarded for commercialization of renewable fuels and environmental cleanup technologies on a competitive basis. I would urge DOE to seriously consider supporting this work in fiscal year 1998 up to the $5 million level.

Mr. BURNS. That is my view as well.

THE VILLHAUERS OF HOSMER, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, I am looking forward to returning to South Dakota next week to join the citizens of my home state in honoring the men and women who have so faithfully served our nation in the armed forces. While all those who have given themselves to the call of duty will be on our minds on Tuesday, November 11, 1997, there is one family that will especially be on my mind.

The Villhauers of Hosmer, South Dakota hold a distinction that may well separate them from any other family in this nation. Mr. and Mrs. Fred Villhauer raised 7 sons in Hosmer, all of whom served this nation concurrently during World War II. Fred Jr., John, Henry, Albert, Arthur, Edmund and Herman Villhauer all answered the call of this country, and laid their lives on the line for the security and ideals of the United States.

Six of the brothers would survive the second world war and return to the United States. Albert, unfortunately, was killed during the retaking of the Philippine Islands on January 30, 1945. Fred Jr. returned to my hometown of Aberdeen where he lived until several years ago. The 5 other brothers are all alive today.

I should add that an 8th Villhauer brother, Paul, was too young to serve in World War II. But he joined the Army shortly after the war and eventually served during the Korean War. Paul Villhauer has also passed away.

Service to the United States seemed to run in the family for the Villhauers. The grandparents of the 8 brothers would have over 20 of their descendants serve in World War II, including 3 at Pearl Harbor. In all, more than 60 members of this family would join the armed forces of the United States of America. Six generations later, this segment of the Villhauer family boasts more than 1,000 descendants. This information was graciously provided by Emil Vilhauer, a former resident of South Dakota now residing in Wisconsin.

As Veterans' Day draws near, let us remember all who have served this nation, and especially those who were called to make the ultimate sacrifice to preserve our freedom. But this year in particular, I hope my colleagues and all the citizens of our great nation will join me in remembering one very special family that knows the true meaning of love of country: the family of Fred and Catherine Villhauer of Hosmer, South Dakota.

ENCRYPTION

Mr. ASHCROFT. Mr. President, I wanted to take a moment to associate myself with the comments of the majority leader from October 21, 1997. Senator LOTT has correctly highlighted the FBI's constantly shifting arguments and the Bureau's seemingly relentless attempts to grab more power at the expense of the Constitution, particularly the fourth amendment's protection of privacy and the fifth amendment's guarantee of due process.

The FBI legislative proposal goes far beyond the Commerce Committee's misguided encryption legislation in further disregarding our Constitution. Instead of working with those who understand that S. 909 gives the FBI unprecedented and troubling authority to invade lives, the FBI has attempted to grab even broader authority. The Senate would be foolish to pass S. 909. In no way can we even consider the ill-advised FBI approach. The reach of the FBI has now extended so far that the President has taken the other side of the issue and supported a free market approach, according to his public comments delivered abroad.

I can only conclude that the FBI has introduced its proposal as a ploy to make S. 909 look like a reasonable compromise. The only other explanation for the FBI's proposal is that the Bureau will not be satisfied with S. 909, but instead will continue to work to erode our Constitutional protections. In fact, the new proposal only draws attention to the many problems of the commerce Committee language. Neither proposal is acceptable.

The issue of encryption must be revisited in a real and serious way next year, both at the committee level and in the Senate chamber, to examine the many Constitutional implications of the various proposals. I look forward to working with the Majority Leader and other Senators who have expressed interest in encryption legislation.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 2516

Mr. ABRAHAM. Mr. President, I rise for the purpose of seeking unanimous consent that the Senate now proceed to Calendar No. 189, H.R. 2516.

Mr. WARNER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ABRAHAM. Mr. President, I regret that objection has been raised in this context.

Mr. President, if the Senator will yield for a question, Does his objection to consideration of H.R. 2516 mean that the Senate will not take up this bill in this session?

Mr. WARNER. Mr. President, that is correct.

Mr. ABRAHAM. I am disappointed over that decision, Mr. President, for passage of H.R. 2516 would have provided my State of Michigan with approximately $200 million more than we averaged under ISTEA. However, I stand by ready to assist the chairman in ensuring all States receive a fair and equitable return on their gas tax dollar.

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

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

COMMENDING SENATOR ROBERTS

Mr. LOTT. Mr. President, I want to say what an excellent job you are doing as Presiding Officer. I understand you are fast approaching the amount of time serving in the chair where you will receive the "Golden Gavel" recognition. I look forward to being able to come to the floor and pay tribute to you when that time is acquired.

The PRESIDING OFFICER. The Senator is correct.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 381, 428 through 439, 444 through 447, 451 through 453, 456 and 466. I further ask unanimous consent that the nominations be confirmed; that the motion to reconsider be laid upon the table; that any statements relating to these nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Saul N. Ramirez, Jr., of Texas, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF STATE

Nancy H. Rubin, of New York, for the rank of Ambassador during her tenure of service as Representative of the United States of America on the Human Rights Commission of the Economic and Social Council of the United Nations.

A. Peter Burleigh, of California, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Deputy Representative of the United States of America to the United Nations.

Bill Richardson, of New Mexico, to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

Richard Sklar, of California, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for UN Management and Reform.

Betty Eileen King, of Maryland, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Kirk K. Robertson, of Virginia, to be Executive Vice President of the Overseas Private Investment Corporation.

Terrence J. Brown, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Administrator of the Agency for International Development.

Mark Erwin, of North Carolina, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1999.

Harriet C. Babbitt, or Arizona, to be a Deputy Administrator of the Agency for International Development.

Thomas H. Fox, of the District of Columbia, to be an Assistant Administrator of the Agency for International Development.

UNITED STATES INFORMATION AGENCY

Cheryl F. Halpern, of New Jersey, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

Carl Spielvogel, of New York, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 1999. (Reappointment)

DEPARTMENT OF ENERGY

Linda Kay Breathitt, of Kentucky, to be a Member of the Federal Energy Regulatory Commission for a term expiring June 30, 2004.

Curt Herbert, Jr., of Mississippi, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 1999.

THE JUDICIARY

John M. Campbell, of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Anita M. Josey of the District of Columbia, to be Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF STATE

Betty Eileen King, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

DEPARTMENT OF JUSTICE

Seth Waxman, of the District of Columbia, to be Solicitor General of the United States.

THE JUDICIARY

Stanley Marcus, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Jerome B. Friedman, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Norman K. Moon, of Virginia, to be United States District Judge for the Western District of Virginia.

NOMINATION OF CURTIS L. HEBERT, JR.

Mr. LOTT. Mr. President, today the Senate is sending two very distinguished and qualified new Commissioners to the Federal Energy Regulatory Commission. I am pleased that my good friend Curtis L. Hebert, Jr. of Pascagoula, MS, is one of them.

Curt has served the State of Mississippi as a member of the Public Service Commission for several years. During that time, he has demonstrated the ability to balance the diverse utility interests in our State. This is no easy task. Mississippi is the home to both public and private power companies, PUHCA's and providers of all sizes. Curt has proven that he has the skills necessary to address the needs of each of these entities, while keeping the best interest of the consumer in mind.

As a former member of the Senate Energy and Natural Resources Committee, I certainly appreciate the high standard that FERC nominees are held to during committee consideration. Throughout the nomination process, Curt has demonstrated that he has not only the knowledge, but the determination and skills to get the job done. He has been a responsible and able steward of the utility industry in Mississippi. I expect that he will serve the FERC and our Nation with the same enthusiasm and foresight.

We all must recognize that electric utility deregulation is on the horizon. How and when a new system will be created remains to be seen. What is certain, however, is that the FERC will be instrumental in guiding Congress toward competition in the utility industry. I am confident that Curt has the experience and insight necessary to help us reach the right balance of interests. Most importantly, Curt understands what deregulation means on the State level.

There is no industry as complex as the utility world—and none that impacts the lives of Americans more directly every day. The challenge ahead are great and must be tackled head on. There is no denying that the FERC Commissioners have their work cut out for them.

Mr. President, I am pleased that the Senate has unanimously confirmed Curt Hebert as a member of the FERC,

ensuring that the future of the electric utility industry is in good hands. I congratulate him on this accomplishment and wish him the best of luck in the future.

NOMINATION OF JERRY FRIEDMAN

Mr. LEAHY. Mr. President, I commend the majority leader for deciding to take up the nomination of Jerry Friedman to serve as a judge for the Eastern District of Virginia. Judge Friedman's nomination was received by the Judiciary Committee on June 26, 1997. He appeared before us during a nomination hearing on October 28 and was reported favorably out of the committee on November 6.

From June 1985 to January 1991, Judge Friedman sat on the bench of the Juvenile and Domestic Relations District Court in Virginia Beach, VA. Since 1991, he has served as a judge for the Virginia Beach Circuit Court. The American Bar Association gave Judge Friedman a unanimous "well-qualified" evaluation—its highest rating.

I would like to congratulate both Judge Friedman and his family. I look forward to his service on the U.S. District Court.

NOMINATION OF NORMAN MOON

I am delighted that the majority leader has taken up the nomination of Norman Moon to serve as a U.S. District Court judge for the Western District of Virginia. Judge Moon has been sitting on the bench of Virginia State courts since 1974. He is currently serving as the chief judge for the Virginia State Appellate Court—a position which he has held since May 1, 1993.

Judge Moon has been a member of several legal and judicial-related organizations, including the National Institute of Trial Advocacy, the State-Federal Judicial Council for Virginia, and the National Council of Chief Judges.

We received Judge Moon's nomination on October 8, 1997. He appeared before the Judiciary Committee during a hearing on October 28 and he was reported favorably out of the Committee on November 6.

I congratulate Judge Moon and his family on his accomplishment and I look forward to his service as a U.S. District Court judge.

I would like to note that the nomination process experienced by Judge Moon has been the exception, not the rule, for this year. I hope that more judicial nominees will enjoy a similar experience in the future.

NOMINATION OF STANLEY MARCUS

I am delighted that the majority leader has decided to take up the nomination of Stanley Marcus to serve as a judge for the Eleventh Circuit Court of Appeals. Judge Marcus is a graduate of Queens College of the City University of New York and the Harvard Law School.

Since 1985, Judge Marcus has served as a Federal district court judge for the Southern District of Florida. Prior to his Federal judgeship, Judge Marcus was employed as a special attorney, deputy chief and chief for the organized crime and racketeering section of the U.S. Department of Justice Detroit strike force.

The committee received Judge Marcus' nomination on September 25, 1997. He appeared before us during a nominations hearing on October 28 and was reported favorably out of the Judiciary Committee on November 6.

I congratulate Judge Marcus and his family, and look forward to his service on the U.S. Court of Appeals. Additionally, I would like to commend my fellow committee members on the expediency of this nomination. If all judicial nominations were advanced as efficiently as Mr. Marcus', the vacancy crisis facing the Federal judiciary would be easily solved.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business until 7:30 p.m. with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on November 7, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2367. An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 967. An act to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States.

H.R. 2358. An act to provide for improved monitoring of human rights violations in the People's Republic of China.

H.R. 2386. An act to implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles.

H.R. 2570. An act to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States.

H.R. 2605. An act to require the United States to oppose the making of concessional loan by international financial institutions to any entity in the People's Republic of China.

At 7:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2616. An act to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.

H.R. 2647. An act to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing

votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) making appropriations for the Departments of Labor, Health, and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker pro tempore (Mr. LATOURETTE) has signed the following enrolled joint resolution:

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The enrolled joint resolution was signed subsequently by the Acting President pro tempore [Mr. ROBERTS].

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 967. An act to prohibit the use of United States funds to provide for the participation of certain Chinese officials in international conferences, programs, and activities and to provide that certain Chinese officials shall be ineligible to receive visas and excluded from admission to the United States; to the Committee on Foreign Relations.

H.R. 2358. An act to provide for improved monitoring of human rights violations in the People's Republic of China; to the Committee on Foreign Relations.

H.R. 2386. An act to implement the provisions of the Taiwan Relations Act concerning the stability and security of Taiwan and United States cooperation with Taiwan on the development and acquisition of defensive military articles; to the Committee on Foreign Relations.

H.R. 2570. An act to condemn those officials of the Chinese Communist Party, the Government of the People's Republic of China, and other persons who are involved in the enforcement of forced abortions by preventing such persons from entering or remaining in the United States; to the Committee on Foreign Relations.

H.R. 2605. An act to require the United States to oppose the making of concessional loan by international financial institutions to any entity in the People's Republic of China; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 2366. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes (Rept. No. 105–141).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 1287. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants (Rept. No. 105–142).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1115. A bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes (Rept. No. 105–143).

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 222. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies (Rept. No. 105–144).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 1787. A bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 845. A bill to transfer to the Secretary of Agriculture the authority to conduct the census of agriculture, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY, from the Select Committee on Intelligence:

Robert M. McNamara, Jr., of Maryland, to be General Counsel of the Central Intelligence Agency.

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

Robert M. Walker, of Tennessee, to be Under Secretary of the Army.

Jerry MacArthur Hultin, of Virginia, to be Under Secretary of the Navy.

F. Whitten Peters, of the District of Columbia, to be Under Secretary of the Air Force.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following Air National Guard of the U.S. officer for appointment in the Reserve of the Air Force, to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. Ronald A. Turner, xx...

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. John P. Jumper, xx...

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Frank B. Campbell, xx...

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. David W. McIlvoy, xx...

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Lansford E. Trapp, Jr., xxx...

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. David J. McCloud, xx...

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Patrick K. Gamble, xx...

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. Howard L. Goodwin, xx...

The following-named officers for appointment in the Reserve of the Army to the grades indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. David R. Bockel, xx...
Brig. Gen. James G. Browder, Jr., xx...
Brig. Gen. Melvin R. Johnson, xx...
Brig. Gen. J. Craig Larson, xx...
Brig. Gen. Rodney D. Ruddock, xxx...

To be brigadier general

Col. Celia L. Adolphi, xx...
Col. Donna F. Barbish, xx...
Col. Emile P. Bataille, xx...
Col. Joel G. Blanchette, xx...
Col. George F. Bowman, xx...
Col. Gary R. DiLallo, xx...
Col. Douglas O. Dollar, xxx...
Col. Russell A. Eggers, xx...
Col. Sam E. Gibson, xx...
Col. Fred S. Haddad, xx...
Col. Karol A. Kennedy, xx...
Col. Dennis E. Klein, xx...
Col. Duane L. May, xx...
Col. Robert S. Silverthorn, Jr., xx...
Col. James T. Spivey, Jr., xx...
Col. William B. Watson, Jr., xx...
Col. Charles E. Wilson, xx...

The following-named officer for appointment in the Reserve of the Army to the grade indicated under title 10, United States Code, section 12203:

To be brigadier general

Col. David R. Irvine, xx...

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. William J. Fallon, 0304

(The above nominations were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS (for himself, Mr. GLENN, Mr. DEWINE, and Mr. FAIRCLOTH):

S. 1397. A bill to establish a commission to assist in commemoration of the centennial of powered flight and the achievments of the Wright brothers; to the Committee on Governmental Affairs.

By Mr. THOMAS (for himself, Mr. KERREY, Mr. ENZI, and Mr. HAGEL):

S. 1398. A bill to extend certain contracts between the Bureau of Reclamantion and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Energy and Natural Resources.

By Mr. BOND:

S. 1399. A bill to authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. D'AMATO):

S. 1400. A bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportaion Efficiency Act of 1991; to the Committee on Environment and Public Works.

By Mr. BUMPERS (for himself and Mr. GORTON):

S. 1401. A bill to provide for the transition to competition among electric energy suppliers for the benefit and protection of consumers, and for other purposes; to the Committee on Energy and Natural Resources..

By Mr. MURKOWSKI:

S. 1402. A bill to amend the Social Security Act to establish a community health aide program for Alaskan communities that do not qualify for the Community Health Aide Program for Alaska operated through the Indian Health Service; to the Committee on Finance.

S. 1403. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. MOYNIHAN, Mr. THOMPSON, and Mr. KERREY):

S. 1404. A bill to establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Governmental Affairs.

By Mr. SHELBY (for himself, Mr. MACK, Mr. FAIRCLOTH, Mr. D'AMATO, Mr. BRYAN, Mr. GRAMS, Mr. KERRY, Mr. BENNETT, Mr. GRAMM, Mr. HAGEL, Mr. ALLARD, Mr. ENZI, and Ms. MOSELEY-BRAUN):

S. 1405. A bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH of Oregon:

S. 1406. A bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve; to the Committee on Veterans Affairs.

By Mr. BURNS:

S. 1407. A bill to allow participation by the communities surrounding Yellowstone National Park in decisions affecting the park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1408. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. THOMPSON, and Mr. BENNETT):

S. 1409. A bill for the relief of Sheila Heslin of Bethesda, Maryland; to the Committee on the Judiciary.

By Mr. REED:

S. 1410. A bill to amend section 258 of the Communications Act of 1934 to enhance the protections against unauthorized changes in subscriber selections of telephone service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MACK (for himself, Mr. HARKIN, Mr. DEWINE, Mr. SANTORUM, Ms. COLLINS, Ms. SNOWE, Mr. D'AMATO, Mr. SMITH of Oregon, Mrs. BOXER, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. GRAHAM, Mr. DODD, Mr. DURBIN, and Mr. WELLSTONE):

S. 1411. A bill to amend the Internal Revenue Code of 1986 to disallow a Federal income tax deduction for payments to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use any increased Federal revenues to promote public health; to the Committee on Finance.

By Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAUCUS, and Mr. GORTON):

S. 1412. A bill to amend the Internal Revenue Code of 1986 to permit certain tax free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. THOMAS, Mr. GRAMS, Mr. KERREY, Mrs. FEINSTEIN, and Mr. CHAFEE):

S. 1413. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAUX, and Mr. GORTON):

S. 1414. A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; read the first time.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAUX, and Mr. GORTON):

S. 1415. A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL:

S. 1416. A bill to amend Federal election laws to repeal the public financing of national political party conventions and Presidential elections and spending limits on Presidential election campaigns, to repeal the limits on coordinated expenditures by political parties, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. LOTT):

S. 1417. A bill to provide for the design, construction, furnishing and equipping of a Center for Performing Arts within the complex known as the New Mexico Hispanic Cultural Center and for other purposes; considered and passed.

By Mr. AKAKA (for himself, Mr. CRAIG, and Ms. LANDRIEU):

S. 1418. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MACK:

S. 1419. A bill to deem the activities of the Miccosukee Tribe on the Tamiani Indian Reserve to be consistent with the purposes of the Everglades National Park, and for other purposes; to the Committee on Indian Affairs.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 1420. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for full reimbursement of States and localities for costs related to providing emergency medical treatment to individuals injured while entering the United States illegally; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. DURBIN, Mr. FAIRCLOTH, and Ms. MIKULSKI):

S. 1421. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MCCAIN (for himself, Mr. BURNS, Mr. CONRAD, and Mr. DORGAN):

S. 1422. A bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself, Mr. BENNETT, Mr. KERREY, and Mr. GRAMS):

S. 1423. A bill to modernize and improve the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. INOUYE):

S. 1424. A bill to amend the Internal Revenue Code of 1986 to modify the air transportation tax changes made by the Taxpayer Relief Act of 1997; to the Committee on Finance.

By Mr. BURNS:

S. 1425. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; to the Committee on Indian Affairs.

By Mr. LAUTENBERG:

S. 1426. A bill to encourage beneficiary developing countries to provide adequate protection of intellectual property rights, and for other purposes; to the Committee on Finance.

By Mr. FORD:

S. 1427. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BUMPERS):

S. 1428. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to be awarded to Robert R. Ingram of Jacksonville, Florida, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. BURNS, and Mr. DORGAN):

S. 1429. A bill to enhance rail competition and to ensure reasonable rail rates in any case in which there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1430. A bill to suspend from January 1, 1998, until December 31, 2002, the duty on SE2SI Spray Granulated (HOE S 4291); to the Committee on Finance.

S. 1431. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

S. 1432. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

S. 1433. A bill to suspend temporarily on a certain chemical; to the Committee on Finance.

S. 1434. A bill to suspend until January 1, 2001, the duty on a certain chemical; to the Committee on Finance.

S. 1435. A bill to suspend temporarily the duty on a certain chemical; to the Committee on Finance.

S. 1436. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1437. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1438. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1439. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1440. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1441. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1442. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1443. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1444. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1445. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1446. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1447. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1448. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1449. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1450. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1451. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

S. 1452. A bill to suspend until January 1, 2001, the duty on a chemical; to the Committee on Finance.

By Mr. DODD:

S. 1453. A bill to establish a Commission on Fairness in the Workplace, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. D'AMATO):

S. 1454. A bill to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991; considered and passed.

By Mr. CHAFEE (for himself and Mr. REED):

S. 1455. A bill to provide financial assistance for the relocation and expansion of Haffenreffer Museum of Anthropology, Providence, Rhode Island; considered and passed.

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1456. A bill to authorize an interpretive center at Fort Peck Dam, Montana; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. BYRD):

S. Res. 146. A resolution establishing an advisory role for the Senate in the selection of Supreme Court Justices; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 147. A resolution to authorize testimony, production of documents, and representation in First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al; considerated and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS (for himself, Mr. GLENN, Mr. DEWINE, and Mr. FAIRCLOTH):

S. 1397. A bill to establish a commission to assist in commemoration of the centennial of powered flight and the achievements of the Wright brothers; to the Committee on Governmental Affairs.

THE CENTENNIAL OF FLIGHT COMMEMORATIVE ACT

Mr. HELMS. Madam President, I have a bill, S. 1397, at the desk. Now, Senators DEWINE, FAIRCLOTH, GLENN, and I are introducing this legislation, and we are naming it the Centennial of Flight Commemorative Act. As I indicated, the bill number is S. 1397.

This significant legislation will establish a commission to assist the numerous events that will lead up to and include the celebration of the 100th anniversary of powered flight, a feat in all the history books, accomplished in my State of North Carolina by the geniuses, two brothers, Orville and Wilbur Wright, Ohio brothers who were born and raised in Dayton where they operated a bicycle shop.

I don't know whether you have been to Kitty Hawk, particularly in the middle of December, but it is not a comfortable place to be. Wilbur and Orville came to the Outer Banks of North Carolina to conduct their experiments. The first powered flight occurred at Kitty Hawk, NC, on December 17, 1903. In fact, the Wright brothers engaged in four flights that day, and with their effort they changed the concept of travel forever.

About noon on that cold and windy December day, at Kitty Hawk, NC, the aviation age, the air age, began.

So, Madam President, the Wright brothers were indisputably the first pioneers of powered flight, and they became national heroes, justifiably etched in history.

As for our bill, S. 1397, the able Senator from Ohio, Mr. DEWINE, and the able Senator from Ohio, Mr. GLENN, did excellent work in drafting this legislation.

Senator GLENN, I am obliged to mention, and I am glad to do so, is a man of history himself in terms of powered flight. He was the first American, as all of us know, to orbit the Earth. When he walks up and down the corridors, I see mamas and daddies pointing to him saying, "That's Senator GLENN." Senator GLENN and six other pioneers, the Mercury astronauts, got America's space program off the ground.

Madam President, S. 1397—let me say the title again so it will register—the Centennial of Flight Commemorative Act—proposes the establishment of a commission of 21 individuals to plan for and assist in events leading up to and including the commemoration of the 100th anniversary of the Wright brothers' flights at Kitty Hawk. The commission will be composed of the Secretary of the Interior, the Director of the National Air and Space Museum, the Secretary of Defense, the Secretary of Transportation, the NASA Administrator, and each of these officials can name a designee. Then there will be two representatives each from the States of North Carolina and Ohio and 12 other private citizens.

Of these 12 private citizens, the President of the United States will appoint two from a list recommended by the Senate majority leader in consultation with the Senate minority leader, and two from a list recommended by the Speaker of the House in consultation with the House minority leader. The remaining eight will be chosen based on qualifications and/or experience in the fields of history, aerospace, science, industry, or other professions that will enhance the work of the commission.

The commission will represent the United States and take a leadership role with other nations in recognizing the achievement of the Wright brothers and the importance of aviation history.

The commission's activities will be closely coordinated with the First Flight Centennial Commission and the First Flight Centennial Foundation of North Carolina and the 2003 Committee of the State of Ohio. The commission is allowed to retain an executive director and staff that may be required in order to carry out its functions.

S. 1397 authorizes appropriations of $250,000 for each of the fiscal years 1998 to 2004 to fund the work of the commission.

Additionally, the commission may accept monetary contributions and other in kind contributions, volunteer services and the like. In order to further defray the expenses of the Commission, the legislation gives it exclusive right to names, logos, emblems, seals, and marks, which may be licensed on which proceeds from royalties will be used to offset the operating costs of the Commission.

S. 1397 requires that annual audits of the Commission be conducted by the Inspector General of the General Services Administration to ensure its financial integrity.

The Commission shall be terminated no later than 60 days after the submission of the final audit report.

Senators may ask why establish a Federal Commission to commemorate this event? The Wright brothers' triumph at Kitty Hawk on that bone-chilling day of December 17, 1903, has to rank as one of mankind's greatest achievement. The world has not been the same since.

As the development of the airplane progressed so did its uses in warfare and civilian aviation. Its development spawned generations of aviation trailblazers. Names like Eddie Rickenbacker, Billy Mitchell, Charles Lindbergh, Jimmy Doolittle, Chuck Yeager, and the Mercury, Gemini, Apollo, and space shuttle astronauts became household words.

What is even more astonishing is that 66 years later, Neil Armstrong of Ohio became the first man to set foot on the Moon. That would not have been possible without the Wright brothers.

Because of the Wright brothers you can get on a jet aircraft at Dulles Airport and be in London in 6 or 7 hours, far less if you are flying the Concorde. You can fly from New York to Tokyo in 14 hours. On the Concorde, you can travel from New York to London in 3 hours and 50 minutes.

We are seeing daily developments in aviation, faster planes, new space technologies, all because of the genius of Wilbur and Orville Wright.

I hope the Senate will swiftly approve this legislation.

Mr. DEWINE. Madam President, I thank the Chair, and I thank my distinguished colleague from North Carolina.

I am delighted to join him, as well as Senator FAIRCLOTH and Senator GLENN, in introducing a bill to create the Centennial of Flight Commission.

In the year 2003, the United States and, indeed, the world will celebrate a truly breathtaking anniversary. That date will mark exactly 100 years of the adventure of human flight. For those of us who are from the State of Ohio, it is an especially important anniversary as Senator HELMS has so ably described—first and foremost because the Wright brothers, the very first pioneers of powered flight, were from Dayton, OH. It was in Dayton, OH, that they grew up. It was in Dayton, OH, that they had a print shop. It was in Dayton, OH, that they had the bicycle shop that was referred to a moment ago by Senator HELMS.

It was at Huffman Prairie, in Montgomery County, actually what is now enclosed in Wright Patterson Air Force Base, technically in Greene County, that the Wright brothers learned to fly. So, those of us from Ohio are very proud of the Wright brothers, as this whole country is.

We are also proud in Ohio that ever since the time of the Wright brothers, Ohio has continued to build a proud aviation history. From the Wright brothers to World War I flying ace David Ingalls, to JOHN GLENN who just walked on to the floor of the Senate, the first man, the first American to orbit the Earth, to Neil Armstrong, the first man to walk on the Moon, to the incredible research being done right now at NASA Lewis Research Center in Cleveland, OH, has continually been a part of the great epic of aviation.

This is, indeed, cause for celebration, and that is what this bill is all about. It would create a Commission to coordinate the centennial of flight celebration in the year 2003. The Commission will be composed of 21 members: the Secretaries of the Interior, Transportation, and Defense; the Director of the National Air and Space Museum; the Administrator of NASA; two people from North Carolina; the president and chairman of the First Flight Centennial Commission; and two people from the State of Ohio, the Governor and the chairman of the 2003 Committee, and 12 additional Presidential appointees.

Madam President, this Commission will help the United States take a leadership role in planning international celebrations of the centennial of flight, promoting participation and sponsorship by the aerospace industry, the commercial aviation industry, educational institutions, and State and local governments.

The commission is going to distribute a calendar, a register of national and international programs and projects concerning the flight centennial.

What I hope most of all is that these celebrations will recognize that the history of flight is not just the story about machines or about the triumph of technology. It is rather a story about people. It is a story of how human creativity overcame one of the most fundamental barriers that humans ever faced.

For hundreds of thousands of years, human beings could not fly, but in this century, thanks to the freedom and spirit of creativity in this country, the human race broke the bonds of Earth. So, from Dayton to Kitty Hawk and beyond the limits of our solar system, this is a story to truly celebrate.

Madam President, I see my distinguished senior Senator from the State of Ohio, the honorable JOHN GLENN, is on the floor. I yield to Senator GLENN.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Thank you, Madam President. I thank my distinguished colleague.

I rise as a cosponsor of this legislation to establish a national Commission on the Centennial of Flight. We have been very proud through the years to have worked with the people of Dayton, OH, in an effort to recognize the very exceptional contribution of the two brothers who ran the bicycle shop and dreamed of flight. They watched the birds and dreamed of flight, not knowing whether it would ever be possible.

In 1992, it was my privilege to sponsor the legislation that established the Dayton Aviation Heritage National Historical Park which commemorates the extraordinary lives of Wilbur Wright, Orville Wright, and Paul Lawrence Dunbar, a black man, a poet, one of the finest poets, who was a close friend of the Wright brothers.

That park and the memorial in North Carolina recall that on December 17, 1903, Orville Wright flew 120 feet in 12 seconds. Can we imagine that, 120 feet in 12 seconds? But it was under power. It was the airplane that is over in the Smithsonian now. It was under powered flight with an engine and propeller. It was the first sustained flight in a power-driven, heavier-than-air machine.

There were three other flights that day. We don't often hear about those. There were three other flights that

day, and Wilbur Wright set a new world record flying on one of those flights 352 feet in 59 seconds. It was more than the length of a football field.

Very little attention was paid at that time. People were very doubtful. Octave Chanute reported the achievement in Popular Science Monthly in March 1904. But the first—I think this is very interesting—the first eyewitness report about those flights appeared in a publication called Gleanings in Bee Culture, and that was in January 1905. That was the first real eyewitness report of Orville and Wilbur Wright's flights.

The work had begun in 1899 with a serious study of everything the Wrights could find on aeronautics. In 1900, to test their glider, they selected Kitty Hawk on the word of the weather bureau because of the steadiness of the winds and direction of the winds at that time. The test glider in 1900 and 1901 failed to achieve the lifting power that they thought they needed and anticipated.

They went back to Dayton and built a 6-foot wind tunnel to conduct experiments with over 200 different wing models. They developed the first reliable tables on the effects of air pressure on curved surfaces, the principles that we use today and that you see on every airplane, whether it is a general aviation small light airplane or a giant 747 or whether it is the Concorde flying at supersonic speed across the Atlantic Ocean.

They developed these 200 different wing models and experimented with them. They developed the first reliable tables on the effects of air pressure on curved surfaces.

In 1902, they conducted over 1,000 tests with a more promising glider. In 1903, the Wright brothers had completed the construction of a larger plane powered by their own lightweight gas-powered engine.

Arriving in Kitty Hawk in September, storms and mechanical difficulties delayed trials until December. On the 17th, four men and a boy witnessed the very first flight, and a memorable photograph, fortunately, was captured. Four men and a boy witnessed that first flight.

Back home in Dayton in 1904 and 1905, the Wright brothers continued testing their invention at Huffman Prairie, which is the area adjacent to what is today Wright Patterson Air Force Base where they first achieved maneuverable flight.

In 1908, Wilbur and Orville signed a contract with the War Department for the first military airplane. In September, Orville circled the parade ground at an altitude of 120 feet just across the Potomac River from us today, over at Fort Meyer in Virginia.

When most people these days think of the Wright brothers, we tend to think of them as having lived a long, long time ago. We tend to think of the Wright brothers as being part of ancient history. We also think of their airplane, the Wright Flyer III, as being an incredibly primitive machine, at least by today's standards. And it was a primitive machine. There were no fancy guidance systems or high-tech controls.

By swiveling their hips from one side to the other, Orville and Wilbur could steer the airplane. To this day, when young people come in, when school groups come to Washington and visit my office and they say they are going over to the Air and Space Museum, I always tell them to get up on the gallery level and look down on the Wright brothers' airplane and see how they controlled flight, because the person flying lay on the lower wing and had a wooden yoke around his hips. That wooden yoke slid back and forth and there was a wire that went to the trailing edge of the upper wing, and they would slide in the direction they wanted to go, slide their hips over, pull that wire and literally warp the trailing edge of the wing down and made more lift on the wing on that side and the airplane would turn in the direction their hips were slid toward.

I am glad they developed later on in aviation a better means of control. We can imagine a 747 pilot today making an approach swiveling his hips back and forth. But that was the way the Wright brothers controlled those very early flights.

The first flight at Kitty Hawk and Huffman Prairie seemed so far removed from what we did later on, from my own experience in orbital flight in 1962, or from the first lunar landing, or from living aboard the orbiting space station for weeks on end, as Shannon Lucid did. She was up there for 188 days. She will be honored at the Smithsonian this evening, as a matter of fact. Yet, all this occurred within a lifetime.

I know we kid Senator THURMOND around here quite a lot about his age, but Senator THURMOND was born December 5, 1902. The Wright brothers did not fly until a year later, on December 7, 1903. So we have in this body right now a man whose lifetime spans all of manned flight, powered flight, from that first day at Kitty Hawk into space. STROM THURMOND has witnessed the complete history of flight. And we marvel at just how far we have come in an incredibly short period of time. We have literally gone from the Wright brothers to the Moon and beyond in a single lifetime.

That is amazing. In that sense, I think it is fair to say that Orville and Wilbur Wright were our first astronauts, really, because they were the first who really did rise off the Earth's surface in a sustained way and make flight that then advanced to higher and higher altitudes until we are above the Earth's atmosphere now with different kinds of machines; though I think in some ways we could say that they were the first two who, as the poem goes, "slipped the surly bonds of Earth"—slipped the surly bonds of Earth and ventured into the air under the power of a motor.

Everything since then has just been going higher and going faster. I also think it is fair to say the Wright brothers personified something that is behind every single leap or advancement in science or human knowledge since the beginning of time. The one characteristic they had—we could lump it all together and say that is something that is in the heart of all human progress—is curiosity and an innate curiosity about how we can do things differently or whether we can explore and find new shores or whether we can do experiments and do research in new areas.

Whether you look at the voyage of Christopher Columbus, who brought Europeans to the shore of North America, whether you look at the experiments of Alexander Fleming—you know what Alexander Fleming was curious about? It was plain old green mold on bread. He did not know why the patterns formed around the mold the way they did. The green mold, it was a particular pattern. He was curious about that.

You know what that led to? His curiosity led to the discovery of penicillin and the development of modern antibiotics. That curiosity about green mold on bread has led to increased life expectancy of people all around this Earth. We have gone up in life expectancy more in the last 100 years than in the previous 2,000 years, I read in a magazine just a short time ago. So the discovery of penicillin and Alexander Fleming's curiosity about green bread mold that led to that, has really revolutionized this Earth.

Or we go ahead with the unexpected circumstance in a small electronic switching device that led to the development of the first transistor and ultimately to today's incredibly sophisticated computer systems.

It is clear to me that curiosity isn't what killed the cat. It is also the goose that laid the golden egg for all of humankind. That is going to be true in the future as well as the past. In field after field, in discipline after discipline, in industry after industry, it is curiosity, that insatiable, relentlessly questioning spirit that keeps asking "why" that has moved our species ahead.

The irony, of course, is any time someone or a group such as the Wright brothers, or a group of people undertake an exploration or undertake to demonstrate a new idea, whether in a laboratory, a spaceship, a bicycle shop or on a production line, there are many who question the wisdom of it all. Those naysayers who wanted to know when their bike would be fixed with the

Wright brothers believed that if we were to fly God would have given us feathers, they said.

So there was a joke about the Wright brothers at that time. "If God wanted us to fly, why don't we have feathers?" Well, they fortunately laughed along with everybody else, but at the same time went ahead with their work. They were not deterred. But if there is one thing we know for sure about research or any kind of exploration of the unknown, it is that it is impossible to know what we will see at the end or what it may lead to.

I believe that today, as perhaps never before, we cannot afford to lose that kind of curiosity and questing spirit that the Wright brothers had. With it, we can continue to learn new things, first, for this Nation, putting them to practical application, staying ahead of global competition. That has been the story of this country's advancement. Without it, we will quickly become yesterday's leader, yesterday's leader, not tomorrow's leader but yesterday's leader, hopelessly trying to hold back the hands of the clock and to hold on to a past glory that can never be just retained or recaptured.

So the spirit of the Wright brothers is needed as much today as before their very first flight. That is why today I am pleased to join with my colleagues—my colleague from Ohio, my colleagues from North Carolina—in introducing this legislation to establish a national commission to assist in the commemoration of the centennial of powered flight that will occur in 2003 and the achievements of the Wright brothers. Those who worked to build our national parks and memorials to the Wright brothers in Ohio and North Carolina where flight was born and first achieved will now work together to recall and remember the spirit of flight to be commemorated as we approach the centennial of flight in 2003.

The spirit represented by the Wright brothers was captured in their own day by their good friend, Paul Lawrence Dunbar, who captured in the prophetic verse which he penned the triumphs that are remembered at the Dayton Aviation Heritage National Historical Park. One of his notations was:

What dreams we have
and how they fly
like rosy clouds
across the sky;
of wealth, of fame
of sure success . . .

That is certainly what curiosity has brought us and what the Wright brothers brought us.

Think of all that has occurred since that first flight at Kitty Hawk in 1903. Think of aviation today and all it entails and the giant industry. It has revised all the world's transportation, has revised our military, our security. All of that stemmed from that first flight in 1903.

So we are happy to put in this legislation today. We hope that it is supported by all here, not just those from Ohio and North Carolina, because what started there in 1903 is something that affects everyone. It affects every State and every nation around the globe, even these days. And we look forward to this commission doing a great job in assisting in the commemoration of the centennial of powered flight and the achievements of the Wright brothers.

Mr. FAIRCLOTH. Mr. President, today I am pleased to be an original cosponsor of legislation being introduced by Senator HELMS—the two Senators from Ohio—that would establish a National Commission to oversee the 100th anniversary of the first flight.

Mr. President, on a cold, windy December morning in 1903, in the Outer Banks of North Carolina, the Wright brothers changed the history of the world. Orville Wright flew for just 12 seconds—but it was the first manned flight.

Today, many people take for granted what was accomplished by the Wright brothers that day, but at the time it was a historic achievement. Man had been thinking of flight for thousands of years—and yet the Wright brothers, here in the United States, were the first to do it.

The development of flight grew rapidly. A little over a decade later, airplanes were used in the battles of World War I. Two decades after the 12-second first flight—Charles Lindbergh flew over the Atlantic.

And of course, in 1962, in just a half century after the first 12-second flight, our distinguished colleague JOHN GLENN was the first man to fly around the world in space. Seven years after that, we landed a man on the Moon.

It is hard to believe that all of this has taken place in the span of less than 100 years.

This is why the centennial anniversary of first flight is so significant to us, the sponsors of this legislation.

The Commission will coordinate the plans for the celebration. The Wright brothers were from Ohio, of course, where they ran a bicycle shop. The State of North Carolina's license plates bear the slogan "First in Flight"—so we are especially proud of this achievement in my State. To these two States, the celebration is important.

But much more than that, I think the anniversary should be used to inspire students to learn more about the history of flight. Hopefully, it will remind people that this is a great nation of inventors—and that American ingenuity has made us the greatest country in the history of the world. Finally, it should remind our citizens that America is a land of opportunity and freedom—where anyone's imagination can change the world. This is an entrepreneurial spirit that we must keep alive.

I want to thank Senator HELMS and Senators GLENN and DEWINE for joining together today to introduce this legislation. I hope that the Senate will take it up soon.

By Mr. THOMAS (for himself, Mr. KERREY, Mr. ENZI, and Mr. HAGEL):

S. 1398. A bill to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir; to the Committee on Energy and Natural Resources.

THE IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1997

Mr. THOMAS. Mr. President, I rise today to introduce the Irrigation Project Contract Extension Act of 1997. I am pleased to be joined in this endeavor by Senators ENZI, KERREY, and HAGEL.

This legislation would extend, for a period of 3 years, certain water contracts between the Bureau of Reclamation and irrigators in Wyoming and Nebraska that receive water from Glendo Reservoir. All contracts are subject to renewal on December 31, 1998. Extending these contracts is considered a major Federal action and, therefore, subject to review of the National Environmental Policy Act [NEPA] and the Endangered Species Act [ESA]. Without a short-term continuation agreement, the irrigators would be responsible for the costs of the analysis and other environmental documentation.

Currently, the States of Wyoming, Nebraska, and Colorado—and the Department of the Interior—are in the process of implementing a comprehensive "Cooperative Agreement for Platte River Research and Other Efforts relating to Endangered Species Habitats along the Central Platte River, Nebraska." The term of this initiative is for 3 years, with an allowable 6-month extension. Upon completion of the cooperative agreement, efforts to enact the Platte River Recovery Implementation Program can begin. This basin wide, three-State plan will help to recover the endangered whooping crane, piping plover, and least stern, and improve critical habitats in the Central Platte River Basin.

I believe it is important for Congress to act on this measure and extend these contracts for 3 years, or until the cooperative agreement is completed. In that time, the needed NEPA and ESA reviews will be fulfilled—clearing the way for the program to be initiated. It is important to remember that the program cannot be implemented until the environmental studies are completed and the parties have agreed to the results.

Mr. President, this bill does not avoid environmental evaluation. It merely provides some relief to the water users, while allowing the NEPA and ESA documentation to take place through the cooperative agreement

process. It is my understanding that once this agreement has expired, and if the Department of the Interior and the three States decide not to pursue the program, the contract renewal process would proceed as a separate Federal action at that time.

This is good and fair legislation. It will benefit the environment and the water users. I look forward to working with my colleagues in the Senate and House to secure its passage.

By Mr. BOND:

S. 1399. A bill to authorize the Secretary of the Army to carry out a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River; to the Committee on Environment and Public Works.

THE FISH AND WILDLIFE HABITAT ACT OF 1997

Mr. BOND. Mr. President, I am pleased to introduce legislation to enhance, preserve and protect habitat for fish and wildlife on the Missouri and Mississippi Rivers. This new 5-year $50 million authorization is a win-win approach that will implement and expand the use of new and innovative measures developed by the Corps of Engineers to improve habitat conservation without impacting adversely private property and other water-related needs of the rivers including navigation, flood control and water supply.

As I have always maintained, fish and wildlife conservation and commercial activity are not mutually exclusive. Indeed, we cannot afford to abandon either river commerce or the species that live in and on the river. This new approach is a win for man, for nature and for the river.

This legislation is supported by Missouri Farm Bureau, MARC2000, American Rivers, the Missouri Soybean Association, the Missouri Corngrowers Association, and Farmland Industries. While these groups have not always agreed on river policy, that should not preclude us from seeking common ground and working together to address the questions of resource management and I am delighted that we can all come together in support of this commonsense approach.

Without specific authorization and only scarce dollars, the St. Louis Corps of Engineers has been developing and testing ways in which navigation structures used to guide the river and maintain the channel may be modified to meet environmental as well as navigation goals. These innovations have proven successful earning wide acclaim including a Presidential Design Award and Federal Design Achievement Award.

This legislation seeks to put these successful innovations to work on the Missouri River and expand their use on the middle Mississippi by providing a specific authorization and a dedicated and substantial source of funds. In other words, we are giving the corps the tools they need to put their ideas to work to improve the rivers to benefit fish and wildlife.

The legislation authorizes $10 million per year to protect, create and enhance side channels, island habitat, sand bars, and other riverine habitat. For example, by notching rock dikes that run perpendicular to the shoreline, sandbars develop between the dikes which has been provided nesting habitat for the endangered least tern and valuable spawning ground for the endangered pallid sturgeon. The Missouri Department of Conservation has run tests validating an increase in diversity and numbers of microinvertebrates surrounding the notched dikes.

Chevron dikes have been developed to improve river habitat and to create beneficial uses of dredge material. These structures are placed in the shallow side of the river channel pointing upstream which improves the river channel while serving as small islands. These islands encourage the development of all four primary river ecosystem habitats and additionally, various micro-organisms cling to the underwater rock structures, providing a food source for fish.

Changing the gradation of rock revetments, used to stabilize eroding riverbanks, has proved to provide greater bank stability and precluded the need to remove bank vegetation so that, for the first time, trees and rock revetment could coexist providing greater habitat diversity.

The draft legislation authorizes $10 million per year over 5 years to develop and implement a plan including the following activities: Modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat; creation of side channels to protect and enhance fish and wildlife habitat; restoration and creation of island fish and wildlife habitat; creation of riverine fish and wildlife habitat; establishment of criteria to prioritize based on cost-effectiveness and likelihood of success; and physical and biological monitoring for evaluating the success of the project.

The draft provides that the project be coordinated with other related Federal and State activities and that there be public participation in the development and implementation of the project. It requires a 25-percent non-Federal cost share and limits the Federal cost of any single project to $5 million. Finally, the draft legislation confers no new regulatory authority and requires compliance with the National Environmental Policy Act.

The legislation is designed to work between the banks of the river and forbids expressly any adverse impacts on private lands and water-related activities including flood control, navigation, and water supply. Additionally, it is designed to compliment other existing programs such as the Missouri River Mitigation project and the Environmental Management Program on the Mississippi River.

I intend to work with the administration and with other Senators and interested groups to build the broad support necessary to enact this legislation in an omnibus Water Resources Development Act the Senate is expected to consider in 1998.

Mr. President, the problems experienced in the Midwest and elsewhere with railroad bottlenecks highlight the need for diverse transportation options. As the fall harvest proceeds, there are reports of grain being piled on the ground in neighboring Kansas and Nebraska. Notwithstanding that I must continue working on behalf of Missouri to preserve river navigation as a transportation option, our joint efforts to pursue this new legislation is a strong indicator that we may be experiencing an episode of domestic detente on river policy between groups that have pursued differing approaches in the past. This legislation offers a significant boost for our need to make the various river uses compatible and an important step toward unifying the river's stakeholders behind a realistic approach for the future.

I thank and congratulate the various groups who have come together behind this legislation and look forward to enacting this consensus legislation.

By Mr. BUMPERS (for himself and Mr. GORTON):

S. 1401. A bill to provide for the transition to competition around electric energy suppliers for the benefit and protection of consumers, and for other purposes; to the Committee on Energy and Natural Resources.

THE TRANSITION TO ELECTRIC COMPETITION ACT OF 1997

Mr. BUMPERS. Mr. President, I rise to day to introduce the Transition to Electric Competition Act of 1997 along with my colleague from the State of Washington, Senator GORTON. This bill provides for the transition toward deregulation and competition in the electric utility industry.

While few people find a discussion of the electric utility industry and the many laws and regulations governing the industry exciting, the fact is that electricity is an extremely important commodity which affects everyone on a daily basis. Any event that increases or reduces electric rates can impact: First, the lives of the poor and those on fixed incomes that depend on electricity to heat their homes in the winter and cool them in the summer; second, the price of goods we buy every day; as well as third, the competitiveness of our factories. In addition, decisions made by electric generators often have a direct effect on our environment as well as our energy security.

It is not at all inconsequential that the electric utility industry, which has

remained relatively static for the last 60 years, is undergoing a fundamental change. Instead of the traditional vertically integrated local utility, which generates power at its own plants, transmits that power over its own lines and sells that power to all consumers in a particular area, consumers in some States are starting to be bombarded with all sorts of offers from companies competing to become their power supplier, and other entrepreneurs will be seeking to buy large blocks of power to serve certain kinds of consumers. Naturally, these changes are bound to create considerable apprehension among both utilities and consumers.

Mr. President, in January I introduced S. 237, the Electric Consumers Protection Act, because I believed that retail electric competition was inevitable and Federal legislation was necessary to ensure that certain consumers were not disadvantaged in the process. Several States were proceeding to introduce competition in their jurisdictions and a number of others were examining the matter. Since that time I have become even more convinced that competition is on the horizon. Eleven States have now enacted legislation or issued regulations requiring retail competition by a time certain. Almost every other State currently has the matter under review.

Some argue that there is no need for the Federal Government to intervene; that the States are doing just fine on their own and they should decide when and how to proceed with retail electric competition. Mr. President, I couldn't disagree more.

A State-by-State approach will likely produce a lot of unintended consequences which will limit the benefits associated with retail competition and could disadvantage certain consumers. Electric generation markets are becoming increasingly regional and even multi-regional. What happens in one State can have direct and indirect impacts on consumers and utilities located in another State. Utilities operating in more than one State can be subjected to conflicting regulatory regimes which could impact the way they operate their systems and the electric rates paid by consumers.

This phenomenon is best illustrated by the multistate utility holding companies registered under the Public Utility Holding Company [PUHCA]. I have had a lot of experience with registered holding companies because two of them serve my home State of Arkansas. These holding companies generally plan for and operate generating facilities on a system-wide basis for the benefit of customers in the entire region served by the company. If restructuring proceeds on a State-by-State basis, these holding companies would find themselves subjected to different requirements which could negatively impact consumers.

A State-by-State approach to retail competition also present problems where utilities operate entirely within a single State. It would make no sense for a utility in a State that does not require retail competition, to be able to sell power at retail in an adjoining State that requires retail competition, while a utility subjected to retail competition is unable to mitigate its losses by competing for customers in the adjoining State. Such a result both increases stranded costs and distorts the generation marketplace.

Moreover, the States can't adequately address issues associated with the use of transmission lines that provide for the transportation across a number of States or the ability of a utility with significant market power to dominate electricity generation in an entire region. Clearly these are issues that need to be resolved at the Federal level.

When I introduced S. 237 there weren't many calling for Federal action. However, interested observers are increasingly coming to the conclusion that Federal electric restructuring legislation is not only helpful, but is necessary. Even some of the States are calling on the Federal Government to act.

The legislation we are introducing today is an updated version of S. 237. The bill includes the following provisions: All consumers would have the right to choose their power supplier by January 1, 2002. States could choose an earlier date for their residents if they wish. Utilities would be able to recover their legitimate, prudent and verifiable costs that they would have been able to recover from ratepayers if retail competition had not been implemented. Consumers located in States that currently have low cost electricity would be protected from rate increases by ensuring that utilities can't use their existing assets to sell power in more lucrative markets to the disadvantage of their existing customers. All utilities selling retail power would be required to generate a portion of that power using renewable resources. All of the interstate transmission facilities throughout the country would be managed by independent system operators to ensure that electricity flows in an efficient manner and that markets are competitive. FERC would be given greater authority to protect against the use of market power by utilities to inhibit competition. Both the Public Utility Holding Company Act [PUHCA] and the Public Utility Regulatory Policies Act [PURPA] would be repealed in conjunction with the implementation of retail electric competition.

In addition, Mr. President, the legislation attempts to address some of the issues that relate to the impact of retail electric competition on two Federal entities—the Bonneville Power Administration [BPA] and the Tennessee Valley Authority [TVA]. Senator GORTON is especially knowledgeable about the special problems facing BPA and I expect that he will work closely with the other Members of the Senate from the Pacific Northwest in developing a consensus approach.

With regard to TVA, our bill attempts to develop an approach that will enable retail competition to be smoothly introduced in the Tennessee Valley and will help TVA pay off its tremendous debt. The bill also requires the TVA board to prepare a study examining whether TVA should be privatized. I know that some observers may be concerned that this could be a first step toward the privatization of the Federal Power Marketing Administration [PMA's]. Mr. President, there is no connection whatsoever between TVA and the PMA's. The PMA's market power generated at hydroelectric facilities located at Federal dams. These dams perform a variety of public services and cannot be privatized. TVA, on the other hand, generates the bulk of its power from coal and nuclear plants that serve no public purposes. In addition, the Federal PMA's pay for themselves through power sales. TVA, on the other hand, has an enormous level of privately held debt which it must find a way to pay off, since the Federal Government is not responsible for it.

Mr. President, I am especially pleased that Senator GORTON has decided to join with me in the effort to enact comprehensive electric restructuring legislation. He has a reputation as a very bright and thoughtful Member of this body and is a distinguished member of the Energy and Natural Resources Committee, which has jurisdiction over the matter. I know that he shares my desire to move this legislation through Congress quickly next year.

Senator MURKOWSKI, the chairman of the Senate Energy Committee, recently indicated that he expects the committee to mark up electric restructuring legislation next year. Both Senator GORTON and I want to work with him and the other members of the committee in moving forward. I look forward to undertaking this important task.

Mr. President, I want to say how honored I am to have one of our most distinguished Senators, Senator GORTON of Washington, as my chief cosponsor on this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that a section-by-section analysis of the Transition to Electric Competition Act of 1997 be printed in the RECORD.

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

S. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE. This Act may be cited as the "Transition to Electric Competition Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Severability.
Sec. 5. Enforcement.

TITLE I—RETAIL COMPETITION

Sec. 101. Mandatory retail access.
Sec. 102. Aggregation.
Sec. 103. Prior implementation.
Sec. 104. State regulation.
Sec. 105. Retail stranded cost recovery.
Sec. 106. Wholesale stranded cost recovery.
Sec. 107. Lost retail benefits.
Sec. 108. Universal service.
Sec. 109. Public benefits.
Sec. 110. Renewable energy.
Sec. 111. Determination of local distribution facilities.
Sec. 112. Transmission.
Sec. 113. Competitive generation markets.
Sec. 114. Nuclear decommissioning costs.
Sec. 115. Right to know.
Sec. 116. Exemption of Alaska and Hawaii.

TITLE II—PUBLIC UTILITY HOLDING COMPANIES

Sec. 201. Repeal of the Public Utility Holding Company Act of 1935.
Sec. 202. Exemptions.
Sec. 203. Federal access to books and records.
Sec. 204. State access to books and records.
Sec. 205. Affiliate transactions.
Sec. 206. Clarification of regulatory authority.
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SEC. 2. FINDINGS.

The Congress finds that:

(a) Congress has the authority to enact laws, under the Commerce Clause of the United States Constitution, regarding the wholesale and retail generation, transmission, distribution, and sale of electric energy in interstate commerce.

(b) Several States have taken steps to require competition among retail electric supplies and a large number of other States are expected to act.

(c) It has been the policy of Congress and the Commission to promote competition among wholesale electric suppliers.

(d) It is in the public interest that the transition towards competition in electric service ensures that all consumers receive reliable and competitively-priced electric service.

(e) Electric utility companies that prudently incurred costs pursuant to a regulatory structure that required them to provide electricity to consumers should not be penalized during the transition to competition.

(f) Consumers will not benefit from the introduction of competition among electric energy suppliers if certain suppliers have undue market power.

(g) It is important to encourage conservation and the use of renewable resources to reduce reliance on fossil fuels, promote domestic energy security and protect the environment.

(h) Competition among electric energy suppliers should not degrade reliability nor cause consumers to lose electric service.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(a) The term "affiliate" of a specific company means any company 5 percent or more of whose outstanding voting securities are owned, controlled, or held with power to vote, directly or indirectly, by such specific company.

(b) The term "aggregator" means any person that purchases or acquires retail electric energy on behalf of two or more consumers.

(c) The term "ancillary services" shall have the same meaning assigned to it by the Commission.

(d) The term "associate company" of a company means any company in the same holding company system with such company.

(e) The term "Commission" means the Federal Energy Regulatory Commission.

(f) The term "company" means a corporation, joint stock company, partnership, association, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing.

(g) The term "corporation" means any corporation, joint-stock company, partnership, association, rural electric cooperative, municipal utility, business trust, organized group of persons, whether incorporated or not, or a receiver or receivers, trustee or trustees of any of the foregoing.

(h) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission or distribution of electric energy for sale.

(i) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers) of natural or manufactured gas for heat, light or power.

(j) The term "holding company system" means a holding company together with its subsidiary companies.

(k) The term "large hydroelectric facility" means a facility which has a power production capacity which, together with any other facilities located at the same site, is greater than 80 megawatts.

(l) The term "local distribution facilities" means facilities used to provide retail electric energy for ultimate consumption.

(m) The term "lost retail benefits" means the increased cost of retail electric energy in a retail electric energy provider's service territory resulting from the sale subsequent to the implementation of retail electric competition, outside such service territory, of electric energy generated at facilities the cost of which were included in the retail rate base of the retail electric energy provider prior to the implementation of retail electric competition.

(n) The term "mitigation" means any widely accepted business practice used by an electric utility company to dispose of or reduce uneconomic assets or costs.

(o) The term "municipal utility" means a city, county, irrigation district, drainage district, or other political subdivision or agency of a State competent under the laws thereof to carry on the business of a retail electric energy provider and/or a retail electric energy supplier.

(p) The term "person" means an individual or corporation.

(q) The term "public utility company" means an electric utility company or gas utility company but does not mean a qualifying facility as defined in the Public Utility Regulatory Policies Act, or an exempt wholesale generator or a foreign utility company defined in the Energy Policy Act of 1992.

(r) The term "public utility holding company" means (A) any company that directly or indirectly owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and (B) any person, determined by the Securities and Exchange Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility or holding company as to make it necessary or appropriate for the protection of consumers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed in this title upon holding companies.

(s) The term "renewable energy" means electricity generated from solar, wind, waste, including municipal solid waste, biomass, hydroelectric or geothermal resources.

(t) The term "Renewable Energy Credit" means a tradable certificate of proof that one unit (as determined by the Commission) of renewable energy was generated by any person.

(u) The term "retail electric competition" means the ability of each consumer in a particular State to purchase retail electric energy from any person seeking to sell electric energy to such consumer.

(v) The term "retail electric energy" means electric energy and ancillary services sold for ultimate consumption.

(w) The term "retail electric energy provider" means any person who distributes retail electric energy to consumers regardless of whether the consumers purchase such energy from the provider or an alternative supplier. A retail electric energy provider may also be a retail electric energy supplier.

(x) The term "retail electric energy supplier" means any person which sells retail electric energy to consumers.

(y) The term "retail stranded costs" means all legitimate, prudent, verifiable and nonmitigatable costs incurred by an electric utility company in all of its generation assets which would have been recoverable in retail rates but for the implementation of retail electric competition, less the total market value of these assets after retail electric competition is implemented. Binding power purchase contracts and regulatory assets, the costs of which would have been recovered but for the implementation of retail electric competition, shall be considered generation assets for purposes of this subsection.

(z) The term "rural electric cooperative" means a corporation that is currently paying off a loan for the purposes of providing electric service from the Administrator of the Rural Electrification Administration or the Rural Utilities Service under the Rural Electrification Act of 1936.

(aa) The term "State" means any State or the District of Columbia.

(bb) The term "State regulatory authority" means the regulatory body of a State or municipality having sole jurisdiction to regulate rates and charges for the distribution of electric energy to consumers within the State or municipality.

(cc) The term "subsidiary company" of a holding company means—

(1) any company 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(2) any person the management or policies of which the Securities and Exchange Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the protection of consumers that such person be subject to the obligations, duties, and liabilities imposed upon subsidiary companies of public utility holding companies.

(dd) The term "transmission system" means all facilities, including federally-owned facilities, transmitting electricity in interstate commerce in a particular region, including all facilities transmitting electricity in the State of Texas and those providing international interconnections, but does not include local distribution facilities as determined by the Commission.

(ee) The term "wholesale electric energy" means electric energy and ancillary services sold for resale.

(ff) The term "wholesale electric energy supplier" means any person which sells wholesale electric energy.

(gg) The term "wholesale stranded costs" shall have the same meaning as in the Commission's Order No. 888.

(hh) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 4. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 5. ENFORCEMENT.

(a) VIOLATION OF THE ACT.—If any individual or corporation or any other retail electric energy supplier or provider fails to comply with the requirements of this Act, any aggrieved person may bring an action against such entity to enforce the requirements of this Act in the appropriate Federal district court.

(b) STATE OR COMMISSION ACTION.—Notwithstanding any other provision of law, any person seeking redress from an action taken by a State regulatory authority, the Commission or a regulatory board pursuant to this Act shall bring such action in the appropriate circuit of the United States Court of Appeals.

TITLE I—ELECTRIC COMPETITION

SEC. 101. MANDATORY RETAIL ACCESS.

(a) CUSTOMER CHOICE.—Beginning on January 1, 2002, each consumer shall have the right to purchase retail electric energy from any person offering to sell retail electric energy to such consumer, subject to any limitations imposed pursuant to section 104(a) of this Act.

(b) LOCAL DISTRIBUTION AND RETAIL TRANSMISSION FACILITIES.—Beginning on January 1, 2002, all persons seeking to sell retail electric energy shall have reasonable and nondiscriminatory access, on an unbundled basis, to the local distribution and retail transmission facilities of all retail electric energy providers and all ancillary services.

SEC. 102. AGGREGATION.

Subject to any limitations imposed pursuant to section 104(a) of this Act, a group of consumers or any person acting on behalf of such group may purchase or acquire retail electric energy for the members of the group if they are located in a State or States where there is retail electric competition.

SEC. 103. PRIOR IMPLEMENTATION.

(a) STATE ACTION.—Nothing in the Federal Power Act (16 U.S.C. 824 et seq.) shall be deemed to prohibit a State or State regulatory authority, if authorized under State law, from requiring retail electric energy providers selling retail electric energy to consumers in such State to provide reasonable and nondiscriminatory access, on an unbundled basis, to its local distribution facilities and all ancillary services to any retail electric energy supplier prior to January 1, 2002.

(b) GRANDFATHER.—Legislation enacted by a State or a regulation issued by a State regulatory authority which has the effect of providing all consumers in such State the opportunity to purchase retail electric energy from any retail electric energy supplier by January 1, 2002 and provides electric utility companies with the opportunity to recover their retail stranded costs as defined by this Act (unless there is an agreement between a State or State regulatory authority and a retail electric energy provider which provides for a different level of recovery), shall be deemed to be in compliance with the requirements of sections 101 and 105 of this Act.

(c) RECIPROCITY.—A State or State regulatory authority that provides for retail electric competition may preclude any retail electric energy provider selling retail electric energy to consumers in another State and their affiliates from selling retail electric energy to consumers in the State with retail electric competition if the retail electric energy provider does not provide reasonable and nondiscriminatory access, on an unbundled basis, to its local distribution facilities to any retail electric energy supplier.

SEC. 104. STATE REGULATION.

(a) STATE REQUIREMENTS.—A State or a State regulatory authority may impose requirements on persons seeking to sell retail electric energy to consumers in that State which are intended to promote the public interest, including requirements related to generation reliability and the provision of information to consumers and other retail electric energy suppliers. Any such requirements must be applied on a nondiscriminatory basis and may not be used to exclude any class of potential suppliers, such as retail electric energy providers, from the opportunity to sell retail electric energy.

(b) MAINTENANCE OF STATE AUTHORITY.—Nothing in this Act is intended to prohibit a State from enacting laws or imposing regulations related to retail electric energy service that are consistent with the requirements of this Act.

(c) CONTINUED STATE AUTHORITY OVER DISTRIBUTION.—A State or State regulatory authority may continue to regulate local distribution service currently subject to State regulation, including billing and metering in any manner consistent with this Act.

SEC. 105. RETAIL STRANDED COST RECOVERY.

(a) APPLICATION FOR DETERMINATION.—Except as provided in subsection (b), an electric utility company subject to the ratemaking jurisdiction of a State regulatory authority prior to the date of enactment of this Act may submit an application to the State regulatory authority seeking a determination of its total stranded costs in that State if:

(1) the State regulatory authority has issued a regulation or the State has enacted legislation requiring retail electric competition which does not provide for the full recovery of retail stranded costs; or

(2) the electric utility company's retail distribution customers have access to retail competition as a result of the requirements of Section 101 of this Act.

(3) If a State regulatory authority fails to determine the electric utility company's retail stranded costs within 18 months after the date upon which the company applied for a determination of its stranded costs, the Commission shall determine the company's retail stranded costs.

(b) NONREGULATED UTILITIES.—A municipal or rural electric cooperative that seeks to recover its retail stranded costs may determine its total retail stranded costs.

(c) RIGHT OF RECOVERY.—(1) An electric utility company, municipal utility or retail electric cooperative shall be entitled to full recovery of its retail stranded costs, as determined pursuant to subsection (a) or (b), over a reasonable period of time through a non-bypassable Stranded Cost Recovery Charge imposed on its customers.

(2) A rural electric cooperative which sells wholesale electric energy to rural electric cooperative retail electric energy providers or a joint action agency which sells wholesale electric energy to municipal retail electric energy providers may recover wholesale stranded costs from such rural electric cooperative or municipal retail electric energy providers. Such cost recovery shall be deemed a retail stranded cost of the rural electric cooperative or municipal retail energy provider.

(d) PROHIBITION ON COST-SHIFTING.—(1) No class of consumers in a State shall be assessed a Stranded Cost Recovery Charge that a State regulatory authority or the Commission, whichever is applicable, determines is in excess of the class' proportional responsibility for the retail electric energy provider's costs that existed prior to the implementation of retail electric competition in such State.

(2) Customers of a retail electric energy provider that serves consumers in more than

one State or that is affiliated with another retail electric energy provider shall only be responsible for stranded costs associated with retail electric competition in the State or area in which such customers are located.

(e) PRIOR PRUDENCE DETERMINATIONS.—Nothing in this Act is intended to affect or modify or permit the modification of a final determination made by the Commission or a State regulatory authority or an agreement entered into by the Commission or a State regulatory authority with regard to the prudence of any costs associated with a particular generating facility or contract.

SEC. 106. WHOLESALE STRANDED COST RECOVERY.

(a) COMMISSION REGULATION.—The Commission shall have sole jurisdiction to determine and provide for the recovery of wholesale stranded costs associated with wholesale electric competition with regard to public utilities subject to the jurisdiction of the Commission pursuant to the Federal Power Act.

(b) REGIONAL GENERATING FACILITIES.—

(1) The consent of Congress is given for the creation of a regional board if—

(A) each State regulatory authority regulating an affiliate of a public utility holding company with affiliate retail electric energy providers serving customers in more than one state elects to join such a board;

(B) an affiliate of the public utility holding company owns and/or operates a generating facility and sells power from that facility to two or more affiliates of the same holding company and did not sell retail electric energy prior to January 30, 1997 (hereinafter referred to as the "wholesale generating company"); and

(C) the public utility holding company notifies each State regulatory authority which regulates a retail electric energy provider affiliated with the holding company that it intends to seek recovery of the wholesale stranded costs associated with the generating facility or facilities (described in subsection (b)(1)(B)) owned by the wholesale generating company affiliated with such holding company.

(2) The regional board shall be formed if each State regulatory authority elects to create the board within six months after receiving the notification described in subsection (b)(1)(C). If such elections are not made within the requisite time period, the Commission shall assume the responsibilities of the board as described in this section.

(3) The regional board shall have 18 months after the date it is formed to determine, on a unanimous basis, the wholesale stranded costs associated with the generating facility which is the subject of the proceeding and to allocate such costs among the retail electric energy provider affiliates of the public utility holding company on a just and reasonable and nondiscriminatory basis.

(4) If the regional board fails to make either or both determinations, as described in subsection (b)(3) in the requisite time period, the Commission shall make the determination or determinations that have yet to be made.

(5) After its level of wholesale stranded costs is determined pursuant to this subsection, the wholesale generating company affiliate of the holding company shall be entitled to fully recover its stranded costs, over a reasonable period of time, from the retail electric energy provider affiliates to which it sells electric energy pursuant to the procedures established by this subsection.

(6) A retail electric energy provider's wholesale stranded cost payment obligations pursuant to this subsection shall be deemed retail stranded costs for the purposes of section 105 of this Act.

SEC. 107. LOST RETAIL BENEFITS.

A State may require a retail electric energy provider to compensate its retail customers for lost retail benefits if, after retail competition is implemented, the market value of all of the provider's generating assets in the rate base prior to the implementation of retail electric competition is greater than the total costs of these assets that would have been recoverable in retail rates but for the implementation of retail electric competition. No retail electric energy provider shall be required to compensate its customers in an amount that exceeds the increased market value of its generating assets resulting from the implementation of retail electric competition.

SEC. 108. UNIVERSAL SERVICE

(a) STATE UNIVERSAL SERVICE PROGRAMS.—A State may establish a Universal Service Program that ensures that all consumers have access to purchase retail electric energy from at least one retail electric energy supplier at a just and reasonable rate.

(b) SERVICE OBLIGATION.—(1) After January 1, 2002, each retail electric energy provider located in a State that has not yet established a Universal Service Program described in subsection (a) shall be obligated to sell retail electric energy to, or purchase retail electric energy on behalf of, any of its customers in a particular geographic area in which a State regulatory authority or the Commission, if the State regulatory authority fails to make a determination pursuant to a request by an affected person, determines that there is not effective retail electric competition in such area and the consumer has not affirmatively chosen a retail electric energy supplier.

(2) The retail electric energy provider performing the service described in subsection (b)(1) is entitled to a just and reasonable rate from the consumer receiving such service.

(c) UNIVERSAL SERVICE FUND.—A State or a State regulatory authority, if authorized by the State, may impose a nonbypassable Universal Service Charge on all customers of every retail electric energy provider in such State to fund all or part of the costs of a Universal Service Program, including the partial or full payment of the charges a provider may recover pursuant to subsection (b)(2).

SEC. 109. PUBLIC BENEFITS.

Nothing in this Act shall prohibit a State or State regulatory authority from assessing charges on retail consumers of energy to fund public benefits programs such as those designed to aid low-income energy consumers, promote energy research and development or achieve energy efficiency and conservation.

SEC. 110. RENEWABLE ENERGY.

(a) MINIMUM RENEWABLE REQUIREMENT.—Beginning on January 1, 2004 and each year thereafter, every retail electric energy supplier shall submit to the Commission Renewable Energy Credits in an amount equal to the required annual percentage of the total retail electric energy sold by such supplier in the preceding calendar year.

(b) STATE RENEWABLE ENERGY PROGRAMS.—Nothing in this section shall be construed to prohibit any State or any State regulatory authority from requiring additional renewable energy generation in that State under any program adopted by the State.

(c) REQUIRED ANNUAL PERCENTAGE.—Beginning in calendar year 2003, the required annual percentage for each retail electric energy supplier shall be 5 percent. Thereafter, the required annual percentage for each such supplier shall be 9 percent beginning in calendar year 2008 and 12 percent beginning in calendar year 2013.

(d) SUBMISSION OF CREDITS.—A retail electric energy supplier may satisfy the requirements of subsection (a) through the submission of—

(1) Renewable Energy Credits issued by the Commission under this section for renewable energy sold by such supplier in such calendar year.

(2) Renewable Energy Credits issued by the Commission under this section to any other retail electric energy supplier for renewable energy sold in such calendar year by such other supplier and acquired by such retail electric energy supplier.

(3) Any combination of the foregoing.

A Renewable Energy Credit that is submitted to the Commission for any year may not be used for any other purposes thereafter.

(e) ISSUANCE OF RENEWABLE ENERGY CREDITS.—

(1) The Commission shall establish by rule after notice and opportunity for hearing but not later than one year after the date of enactment of this Act, a National Renewable Energy Trading Program to issue Renewable Energy Credits to retail electric suppliers. Renewable Energy Credits shall be identified by type of generation and the State in which the facility is located. Under such program, the Commission shall issue—

(A) one-half of one Renewable Energy Credit to any retail electric energy supplier who sells one unit of renewable energy generated at a large hydroelectric facility;

(B) one Renewable Energy Credit to any retail electric energy supplier who sells one unit of renewable energy generated at a facility, other than a large hydroelectric facility, built prior to the date of enactment of this Act; and

(C) two Renewable Energy Credits to any retail electric supplier who sells one unit of renewable energy generated at a facility, other than a large hydroelectric facility, built on or after the date of enactment of this Act.

(2) The Commission shall impose and collect a fee on recipients of Renewable Energy Credits in an amount equal to the administrative costs of issuing, recording, monitoring the sale or exchange, and tracking such Credits.

(f) SALE OR EXCHANGE.—Renewable Energy Credits may be sold or exchanged by the person issued or the person who acquires the Credit. A Renewable Energy Credit for any year that is not used to satisfy the minimum renewable sales requirement of this section for that year may not be carried forward for use in another year. The Commission shall promulgate regulations to provide for the issuance, recording, monitoring the sale or exchange, and tracking of such Credits. The Commission shall maintain records of all sales and exchanges of Credits. No such sale or exchange shall be valid unless recorded by the Commission.

(g) USE OF PROCEEDS BY BPA.—The Administrator of the Bonneville Power Administration shall use the proceeds from the sale of any Renewable Energy Credit issued to the Bonneville Power Administration under this section for its retail electric energy sales to repay the Administration's outstanding debt to the United States Treasury and bondholders of securities backed by the Bonneville Power Administration.

(h) RULES AND REGULATIONS.—The Commission shall promulgate such rules and regulations as may be necessary to carry out this section, including such rules and regulations requiring the submission of such information as may be necessary to verify the annual electric generation and renewable energy generation which is supplied by any person applying for Renewable Energy Credits under this section or to verify and audit the validity of Renewable Energy Credits submitted by any person to the Commission.

(i) ANNUAL REPORTS.—The Commission shall gather available data and measure compliance with the requirements of this section and the success of the National Renewable Energy Trading Program established under this section. On an annual basis not later than May 31 of each year, the Commission shall publish a report for the previous year that includes compliance data, National Renewable Energy Trading Program results, and steps taken to improve the Program results.

(j) SUNSET.—The requirements of this section shall cease to apply on December 31, 2019.

SEC. 111. DETERMINATION OF LOCAL DISTRIBUTION FACILITIES.

(a) APPLICATION BY STATE REGULATORY AUTHORITY.—A State regulatory authority may apply to the Commission for a determination whether a particular facility used for the transportation of electric energy located in such State is a local distribution facility subject to the jurisdiction of that State regulatory authority or is a transmission facility subject to the jurisdiction of the Commission.

(b) COMMISSION FINDINGS.—If an application is submitted pursuant to subsection (a) the Commission shall make a determination giving the maximum practicable deference to the position taken by the State regulatory authority, in accordance with the following factors associated with the facility:

(1) function and purpose;

(2) size;

(3) location;

(4) voltage level and other technical characteristics;

(5) historic, current and planned usage patterns;

(6) interconnection and coordination with other facilities; and

(7) any other factor the Commission deems relevant.

SEC. 112. TRANSMISSION.

(a) TRANSMISSION REGIONS.—Within two years after the date of enactment of this Act, the Commission shall establish the broadest feasible transmission regions and designate an Independent System Operator to manage and operate the transmission system in each region beginning on January 1, 2002. In establishing transmission regions and designating Independent System Operators the Commission shall give deference to Independent System Operators approved by the Commission prior to the date of enactment of this Act, if it would be consistent with the requirements of this section.

(b) INDEPENDENT SYSTEM OPERATORS.—A person designated as an Independent System Operator shall not be subject to the control of—

(1) any person owning any transmission facilities located in the region in which the Independent System Operator will operate; or

(2) any retail electric energy supplier selling retail electric energy to consumers in the region in which the Independent System Operator will operate.

(c) TRANSMISSION REGULATION.—

(1) The Commission shall continue to have authority over the transmission of electric energy in interstate commerce by the Independent System Operator within the transmission region designated by the Commission.

(2) The Commission shall have authority over the transmission of electric energy in interstate commerce between two or more transmission regions designated by the Commission.

(3) Sections 212(f) and 212(j) of the Federal Power Act (16 U.S.C. 824k(f) and 824k(j)) are repealed effective January 1, 2002.

(4) Section 212(g) of the Federal Power Act (16 U.S.C. 824k(g)) is amended by adding "prior to January 1, 2002" immediately following "utilities".

(5) Section 212(h) of the Federal Power Act (16 U.S.C. 824k(h))—

(A) shall not apply after the date of enactment of this Act where a retail electric energy supplier is seeking access to a transmission facility for the purpose of selling retail electric energy to a consumer located in a State that has authorized retail electric competition prior to January 1, 2002; or

(B) is repealed effective January 1, 2002.

(f) RULES.—On or before January 1, 2001, the Commission shall issue binding rules governing oversight of the Independent System Operators and designed to promote transmission reliability and efficiency and competition among retail and wholesale electric energy suppliers, including rules related to transmission rates that inhibit competition and efficiency.

SEC. 113. COMPETITIVE GENERATION MARKETS.

(a) MERGERS.—

(1) Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) is amended by adding "including the promotion of competitive wholesale and retail electric generation markets," immediately following "public interest".

(2) Section 203 of the Federal Power Act (16 U.S.C. 824b) is further amended by adding at the end the following:

"(c) ACQUISITION OF NATURAL GAS UTILITY COMPANY.—No public utility shall acquire the facilities or securities of a natural gas utility company unless the Commission finds that such acquisition is in the public interest.

"(d) DEFINITION.—For purposes of this section, the term "natural gas utility company" means any company that owns or operates facilities used for the transportation at wholesale, or the distribution at retail (other than the distribution only in enclosed portable containers) of natural or manufactured gas for heat, light, or power.".

(b) MARKET POWER.—The Commission may take such actions as it determines are necessary, including the following:

(1) ordering the physical connection of generating or transmission facilities,

(2) ordering a transmitting utility (as defined in section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) to provide transmission services (including any enlargement of transmission capacity (consistent with applicable state law) necessary to provide such services), or

(3) requiring the divestiture of generating or transmission facilities,

in order to prohibit any retail or wholesale electric energy supplier or retail electric energy provider or any affiliate thereof, from using its ownership or control of resources to maintain a situation inconsistent with effective competition among retail and wholesale electric suppliers.

SEC. 114. NUCLEAR DECOMMISSIONING COSTS.

To ensure safety with regard to the public health and safe decommissioning of nuclear generating units, any retail and wholesale electric energy supplier owning nuclear generating units prior to the date of enactment of this Act shall recover all reasonable costs (as determined by the Commission and relevant State regulatory authorities) associated with Federal and State requirements for the decommissioning of such nuclear generating units pursuant to a non-bypassable charge imposed on all consumers located in the service territories purchasing power, or that had purchased power, from such nuclear generating units. In overseeing the non-bypassable charge, a State regulatory authority may take into account the greater cost responsibility of those consumers which continue to purchase power generated at a nuclear unit.

SEC. 115. RIGHT TO KNOW.

Beginning on January 1, 2002, the Commission shall ensure that each retail electric energy supplier discloses to the public information on the types of fuel used to generate the electricity sold by the supplier, including the percentage of the electric energy sold by the supplier that is generated by each fuel type.

SEC. 116. EXEMPTION OF ALASKA AND HAWAII.

This title shall not apply to any person located in Alaska or Hawaii with regard to any activity or transaction occurring in Alaska or Hawaii.

TITLE II—PUBLIC UTILITY HOLDING COMPANIES

SEC. 201. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935, as amended, 15 U.S.C. 79 et seq., is hereby repealed, effective one year from the date of enactment of this Act.

SEC. 202. EXEMPTIONS.

(a) FEDERAL AND STATE AGENCIES.—No provision of this title shall apply to: (1) the United States, (2) a State or any political subdivision of a State, (3) any foreign governmental authority not operating in the United States, (4) any agency, authority, or instrumentality of any of the foregoing, or (5) any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty.

(b) UNNECESSARY PROVISIONS.—The Commission, by rule or order, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if the Commission finds that regulation of such person or transaction is not relevant to the rates of a public utility company. The Commission shall not grant such an exemption, except with regard to section 204 of this Act, unless all affected State regulatory authorities consent.

(c) RETAIL COMPETITION.—The provisions of this title shall not apply to a holding company and every associate company of such holding company if the Commission certifies that the retail customers of every public utility subsidiary of such holding company have access to retail electric competition and each State regulatory authority regulating the retail electric energy provider subsidiaries of the holding company certify that they will have sufficient access to the holding company's books and records relevant to their regulatory responsibilities.

SEC. 203. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) PROVISION OF BOOKS AND RECORDS.—Every holding company and associate company thereof shall maintain, and make available to the Commission, such books, records,

accounts, and other documents as the Commission deems relevant to costs incurred by a public utility company that is an associate company of such holding company and necessary or appropriate for the protection of consumers with respect to rates.

(b) EXAMINATION OF BOOKS AND RECORDS.—The Commission may examine the books and records of any company in a holding company system, or any affiliate thereof, as the Commission deems relevant to costs incurred by a public utility company within such holding company system and necessary or appropriate for the protection of consumers with respect to rates.

(c) PROTECTED INFORMATION.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his knowledge during the course of examination of books, accounts, or other information as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

SEC. 204. STATE ACCESS TO BOOKS AND RECORDS.

(a) PROVISION OF BOOKS AND RECORDS.—Every holding company and associate company thereof, shall maintain, and make available to each State regulatory authority regulating the rates of any public utility subsidiary of such holding company, such books, records, accounts, and other documents as the State regulatory authority deems relevant to costs incurred by a public utility company that is an associate company of such holding company and necessary or appropriate for the protection of consumers with respect to rates.

(b) PROTECTED INFORMATION.—No member, officer, or employee of a State regulatory authority shall divulge any fact or information that may come to his knowledge during the course of examination of books, accounts, or other information as hereinbefore provided, except insofar as he may be directed by the State regulatory authority or a court.

SEC. 205. AFFILIATE TRANSACTIONS.

(a) INTERAFFILIATE TRANSACTIONS.—Both the Commission, with regard to wholesale rates, and State regulatory authorities, with regard to retail rates, shall have the authority to determine whether a public utility company may recover in rates any costs of goods and services acquired by such public utility company from an associate company after the date of enactment regardless of when the contract for the acquisition of such goods and services was entered into.

(b) ASSOCIATE COMPANIES.—Both the Commission, with regard to wholesale rates, and State regulatory authorities, with regard to retail rates, shall have the authority to determine whether a public utility company may recover in rates any costs associated with an activity performed by an associate company.

(c) INTERAFFILIATE POWER TRANSACTIONS.—

(1) Each State regulatory authority shall have the authority to examine the prudence of a wholesale electric power purchase made by a public utility, which is not an associate company of a public utility holding company, providing retail electric service subject to regulation by the State regulatory authority.

(2) Each State regulatory authority shall have the authority to examine the prudence of a wholesale electric power purchase made by a public utility, which is an associate company of a public utility holding company, providing retail electric service subject to regulation by the State regulatory authority, provided that the costs related to such purchase have not been allocated among two or more associated companies of such public utility holding company, by the Commission prior to the date of enactment and there is no subsequent reallocation after the date of enactment.

SEC. 206. CLARIFICATION OF REGULATORY AUTHORITY.

No public utility which is an associate company of a holding company may recover in rates from wholesale or retail customers any costs (other than wholesale or retail stranded costs) not associated with the provision of electric service to such customers, including those direct and indirect costs related to investments not associated with the provision of electric service to those customers, unless the Commission, with regard to wholesale rates, or a State regulatory authority, with regard to retail rates, explicitly consents.

SEC. 207. EFFECT ON OTHER REGULATION.

Nothing in this Act shall preclude a State regulatory authority from exercising its jurisdiction under otherwise application law to protect utility consumers.

SEC. 208. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825d–825p) to enforce the provisions of this title.

SEC. 209. SAVINGS PROVISION.

Nothing in this title prohibits a person from engaging in activities in which it is legally engaged or authorized to engage on the date of enactment of this title provided that it continues to comply with the terms of any authorization, whether by rule or by order.

SEC. 210. IMPLEMENTATION.

The Commission shall promulgate regulations necessary or appropriate to implement this title not later than six months after the date of enactment of this Act.

SEC. 211. RESOURCES.

All books and records that relate primarily to the function hereby vested in the Commission shall be transferred from the Securities and Exchange Commission to the Commission.

TITLE III—PUBLIC UTILITY REGULATORY POLICIES ACT

SEC. 301. DEFINITION.

For purposes of this title, the term "facility" means a facility for the generation of electric energy or an addition to or expansion of the generating capacity of such a facility.

SEC. 302. FACILITIES.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) shall not apply to any facility which begins commercial operation after the effective date of this title, except a facility for which a power purchase contract entered into under such section was in effect on such effective date.

SEC. 303. CONTRACTS.

After the effective date of this title or after the date on which retail electric competition, as defined in title I of this Act, is implemented in all of its service territories, whichever is earlier, no public utility company shall be required to enter into a new contract or obligation to purchase or sell electric energy pursuant to section 210 of the Public Utility Regulatory Policies Act of 1978.

SEC. 304. SAVINGS CLAUSE.

Notwithstanding sections 302 and 303, nothing in this title shall be construed:

(a) as granting authority to the Commission, a State regulatory authority, electric utility company, or electric consumer, to reopen, force, the renegotiation of, or interfere with the enforcement of power purchase contracts or arrangements in effect on the effective date of this Act between a qualifying small power producer and any electric utility or electric consumer, or any qualifying cogenerator and any electric utility or electric consumer.

(b) To affect the rights and remedies of any party with respect to such a power purchase contract or arrangement, or any requirement in effect on the effective date of this Act to purchase or to sell electric energy from or to a qualifying small power production facility or qualifying cogeneration facility.

SEC. 305. EFFECTIVE DATE.

This title shall take effect on January 1, 2002.

TITLE IV—ENVIRONMENTAL PROTECTION

SEC. 401. STUDY.

The Environmental Protection Agency, in consultation with other relevant Federal agencies, shall prepare and submit a report to Congress by January 1, 2000, which examines the implications of differences in applicable air pollution emissions standards for wholesale and retail electric generation competition and for public health and the environment. The report shall recommend changes to Federal law, if any are necessary, to protect public health and the environment.

TITLE V—BONNEVILLE POWER ADMINISTRATION

SEC. 501. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) The multi-purpose Federal Columbia River Power System's Federal and non-Federal dams have provided immeasurable benefits to the Pacific Northwest by providing flood control, renewable hydroelectric power, irrigation, navigation, and recreation;

(2) The dams provide the Northwest with a continuing source of clean and renewable power but, along with over-fishing and other natural and human impacts on the ecosystem, have adversely affected the Columbia Basin's fish and wildlife;

(3) Enactment of the Energy Policy Act of 1992 established competition for the wholesale supply of electricity, and market forces have driven the cost of power down nationally, the Northwest included, and has allowed utilities and large users to buy power at rates below those offered by the Bonneville Power Administration;

(4) Realizing the new economic forces impacting electricity, the four Northwest State Governors undertook a year-long review in 1996 of the regional electricity system and made recommendations for the future of the system;

(5) Among these recommendations is the separation of the transmission and power marketing functions of the Bonneville Power Administration, with Commission oversight of access to Bonneville's transmission system, and undertaking this separation in a way that does not impair Bonneville's ability to meet its obligations to the U.S. Treasury, fish and wildlife programs, and bondholders of the Washington Public Power Supply System;

(6) There are ongoing efforts by Bonneville to reduce its costs and require accountability of its funds, including those of its funds used for salmon recovery; and

(7) There is a need to provide a regional process involving the Federal Government,

state governments, tribal governments, utilities and other users of the water of the Columbia and Snake River System, to balance the multiple objectives of the river system.

(b) PURPOSES.—The purposes of this title are:

(1) To establish authority in a consolidated regional governing body that will balance the multiple uses of the Columbia and Snake river system, for hydroelectric production, for irrigation, for recreation, for the protection and enhancement of fish and wildlife populations, and for flood control, with that body to be responsible and accountable for spending funds for these purposes;

(2) To facilitate the maintenance of an open transmission system in the Northwest based on Commission rules and to ensure its reliability; and

(3) To assure that the Bonneville Power Administration retains the ability to meet its unique financial obligations to the U.S. Treasury, to fish and wildlife projects, to the bondholders of the Washington Public Power Supply System, and to remain a competitive wholesale supplier of electricity.

SEC. 502. COLUMBIA RIVER FISH AND WILDLIFE COORDINATION AND GOVERNANCE.

This section is reserved.

SEC. 503. PACIFIC NORTHWEST FEDERAL TRANSMISSION ACCESS.

The Commission's rules on nondiscriminatory open access to transmission services provided by public utilities, including its rules on standards of conduct, shall also apply to transmission services provided by the Bonneville Power Administration, except as otherwise provided by the Commission by rule if it is in the public interest, or except as necessitated by the requirements of section 504 or 506 of this Act. Except as provided in sections 504 and 508 of this Act, rates for transmission imposed by the Administrator shall continue to be established and reviewed and approved in accordance with the provisions of otherwise applicable Federal laws.

SEC. 504. TRANSITION COST MECHANISM.

If the Bonneville Power Administration proposes a charge to recover its transition costs resulting from this Act, the Energy Policy Act, or the Commission's Order No. 888, a transition cost recovery mechanism shall be developed and adopted by the Commission within 180 days of the filing of the proposal with the Commission.

SEC. 505. INDEPENDENT SYSTEM OPERATOR PARTICIPATION.

Notwithstanding any other provision of law, the Administrator of the Bonneville Power Administration may participate in a regulated Independent System Operator subject to the jurisdiction of the Commission pursuant to section 112 of this Act.

SEC. 506. FINANCIAL OBLIGATIONS.

Sections 503, 504 and 505 of this Act shall be interpreted and implemented in a manner that does not adversely affect the security of the Bonneville Power Administration's Washington Public Power Supply System net-billing and other third-party financing arrangements.

SEC. 507. PROHIBITION ON RETAIL SALES.

Except as provided in section 5(d) of the Northwest Power Act (16 U.S.C. 839c(d)), the Administrator shall not market, sell or dispose of electric power to any end use or retail customers that did not have a contract for the purchase of electric power with the Administrator for services to specific facilities as of October 1, 1997.

SEC. 508. CLARIFICATION OF COMMISSION AUTHORITY.

Section 7(a)(2) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(a)(2)) is amended—

(1) by deleting the word "costs," in paragraph (B);

(2) by striking the period at the end of paragraph (C) and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new paragraph:

"(D) insofar as transmission rates are concerned, the rates do not discriminate between transmission users or classes of users in a manner that has the effect of unreasonably denying transmission access under section 503 of this Act."

SEC. 509. REPEALED STATUTE.

Section 6 of the Federal Columbia River Transmission System Act (16 U.S.C. 838d) is hereby repealed.

TITLE VI—TENNESSEE VALLEY AUTHORITY

SEC. 601. COMPETITION IN SERVICE TERRITORY.

Notwithstanding any other provision of law, beginning on January 1, 2002, all retail and wholesale electric energy suppliers shall have the right to sell retail and wholesale electric energy to persons that currently purchase retail or wholesale electric energy either directly from the Tennessee Valley Authority or persons purchasing electric energy from the Tennessee Valley Authority.

SEC. 602. ABILITY TO SELL ELECTRIC ENERGY.

(a) TVA.—Notwithstanding any other provision of law, the Tennessee Valley Authority may sell wholesale electric energy to any person, subject to any restrictions imposed pursuant to Section 104(a) of this Act, beginning on January 1, 2002.

(b) POWER CUSTOMERS.—Notwithstanding any other provision of law, persons that currently purchase wholesale electric energy from the Tennessee Valley Authority may sell wholesale and retail electric energy to any persons subject to any restrictions imposed pursuant to section 104(a) of this Act, beginning on January 1, 2002.

SEC. 603. TERMINATION OF CONTRACTS.

(a) NOTICE.—Beginning on January 1, 2001, the Tennessee Valley Authority shall allow any person that has executed a contract to purchase retail or wholesale electric energy from it to terminate such contract upon one year's notice.

(b) STRANDED COSTS.—Each person holding a contract that is terminated pursuant to subsection (a) shall be responsible for retail or wholesale stranded costs as determined by the Commission.

SEC. 604. RATES FOR ELECTRIC ENERGY.

(a) ESTABLISHMENT.—Notwithstanding any other provision of law, the Board of Directors of the Tennessee Valley Authority shall establish, and periodically review and revise, rates for the sale and disposition of wholesale and retail electric energy and for the transmission of electric energy by the Tennessee Valley Authority. Such rates shall be established and, as appropriate, revised to recover, in accordance with sound business principles, the costs associated with the generation, acquisition, conservation, transmission, and distribution of electric energy, including the payment of principal and interest on the Authority's bonds over a reasonable period.

(b) COMMISSION REVIEW.—Rates established under this section shall become effective only upon confirmation and approval by the Commission, upon a finding by the Commission that such rates are sufficient to ensure repayment of the Authority's bonds over a reasonable number of years after first meeting the Authority's legitimate, prudent, and verifiable costs.

SEC. 605. PRIVATIZATION STUDY.

(a) REQUIREMENT FOR PREPARATION OF STUDY.—The Board of Directors the Tennessee Valley Authority shall prepare a study for selling its electric power program (excluding dams and appurtenant works and structures) to private investors and, not later than two years after the date of enactment of this Act, shall submit such plan to the Congress.

(b) CONTENTS OF STUDY.—The study shall consider the following—

(1) both the sale of the authority's electric power program as a whole and the sale of some or all of its component parts;

(2) alternative means of selling the Authority's electric power program or its component parts, including a public stock offering, a private placement of stock, or the sale of assets; and

(3) the effect of any sale on—

(A) electric rates and competition in the regional electricity market,

(B) the operation of the Authority's nonpower programs, and

(C) the repayment of the Authority's debt.

(c) ADDITIONAL ELEMENTS.—The study shall also include—

(1) An estimate of the amount of revenue that the United States Treasury would receive under each of the alternatives considered;

(2) the Board's analysis of the feasibility of each of the alternatives considered and its recommendation either for retaining the Authority's power program under federal ownership or the preferred alternative for selling it to private investors; and

(3) the Board's recommendation of whether the Authority's dams should—

(A) be transferred to the Department of the Army Corps of Engineers and responsibility for marketing electric energy produced by such dams assigned to the Southeastern Power Marketing Administration, or

(B) continue to be controlled by, and the electric energy they produce continue to be marketed by the Tennessee Valley Authority.

(d) FURTHER ACTION.—The Board of Directors shall take no action to implement the sale of the Authority's power program without further legislation authorizing such action.

TRANSITION TO ELECTRIC COMPETITION ACT OF 1997—SECTION-BY-SECTION ANALYSIS

TITLE I—ELECTRIC COMPETITION

Section 101—Mandatory Retail Access

All consumers (including current customers of investor-owned municipal and rural cooperative electric utilities) have the right to purchase retail electric energy beginning on January 1, 2002.

All retail electric energy suppliers (entities selling retail electric energy) have access to local distribution facilities and all ancillary services beginning on January 1, 2002.

Section 102—Aggregation

A group of consumers or any entity acting on behalf of such group is authorized to aggregate to purchase retail electric energy for the members of the group if they live in a State where retail electric competition exists.

Section 103—Prior Implementation

Nothing in the Federal Power Act shall prohibit States from requiring retail electric competition prior to January 1, 2002.

A State requiring retail electric competition prior to January 1, 2002 and providing utilities with the opportunity to recover stranded costs is exempt from the Act's requirements related to retail competition and stranded costs.

A State may impose reciprocity requirements if it has provided for retail competition to prevent utilities that aren't subject to retail competition from selling power to retail customers in its state.

Section 104—State Regulation

States may impose requirements on retail electric energy suppliers to protect the public interest.

No class of potential retail electric energy suppliers can be excluded from selling retail electric energy.

States may continue to regulate local distribution and retail transmission service provided by retail electric energy providers.

Section 105—Retail Stranded Cost Recovery

An investor-owned utility providing retail electric service prior to the date of enactment which is seeking recovery of its stranded costs must request the State regulatory authority to determine the amount of its stranded costs associated with the implementation of retail electric competition.

If a State regulatory authority fails to determine the amount of stranded costs within 18 months of the request, FERC will determine the amount.

A municipal electric utility or a rural electric cooperative may determine the amount of its stranded costs.

A utility is entitled to recover its stranded costs from its customers pursuant to a nonbypassable Stranded Cost Recovery Charge.

A rural electric cooperative or municipal joint action agency that sells wholesale power to rural electric cooperative or municipal distribution companies may recover its stranded costs from the distribution companies.

No class of customers (such as a utility's residential customers) can be required to pay a Stranded Cost Recovery Charge in excess of its proportional responsibility for utility costs prior to the implementation of retail electric competition.

Customers served by utility companies operating in more than one state either directly or through an affiliate are only responsible for stranded costs arising from retail electric competition in the state they reside.

For purposes of determining stranded cost amounts, prior prudence determinations are binding.

Section 106—Wholesale Stranded Cost Recovery

FERC has sole jurisdiction to determine and provide for the recovery of the wholesale stranded costs associated with utilities subject to the Federal Power Act.

All of the states regulating utility subsidiaries of a multistate utility holding company may form a regional board to calculate the stranded costs of a wholesale electric supplier subsidiary of the holding company that does not sell any retail electric energy and to allocate such costs among the utility subsidiaries of the holding company.

If the regional board is not formed or if the members of the regional board fail to produce a consensus on either determination required of the board, FERC shall perform the board's responsibilities.

Once the wholesale subsidiary's stranded costs have been determined, the subsidiary is entitled to recover such costs from its affiliated utility companies in the manner allocated by the board or FERC and the utility companies are entitled to recover such costs from its customers.

Section 107—Lost Retail Benefits

A state may require a retail electric energy provider to compensate its customers for any increase in power costs resulting from the implementation of retail electric competition if the market value of the provider's generating assets increase and the provider sells power elsewhere due to the implementation of retail electric competition.

Section 108—Universal Service

A state may establish a Universal Service Program to ensure that all consumers have access to electric service at a just and reasonable rate.

If a state has not established a Universal Service Program prior to January 1, 2002, each retail electric energy provider located in that state is obligated to sell power to or purchase power on behalf of consumers that do not have sufficient access to competing retail electric energy suppliers.

The retail electric energy provider is entitled to just and reasonable compensation for the service performed.

States may impose a nonbypassable Universal Service Charge to help pay for the retail electric energy provider's compensation.

Section 109—Public Benefits

States may impose charges on retail electric energy consumers to fund public benefit programs (i.e. low-income and energy efficiency).

Section 110—Renewable Energy

Beginning of 2003, all retail electric energy suppliers are required to either (1) sell at least a minimum amount of renewable energy as part of the total amount of energy it sells or (2) purchase credits from retail electric energy suppliers that sell renewable energy in excess of the minimum requirements.

½ of one Renewable Energy Credit will be provided to retail electric energy suppliers selling power generated from a large hydroelectric facility (more than 80 MW). One Renewable Energy Credit will be provided to retail electric energy suppliers selling power generated at all other renewable electric facilities built prior to the date of enactment. Two Renewable Energy Credits will be provided to retail electric energy suppliers selling power generated at all other renewable electric facilities built subsequent to the date of enactment.

Retail electric energy suppliers are required to have Credits worth 5% of its generation beginning in 2003, 9% of its generation beginning in 2008 and 12% of its generation beginning in 2013.

The Bonneville Power Administration must use proceeds from the sale of Credits issued to it to repay the Administration's outstanding debt to the U.S. Treasury and the Washington Public Power supply System Bondholders.

Section 111—Determination of Local Distribution Facilities

A State regulatory authority may apply with FERC for a determination of whether a particular facility constitutes a local distribution facility.

FERC will give the position of the State regulatory authority maximum practicable deference.

Section 112—Transmission

Within two years of the date of enactment FERC must establish transmission regions and designate an Independent System Operator (ISO) to manage and operate all of the transmission facilities in each region beginning on January 1, 2002.

The ISO can't be affiliated with any person owning transmission facilities in the region or any retail electric energy supplier selling retail electric energy in the region.

FERC is required to issue rules by January 1, 2001 applicable to its oversight of the ISO's to promote transmission reliability and efficiency and competition among retail and wholesale electric energy suppliers.

The Federal Power Act prohibition on FERC requiring transmission access for the purposes of retail wheeling is repealed on January 1, 2002 or at an earlier date for a particular retail wheeling request in a State that retail electric competition prior to January 1, 2002.

Section 113—Competitive Generation Markets

FERC's authority over utility mergers pursuant to the Federal Power Act is extended to electric utility mergers with natural gas utility companies.

FERC review of mergers must take into account the impact of a merger on competitive wholesale and retail electric generation markets.

FERC has authority to take actions necessary to prohibit retail electric energy suppliers and providers from using their control of resources to inhibit retail and wholesale electric competition.

Section 114—Nuclear Decommissioning Costs

Utilities owning nuclear power plants prior to the date of enactment are entitled to recover costs to fund decommissioning of the plants from their customers pursuant to a non-bypassable charge.

Section 115—Right to Know

Each retail electric energy supplier must publicly disclose information on the types of fuel used to generate the electricity sold by the supplier.

Section 116—Exemption of Alaska and Hawaii

Title I does not apply to any transaction occurring in Alaska or Hawaii.

TITLE II—PUBLIC UTILITY HOLDING COMPANIES

Section 201—Repeal of PUHCA

PUHCA is repealed one year from the date of enactment of the Act.

Section 202—Exemption

Title II does not apply to federal or state agencies or foreign governmental authorities not operating in the U.S.

FERC may exempt anyone from any of the requirements of the Title if the Commission finds the particular regulation not relevant to public utility company rates and the affected States consent.

The provisions of the Title don't apply to a particular holding company when retail electric competition exists in the service territory of each utility subsidiary of the holding company.

Section 203—Federal Access to Books and Records

Each holding company and associate company of the holding company must make its books and records available to FERC.

Section 204—State Access to Books and Records

Each holding company and associate company of the holding company must make its books and records available to each State regulatory authority regulating a utility subsidiary of the holding company.

Section 205—Affiliate Transactions

FERC, with regard to wholesale rates and States, with regard to retail rates, have the authority to determine whether a public utility affiliate of a holding company may recover its costs associated with a non-power transaction with an affiliated company if such costs arose after the date of enactment.

State regulatory authorities have the authority to review the prudence of a utility's wholesale power purchases form non-affiliated sellers.

State regulatory authorities have the authority to review the prudence of a utility's

wholesale power purchase from an affiliated seller in the same holding company system unless FERC has allocated the costs of the purchase among two or more utility subsidiaries of the holding company prior to the date of enactment and there is no subsequent reallocation.

Section 206—Clarification of Regulatory Authority

FERC, with regard to wholesale rates, and State regulatory authorities, with regard to retail rates, must explicitly consent, before a utility affiliate of a utility holding company can recover costs in rates that are not directly related to the provision of electric service to its customers.

Section 207—Effect on Other Regulation

State regulatory authorities can exercise their jurisdiction under otherwise applicable law to protect utility consumers.

Section 208—Enforcement

FERC has the same enforcement authority under this Title as it does under the Federal Power Act.

Section 209—Savings Provision

A person engaging in an activity it was legally entitled to engage in on the date of enactment may continue to be entitled to engage in the activity.

Section 210—Implementation

FERC must promulgate regulations to implement the Title within 6 months of the date of enactment.

Section 211—Resources

The SEC must transfer its books and records related to holding company regulation to the FERC.

TITLE III—PUBLIC UTILITY REGULATORY POLICIES ACT

Section 301—Definition

Section 302—Facilities

Section 210 of PURPA doesn't apply to facilities beginning commercial operation after the effective date of this Title unless the power purchase contract related to the facility was in effect on the effective date.

Section 303—Contracts

Public utilities are no longer required to enter into new purchase contracts under Section 210 of PURPA once there is retail electric competition in their service territories.

Section 304—Savings Clause

This Title does not affect existing power purchase contracts under PURPA.

Section 305—Effective Date

The effective date of this Title is January 1, 2002.

TITLE IV—ENVIRONMENTAL PROTECTION

Section 401—Study

EPA must submit a study to Congress by January 1, 2002, which examines the implications of wholesale and retail electric competition on the emission of pollutants and recommends changes to law, if any are necessary to protect public health and the environment.

TITLE V—BONNEVILLE POWER ADMINISTRATION

Section 501—Findings and Purposes

Section 502—Columbia River Fish and Wildlife Coordination and Governance

This section is reserved for future versions of the bill.

Section 503—Pacific Northwest Federal Transmission Access

BPA is subject to FERC's open access transmission requirements unless FERC determines it is not in the public interest or it would prevent BPA from paying its debt.

Section 504—Transition Cost Mechanism

FERC is required to develop a transition cost recovery mechanism for BPA if BPA makes a proposal.

Section 505—Independent System Operator Participation

BPA is not prohibited from participating in an Independent System Operator.

Section 506—Financial Obligations

The use of BPA's transmission facilities for competitive generation transmission shall not adversely affect BPA's ability to pay its debt.

Section 507—Prohibition on Retail Sales

BPA is prohibited from selling retail electric energy to customers that did not have a contract with BPA as of October 1, 1997.

Section 508—Clarification of Commission Authority

Pacific Northwest transmission rates can't be used to unreasonably deny transmission access.

Section 509—Repealed Statute

Section 6 of the Federal Columbia River Transmission System is repealed.

TITLE VI—TENNESSEE VALLEY AUTHORITY

Section 601—Competition in Service Territory

Beginning on January 1, 2002, TVA's retail and wholesale customers are permitted to purchase power from other sellers.

Section 602—Ability to Sell Electric Energy

Beginning on January 1, 2002, TVA may sell wholesale electric energy outside of its current service territory.

Section 603—Termination of Contracts

Any person that currently holds a wholesale or retail contract with TVA may cancel the contract with one year notice beginning on January 1, 2001.

Section 604—Rates for Electric Energy

TVA's Board of Directors will establish the rates for the sale and transmission of electric energy by TVA.

The rates must be sufficient to recover TVA's costs, including the payment of principal and interest on its bonds over a reasonable period.

FERC must review and approve the Board's rates if they are sufficient to ensure the repayment of TVA's legitimate, prudent and verifiable costs over a reasonable period of time and ensure the recovery of TVA's stranded retail and wholesale costs.

Section 605—Privatization Plan

TVA's Board of Directors must prepare a plan within two years of the date of enactment for selling its electric power program to private investors.

No action on the sale of TVA may occur without subsequent congressional actions.

Mr. GORTON. Mr. President, the Senator from Arkansas has eloquently and adequately described the bill which we are introducing jointly today. He is a leader in this field, and introduced the bill on this subject early this year. He and I, and the occupant of the Chair, have had the opportunity to go through seven workshops on electric power marketing restructuring. During the course of this time, the Senator from Arkansas and I found that we thought very similarly in this field, and we are here together on the floor today to introduce a bill that modifies somewhat, but not in its general philosophy, the proposal that he introduced almost a year ago.

The goal that we set in this bill is to provide for competition for choice, and ultimately for lower prices for electric power consumers from the largest industry to the individual homeowner all across the 50 States of the United States. We set a deadline for that competition to exist on the 1st of January of the year 2002. We encourage States, several of which have already acted, to provide for their own free and open competition by allowing States that have met the general requirements of this bill before 2002 to do it in their own way—in the way in which their legislatures have decided or may have decided.

We cover, as the Senator from Arkansas pointed out, the legitimate stranded costs of utilities that have been required to build facilities, some of which may not be completely competitive in an entirely free and open market. We set up a system of independent system operators so that the entire transmission system of the United States will be free and open on equal terms to all potential competitors.

We encourage the increased use of renewable energy sources by requiring certain minimums increasing in three steps throughout the course of the next 15 years or so but providing credit for those who already have renewable resources—hydropower, solar power, and the other forms of renewable resources which exist at the present time and may exist in the future, and allow the sale of credit from those who already meet or exceed the renewable requirements of the bill—credits that they can sell to others.

Senator BUMPERS has been a true leader in this field, and I am honored and delighted to now join with him in what I believe is the first bipartisan approach to this subject, a bipartisan approach which is going to be absolutely essential to any success.

At the same time that he has been working with his constituents across the country, I have been listening to my own, and my privately owned and public utility districts, those that produce electricity and those that do not, and the wide range of other existing utilities or potential competitors in the Northwest.

I represent a State that already has very low power charges. We want to be a part of this process, not so that we can slow down the benefits to others—the entire American economy must and will benefit from this bill—but so that my constituents and consumers will benefit as well from the advent of competition. I am convinced that the outline of this bill does just exactly that.

We must deal with the peculiar challenges of the largest power marketing authority, the Bonneville Power Administration. We do so in a way that reflects the regional review sponsored by the four Governors of the four Pacific Northwest States during the

course of last year. We also call in general terms for a more effective and broad-based management of the Columbia River State System, reflecting all of the multitude of uses of water in that system, and calling for a far more effective use of the billions of dollars that we are spending on salmon recovery.

So I believe for my own region that we can provide lower power costs, greater competition, better salmon recovery, and a more rational management of the Columbia-Snake River System.

I believe for the people of the United States as a whole that we can provide for lower power costs, a greater use of renewable energy, more competition, and a better America.

For those reasons, I am delighted to have been a part at this point of a joint operation with my friend from Arkansas.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I thank my distinguished colleague from Washington State for his eloquent remarks. I just wanted to say how honored I am to have him join me on this bill, and reiterate one other thing because Senator GORTON and I want to be totally honest to the people of this country as we go forward with this bill.

I think one thing that I must say is that, in my opinion, this $220 billion industry can cope with this bill—not only cope with it, but that industry, business, and the consumers of this country will all benefit from this, and the Nation will benefit because it is a global economy where we are competing so strenuously with the other nations of the world.

Electricity is such a big part of our producing industry, and the less they pay the more competitive we become. That ought to be a real incentive for the people of this body to look very seriously at this bill.

By Mr. MURKOWSKI:

S. 1402. A bill to amend the Social Security Act to establish a community health aide program for Alaskan communities that do not qualify for the Community Health Aide Program for Alaska operated through the Indian Health Service; to the Committee on Finance.

THE ALASKAN COMMUNITY HEALTH AIDE PROGRAM EXPANSION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I am pleased to rise to introduce legislation relative to the benefits of community health aides. This particular legislation would be titled the Alaskan Community Health Aide Program Expansion Act of 1997. The purpose of the act would be to provide a link to health care for rural communities, primarily in my State.

The Alaskan Community Health Aide Program Expansion Act would enable the health aides to have access to rural, non-Native communities throughout Alaska. The act will authorize training and continuing education of Alaskans as community health aides to small communities that do not currently qualify for the Indian Health Services' Community Health Aide Program.

Mr. President, some 50 years ago, this unique system of community health aides was formed in my State. In the early 1940's, due to an extreme outbreak of tuberculosis across Alaska, volunteers were selected by local communities and trained as community health aides. These communities, of course, suffered from distance, extreme isolation. They were often located hundreds of miles from the nearest physician. And the community health aides, through radio contact to a distant hospital in the region, became the eyes, the ears and hands of a physician and administered life-saving medications to remote patients throughout the State.

Today, through the Indian Health Services, the aides reside in 176 Alaskan-Native communities, small isolated communities throughout our State—which if you spread Alaska across the United States, in a proportional map it would run from Canada to Mexico, from California to Florida. So we are talking about a big piece of real estate, Mr. President.

These aides, today, through telecommunications capability with physicians in Anchorage, Fairbanks, and other urban areas, provide health care, provide disease prevention throughout our State. The health aides are broadly acknowledged as the backbone of rural health delivery for Alaska's Native people.

However, Mr. President, there is a large void in Alaska's Community Health Aide Program. Approximately 50 of our local Alaskan communities do not have community health aides because the people who live there are non-Native, and thus they do not qualify for the service under current law.

In these 50, 51 communities, there is no physician, there is no other health care provider of any kind. Instead, these communities are served by public health care nurses who come and go on an itinerant basis. In other words, Mr. President, health care access in these communities is infrequent at best.

Often these non-Native communities are characterized by geographic isolation and cultural isolation, especially in areas such as the Russian communities of Nikolaevsk, Vosnesenda, Katchmaksel, and Rassdonla.

Most of these communities are completely unconnected by roads. Access is only available by airplane, boat, and sometimes snowmachine or dogsled. The needs of these communities is a daunting task.

The Community Health Aide Program Expansion Act would remedy this dilemma. For the first time in the history of our State, all communities and villages will have the opportunity to have health care available within a village. This legislation will enable the trained health aide to live within a community, teach basic disease prevention and health promotion, in other words, the basic skills for good health.

Mr. President, this legislation will enable affordable and consistent access to health care to all Alaskan communities.

I ask my colleagues to join in support of this legislation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 1402

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 "Alaskan Community Health Aide Program Expansion Act of 1997".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Numerous communities in Alaska have no physicians or health care providers of any kind.

(2) While those communities are served by Alaskan public health nurses on an itinerant basis, Alaskan law prohibits those nurses from treating patients for individual health concerns.

(3) Physical and cultural isolation is so severe in those communities that private health care providers often opt not to serve those communities.

(4) Not enough Native Alaskans reside in such communities to warrant placement of a community health aide pursuant to the Community Health Aide Program for Alaska operated through the Indian Health Service.

SEC. 3. EXPANSION OF THE COMMUNITY HEALTH AIDE PROGRAM FOR ALASKA.

Part A of title XI of the Social Security Act (42 U.S.C. 1301–1320b–16), as amended by section 4321(c) of the Balanced Budget Act of 1997 (42 U.S.C. 1320b–16), is amended by adding at the end the following:

"ALASKAN COMMUNITY HEALTH AIDE PROGRAM

"SEC. 1147. Not later than October 1, 1998, the Secretary shall establish an Alaskan Community Health Aide Program (in this section referred to as the 'Program') under which the Secretary shall—

"(1) provide for the training of Alaskans as community health aides or community health practitioners;

"(2) use such aides or practitioners in the provision of health care, health promotion, and disease prevention services to Alaskans living in communities that do not qualify for the Community Health Aide Program for Alaska operated through the Indian Health Service and established under section 119 of the Indian Health Care Improvement Act (25 U.S.C. 16161);

"(3) provide for the establishment of teleconferencing capacity in health clinics located in or near such communities for use by community health aides or community health practitioners;

"(4) using trainers accredited under the Program, provide a high standard of training

to community health aides and community health practitioners to ensure that such aides and practitioners provide quality health care, health promotion, and disease prevention services to the Alaskan communities served by the Program;

"(5) develop a curriculum for the training of such aides and practitioners that—

"(A) combines education in the theory of health care with supervised practical experience in the provision of health care; and

"(B) provides instruction and practical experience in the provision of acute care, emergency care, health promotion, disease prevention, and the efficient and effective management of clinic pharmacies, supplies, equipment, and facilities;

"(6) establish and maintain a Community Health Aide Certification Board to certify as community health aides or community health practitioners individuals who have successfully completed the training described in paragraphs (4) and (5), or can demonstrate equivalent experience;

"(7) develop and maintain a system which identifies the needs of community health aides and community health practitioners for continuing education in the provision of health care, including the areas described in paragraph (5)(B), and develop programs that meet the needs for such continuing education;

"(8) develop and maintain a system that provides close supervision of community health aides and community health practitioners; and

"(9) develop a system under which the work of community health aides and community health practitioners is reviewed and evaluated to ensure the provision of quality health care, health promotion, and disease prevention services in accordance with this section.".

By Mr. MURKOWSKI:

S. 1403. A bill to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program; to the Committee on Energy and Natural Resources.

THE NATIONAL HISTORIC LIGHTHOUSE PRESERVATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation to establish the historic lighthouse preservation bill. This legislation would amend the National Historic Preservation Act to establish a historic lighthouse preservation program within the Department of the Interior.

The legislation would direct the Secretary of the Interior and the Administrator of General Services to establish a process for conveying historic lighthouses which are around our coastal areas and Great Lakes when these lighthouses have been deemed to be in excess of Federal needs of the agency owning and operating the lighthouse.

For entities eligible to receive a historic lighthouse, it would be for the uses of educational, park, recreation, cultural, and historic preservation. And the agencies that would be included would be Federal or State agencies, local governments, nonprofit corporations, educational agencies, and community development organizations, and so forth.

There is no question that the historic lighthouses would be conveyed in a nonfee structure to selected entities which would have the obligation to maintain these historic structures and maintain their integrity.

The historic lighthouses would revert back to the United States if a property ceases to be used for education, park, recreation, cultural or historic preservation purposes, or failed to be maintained in compliance with the National Historic Preservation Act.

Mr. President, as I said, I rise today to introduce legislation that will establish a national historic light station program.

Lighthouses are among the most romantic reminders of our country's maritime heritage. Marking dangerous headlands, shoals, bars, and reefs, these structures played a vital role in indicating navigable waters and supporting this Nation's maritime transportation and commerce. These lighthouses served the needs of the early mariners who navigated by visual sightings on landmarks, coastal lights, and the heavens. Hundreds of lighthouses have been built along our sea coasts and on the Great Lakes, creating the world's most complex aids to navigation system. No other national lighthouse system compares with that of the United States in size and diversity of architectural and engineering types.

My legislation pays tribute to this legacy and establishes a process which will ensure the protection and maintenance of these historic lighthouses so that future generations of Americans will be able to appreciate these treasured landmarks.

The legislation authorizes the Secretary of the Department of the Interior, through the National Park Service, to establish a historic lighthouse preservation program. The Secretary is charged with collecting and sharing information on historic lighthouses; conducting educational programs to inform the public about the contribution to society of historic lighthouses; and maintaining an inventory of historic lighthouses.

A historic light station is defined as a lighthouse, and surrounding property, at least 50 years old, which has been evaluated for inclusion on the National Register of Historic Places, and included in the Secretary's listing of historic light stations.

Most important, the Secretary, in conjunction with the Administrator of General Services, is to establish a process for identifying, and selecting among eligible entities to which a historic lighthouse could be conveyed. Eligible entities will include Federal agencies, State agencies, local communities, nonprofit corporations, and educational and community development organizations financially able to maintain a historic lighthouse, including conformance with the National Historic Preservation Act. When a historic lighthouse has been deemed excess to the needs of the Federal agency which manages the lighthouse, the General Services Administration will convey it, for free, to a selected entity for education, park, recreation, cultural, and historic preservation purposes.

My legislation also recognizes the value of lighthouse friends groups. Often, these groups have spent significant time and resources on preserving the character of historic lighthouses only to have this work go to waste when the lighthouse is transferred out of Federal ownership. Under current General Services Administration regulations, these friends groups are last on the priority list to receive a surplus light station in spite of their efforts to protect it. My bill gives priority consideration to public entities who submit applications in which the public entity partners with a nonprofit friends group.

Everyone agrees that the historic character of these lighthouses needs to be maintained. But the cost of maintaining these historic structures is becoming increasingly high for Federal agencies in these times of tight budgetary constraints. These lighthouses were built in an age when they had to be manned continuously. Today's advanced technology makes it possible to build automated aids to navigation that do not require around-the-clock manning. This technology has made many of these historic lighthouses expensive anachronisms which Federal agencies must maintain even if they no longer use them as navigational aids.

My legislation ensures that the historic character of these lighthouses are maintained when the lighthouses are no longer needed by the Federal Government. When the historic lighthouse is conveyed out of Federal ownership, the entity which receives the lighthouse must maintain it in accordance with historic preservation laws and standards. A lighthouse would revert to the United States, at the option of the General Services Administration, if the lighthouse is not being used or maintained as required by the law.

In the event no government agency or nonprofit organization is approved to receive a historic lighthouse, it would be offered for sale by the General Services Administration. The proceeds from these sales would be transferred to the National Maritime Heritage Grant Program within the National Park Service. Congress established the National Maritime Heritage Grant Program in 1994 to provide grants for maritime heritage preservation and education projects. Unfortunately, funding for this program has been nonexistent so the proceeds from any historic lighthouse sales would help ensure the program's viability.

It is my intent to ensure that coastal towns, where a historic lighthouse is

an integral part of the community, would receive a historic lighthouse when it is no longer needed by the Federal Government. These historic lighthouses could be used by the community as a local park, a community center, or a tourist bureau. It also would ensure that historic lighthouse friends groups or lighthouse preservation societies, which have voluntarily helped to maintain the historic character of the lighthouse, could receive an excess lighthouse.

Mr. President, I know firsthand the importance and allure of these historic lighthouses. When I was in the Coast Guard, I helped maintain lighthouses and other navigational aids. These lights were critical to safe maritime traffic and I took my responsibilities seriously knowing that lives were dependent on it.

By preserving historic lighthouses, we preserve a symbol of that era in American history when maritime traffic was the lifeblood of the Nation, tying isolated coastal towns through trade to distant ports around the world. Hundreds of historic lighthouses are owned by the Federal Government and many of these are difficult and expensive to maintain. This legislation provides a process to ensure that these historic lighthouses are maintained and publicly accessible.

I urge all my colleagues to support this legislation, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1403

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Historic Lighthouse Preservation Act of 1997.'

SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w–470w–6) is amended by adding at the end the following new section:

"§ 308. Historic Lighthouse Preservation

"(a) IN GENERAL.—In order to provide a national historic light station program, the Secretary shall—

"(1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;

"(2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;

"(3) sponsor or conduct research and study into the history of light stations;

"(4) maintain a listing of historic light stations; and

"(5) assess the effectiveness regarding the conveyance of historic light stations.

"(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

"(1) Within one year of enactment, the Secretary and the Administrator of General Services (hereinafter Administrator) shall establish a process for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural and historic preservation purposes.

"(2) The Secretary shall review all applicants for the conveyance of a historic light station, when the historic light station has been identified as excess to the needs of the agency with administrative jurisdiction over the historic light station, and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary may consult with the State Historic Preservation Officer of the state in which the historic light station is located. A priority of consideration shall be afforded public entities that submit applications in which the public entity enters into a partnership with a nonprofit organization whose primary mission is historic light station preservation.

"(3) The Administrator shall convey, by quit claim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, together with any related real property, subject to the conditions set forth in subsection (c) upon the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of 42 U.S.C. 11301 *et seq.*

"(c) TERMS OF CONVEYANCE.—

"(1) The conveyance of a historic light station shall be made subject to any conditions as the Administrator considers necessary to ensure that—

"(A) the lights, antennas, sound signal, electronic navigation equipment, and associated light station equipment located on the property conveyed, which are active aids to navigation, shall continue to be operated and maintained by the United States for as long as needed for this purpose;

"(B) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with aids to navigation without the express written permission of the head of the agency responsible for maintaining the aids to navigation;

"(C) there is reserved to the United States the right to relocate, replace, or add any aid to navigation or make any changes to the property conveyed under this section as may be necessary for navigation purposes;

"(D) the eligible entity to which the historic light station is conveyed under this section shall maintain the property in accordance with the National Historic Preservation Act of 1966, 16 U.S.C. 470–470x, the Secretary's Historic Preservation Standards, and other applicable laws; and

"(E) the United States shall have the right, at any time, to enter property conveyed under this section without notice for purposes of maintaining and inspecting aids to navigation and ensuring compliance with paragraph (C), to the extent that it is not possible to provide advance notice.

"(2) The Secretary, the Administrator, and any eligible entity to which a historic light station is conveyed under this section, shall not be required to maintain any active aids to navigation associated with a historic light station.

"(3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the property in its existing condition, at the option of the Administrator, revert to the United States if—

"(A) the property or any part of the property ceases to be available for education, park, recreation, cultural, and historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;

"(B) the property or any part of the property ceases to be maintained in a manner that ensures its present or future use as an aid to navigation or compliance with the National Historic Preservation Act. 16 U.S.C. 470–470x, the Secretary's Historic Preservation Standards, and other applicable laws; or

"(C) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property is needed for national security purposes.

"(d) DESCRIPTION OF PROPERTY.—The legal description of any historic light station, and any real property and improvements associated therewith, conveyed under this section shall be determined by the Administrator. The Administrator may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historical light station whether located at the light station or elsewhere.

"(e) RESPONSIBILITIES OF CONVEYEES.—Each eligible entity to which a historic light station is conveyed under this section shall use and maintain the light station in accordance with this section, and have such terms and conditions recorded with the deed of title to the light station and any real property conveyed therewith.

"(f) DEFINITIONS.—For purposes of this section:

"(1) HISTORIC LIGHT STATION.—The term 'historic light station' includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, support structures, piers, walkways, and underlying land; provided that the light tower or lighthouse shall be—

"(A) at least 50 years old;

"(B) evaluated for inclusion in the National Register of Historic Places; and

"(C) included on the Secretary's listing of historic light stations.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' shall mean any department or agency of the Federal government, any department or agency of the state in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that—

"(A) has agreed to comply with the conditions set forth in subsection (c) and to have those conditions recorded in the conveyance documents to the light station and any real property and improvements that may be conveyed therewith;

"(B) is financially able to maintain the light station (and any real property and improvements conveyed therewith) in accordance with the conditions set forth in subsection (c); and

"(C) can indemnity the Federal government to cover any loss in connection with the light station and any real property and improvements that may be conveyed therewith, or any expenses incurred due to reversion.

SEC. 3. SALE OF SURPLUS LIGHT STATIONS.

Title III of the National Historic Preservation Act (16 U.S.C. 470w–470w–6) is amended by adding at the end the following new section:

"§ 309. Historic Light Station Sales

"In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of

such sales shall be developed by the Administrator of General Services. Conveyance documents shall include all necessary convenants to protect the historical integrity of the site. Net sale proceeds shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994, Public Law 103-451, within the Department of the Interior.

SEC. 4. TRANSFER OF HISTORIC LIGHT STATIONS TO FEDERAL AGENCIES.

Title III of the National Historic Preservation Act of 1966, 16 U.S.C. 470-470x, is amended by adding at the end the following new section:

"§310. Transfer of Historic Light Stations to Federal Agencies

"After the date of enactment, any department or agency of the Federal government, to which a historic light station is conveyed, shall maintain the historic light station in accordance with the National Historic Preservation Act of 1966, 16 U.S.C. 470-470x, the Secretary's Historic Preservation Standards, and other applicable laws.

SEC. 5. FUNDING.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

By Mr. BROWNBACK (for himself, Mr. MOYNIHAN, Mr. THOMPSON, and Mr. KERREY):

S. 1404. A bill to establish a Federal Commission on Statistical Policy to study the reorganization of the Federal statistical system, to provide uniform safeguards for the confidentiality of information acquired for exclusively statistical purposes, and to improve the efficiency of Federal statistical programs and the quality of Federal statistics by permitting limited sharing of records among designated agencies for statistical purposes under strong safeguards; to the Committee on Governmental Affairs.

THE FEDERAL STATISTICAL SYSTEM ACT OF 1997

Mr. MOYNIHAN. Mr. President, I join my distinguished colleagues, Senator SAM BROWNBACK of Kansas, Senator FRED THOMPSON of Tennessee, and Senator BOB KERREY of Nebraska, in introducing legislation to establish a commission to study the Federal statistical system. Congressman STEPHEN HORN of California and Congresswoman CAROLYN MALONEY of New York plan on introducing identical legislation in the House of Representatives. This legislation is similar to bills I introduced in September 1996, and again at the beginning of this Congress.

The commission to study the Federal statistical system would consist of 15 Presidential and congressional appointees with expertise in fields such as actuarial science, finance, and economics. Its members would conduct a thorough review of the U.S. statistical system, and issue a report including recommendations on whether statistical agencies should be consolidated.

Of course, we have an example of a consolidated statistical agency just across the northern border. Statistics Canada, the most centralized statistical agency among OECD countries, was established in November, 1918 as a reaction to a familiar problem. At that time, the Canadian Minister of Industry was trying to obtain an estimate of the manpower resources that Canada could commit to the war effort. And he got widely different estimates from statistical agencies scattered throughout the government. Consolidation seemed the way to solve this problem, and so it happened—as it can in a parliamentary government—rather quickly, just as World War I ended.

Last spring, a member of my staff met in Ottawa with the Assistant Chief Statistician of Statistics Canada. He reported that Statistics Canada is doing quite well. Decisions about the allocation of resources among statistical functions are made at the highest levels of government because the Chief Statistician of Statistics Canada holds a position equivalent to Deputy Cabinet Minister. He communicates directly with Deputy Ministers in other Cabinet Departments. In contrast, in the United States, statistical agencies are buried several levels below the Cabinet Secretaries, so it is difficult for the heads of these statistical agencies to bring issues to the attention of high-ranking administration officials and Congress.

Statistics are part of our constitutional arrangement, which provides for a decennial census that, among other purposes, is the basis for apportionment of membership in the House of Representatives. I quote from article I, section I:

. . . enumeration shall be made within three Years after the first meeting of the Congress of the United States, and within ever subsequent Term of ten Years, in such Manner as they shall by Law direct.

But, while the Constitution directed that there be a census, there was, initially, no Census Bureau. The earliest censuses were conducted by U.S. Marshals. Later on, statistical bureaus in State governments collected the data, with a Superintendent of the Census overseeing from Washington. It was not until 1902 that a permanent Bureau of the Census was created by the Congress, housed initially in the Interior Department. In 1903 the Bureau was transferred to the newly established Department of Commerce and Labor.

The Statistics of Income Division of the Internal Revenue Service, which was originally an independent body, began collecting data in 1866. It too was transferred to the new Department of Commerce and Labor in 1903, but then was put in the Treasury Department in 1913 following ratification of the 16th amendment, which gave Congress the power to impose an income tax.

A Bureau of Labor, created in 1884, was also initially in the Interior Department. The first Commissioner, appointed in 1885, was Col. Carroll D. Wright, a distinguished Civil War veteran of the New Hampshire Volunteers. A self-trained social scientist, Colonel Wright pioneered techniques for collecting and analyzing survey data on income, prices, and wages. He had previously served as chief of the Massachusetts Bureau of Statistics, a post he held for 15 years, and in that capacity had supervised the 1880 Federal Census in Massachusetts.

In 1888, the Bureau of Labor became an independent agency. In 1903, it was once again made a bureau, joining other statistical agencies in the Department of Commerce and Labor. When a new Department of Labor was formed in 1913, giving labor an independent voice—as labor was removed from the Department of Commerce and Labor—what we now know as the Bureau of Labor Statistics was transferred the newly created Department of Labor.

And so it went. Statistical agencies sprung up as needed. And they moved back and forth as new executive departments were formed. Today, some 89 different organizations in the Federal Government comprise parts of our national statistical infrastructure. Eleven of these organizations have as their primary function the generation of data. These 11 organizations are:

Agency	Department	Date established
National Agricultural Statistical Service.	Agriculture	1863
Statistics of Income Division, IRS.	Treasury	1866
Economic Research Service	Agriculture	1867
National Center for Education Statistics.	Education	1867
Bureau of Labor Statistics	Labor	1884
Bureau of the Census	Commerce	1902
Bureau of Economic Analysis	Commerce	1912
National Center for Health Statistics.	Health and Human Services	1912
Bureau of Justice Statistics	Justice	1968
Energy Information Administration.	Energy	1974
Bureau of Transportation Statistics.	Transportation	1991

NEED FOR LEGISLATION

President Kennedy once said:

Democracy is a difficult kind of government. It requires the highest qualities of self-discipline, restraint, a willingness to make commitments and sacrifices for the general interest, and also it requires knowledge.

That knowledge often comes from accurate statistics. You cannot begin to solve a problem until you can measure it.

This legislation would require the Commission to conduct a comprehensive examination of the current statistical system and focus particularly on whether three agencies that produce data as their primary product—the Bureau of Economic Analysis [BEA] and the Bureau of the Census in the Commerce Department, and the Bureau of Labor Statistics [BLS] in the Labor Department—should be consolidated into a Federal statistical service.

In September 1996, prior to when I first introduced a bill establishing a

commission to study the U.S. statistical system, I received a letter from nine former chairmen of the Council of Economic Advisers [CEA] endorsing this legislation. Excluding two recent chairs, who at that time were still serving in the Clinton administration, the signatories include virtually every living former chair of the CEA. While acknowledging that the United States possesses a first-class statistical system, these former chairmen remind us that problems periodically arise under the current system of widely scattered responsibilities. They conclude as follows:

Without at all prejudging the appropriate measures to deal with these difficult problems, we believe that a thoroughgoing review by a highly qualified and bipartisan Commission as provided in your bill has great promise of showing the way to major improvements.

The letter is signed by Michael J. Boskin, Martin Feldstein, Alan Greenspan, Paul W. McCracken, Raymond J. Saulnier, Charles L. Schultze, Beryl W. Sprinkel, Herbert Stein, and Murray Weidenbaum. I ask unanimous consent that the full text of this letter be printed in the RECORD following my statement.

It happens that this Senator's association with the statistical system in the executive branch began over three decades ago. I was Assistant Secretary of Labor for Policy and Planning in the administration of President John F. Kennedy. This was a new position in which I was nominally responsible for the Bureau of Labor Statistics. I say nominally out of respect for the independence of that venerable institution, which as I noted earlier long predated the Department of Labor itself. The then-Commissioner of the BLS, Ewan Clague, could not have been more friendly and supportive. And so were the statisticians, who undertook to teach me to the extent I was teachable. They even shared professional confidences. And so it was that I came to have some familiarity with the field.

For example, we had just received a report on price indexes from a committee led by a Nobel laureate, George Stigler. The committee stressed the importance of accurate and timely statistics noting that:

The periodic revision of price indexes, and the almost continuous alterations in details of their calculation, are essential if the indexes are to serve their primary function of measuring the average movements of prices.

While the final report of the Advisory Commission to Study the Consumer Index, the Boskin Commission, focused primarily on the extent to which changes in the CPI overstate inflation, the commission also addressed issues related to the effectiveness of Federal statistical programs and recommended that:

Congress should enact the legislation necessary for the Department of Commerce and Labor to share information in the interest of improving accuracy and timeliness of economic statistics and to reduce the resources consumed in their development and production.

And last week, we were again reminded of the importance of accurate and timely government statistics. The front page of the Wall Street Journal carried this headline on Tuesday October 29: "An Extra $46 Billion in Treasury's Coffers Puzzles Washington".

No one knows for sure the answer to this puzzle. Surely though, a changing economy which produces more and more services—which are harder to measure the value of than the goods it replaces—needs a top to bottom review of its statistical infrastructure. For if the public loses confidence in our statistics, they are likely to lose confidence in our policies as well.

There is, of course, a long history of attempts to reform our Nation's statistical infrastructure. From the period 1903 to 1990, 16 different committees, commissions, and study groups have convened to assess our statistical infrastructure, but in most cases little or no action has been taken on their recommendations. The result of this inaction has been an ever expanding statistical system. It continues to grow in order to meet new data needs, but with little or no regard for the overall objectives of the system. Janet L. Norwood, former Commissioner of the BLS, writes in her book "Organizing to Count":

The U.S. system has neither the advantages that come from centralization nor the efficiency that comes from strong coordination in decentralization. As presently organized, therefore, the country's statistical system will be hard pressed to meet the demands of a technologically advanced, increasingly internationalized world in which the demand for objective data of high quality is steadily rising.

In this era of Government downsizing and budget cutting, it is unlikely that Congress will appropriate more funds for statistical agencies. It is clear that to preserve and improve the statistical system we must consider reforming it, yet we must not attempt to reform the system until we have heard from experts in the field.

SUMMARY OF LEGISLATION

The legislation establishes a commission to study the Federal statistical system. The commission would consist of 15 members. Two—the Chief Statistician of the Office of Management and Budget and a high-level government official—serve ex officio on the commission. The high-level official, selected by the President from among Cabinet officers, the Chairman of the Board of Governors of the Federal Reserve, the Comptroller General, or the Chairman of the Council of Economic Advisers—will serve as chairman.

The other 13 members of the commission will be appointed as follows: Five by the President, no more than three of whom are to be from the same political party, four by the President pro tempore of the Senate, no more than two of whom are to be from the same political party, and four by the Speaker of the House, no more than two of whom are to be from the same political party.

In an initial 18-month period, the commission would determine whether and how to consolidate the Federal statistical system, and would also make recommendations with respect to ways to achieve greater efficiency in carrying out Federal statistical programs. If the commission recommends consolidation of the Bureau of Labor Statistics, the Bureau of the Census, and the Bureau of Economic Analysis into a newly established independent Federal agency, designated as the Federal Statistical Service, the commission's report would contain draft legislation incorporating such recommendations. The legislation would then be considered by the Congress under fast-track procedures.

If legislation establishing a Federal statistical service is enacted by the Congress, the commission then would become a permanent body that would:

Make recommendations for nominations for the appointment of an Administrator and Deputy Administrator of the Federal Statistical Service; serve as an advisory body to the Federal Statistical Service on confidentiality issues; and conduct comprehensive studies, and submit reports to Congress on all matters relating to the Federal statistical infrastructure, including:

An examination of the methodology involved in producing official data; a review of information technology and recommendations of appropriate methods for disseminating statistical data; and a comparison of our statistical system with the systems of other nations.

This legislation is only a first step, but an essential one. The commission will provide Congress with the blueprint for reform. It will be up to us to finally take action after nearly a century of inattention to this very important issue.

By Mr. SHELBY (for himself, Mr. MACK, Mr. FAIRCLOTH, Mr. D'AMATO, Mr. BRYAN, Mr. GRAMS, Mr. KERRY, Mr. BENNETT, Mr. GRAMM, Mr. HAGEL, Mr. ALLARD, Mr. ENZI, and Ms. MOSELEY-BRAUN):

S. 1405. A bill to provide for improved monetary policy and regulatory reform in financial institution management and activities, to streamline financial regulatory agency actions, to provide for improved consumer credit disclosure, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FINANCIAL REGULATORY RELIEF AND ECONOMIC EFFICIENCY ACT OF 1997

Mr. SHELBY. Mr. President, I rise today to introduce a bipartisan bill

with my colleague from Florida, Senator CONNIE MACK, and 11 other original cosponsors from the Banking Committee. Entitled the "Financial Regulatory Relief and Economic Efficiency Act of 1997," the bill is designed to promote greater access to capital and credit for businesses and consumers, while ensuring the safety and soundness of our financial system.

The acronym for the bill, FRREE, is actually indicative of the bill itself. If enacted, the bill would free valuable resources at financial institutions now being used to comply with the bureaucratic maze of current rules and regulations, and instead allow institutions to commit more of those resources to the business of lending. This is especially important, now that we are entering the 80th month of the current economic expansion. The 9 completed expansions since the end of World War II have averaged 50 months. Thus, many professional economists, businessmen, and academics worry how much longer the expansion of the current business cycle can go. Because this bill frees up resources that are inefficiently being used in the private sector, I believe this bill could have a substantial positive impact on extending the current business cycle as well as minimize any future economic downturn.

One key provision would repeal an antiquated law that disallows banks to pay interest on business checking accounts. Due to sophisticated and expensive technology, big corporations can get around this problem by employing sweep accounts. However, smaller, family owned businesses cannot take advantage of this expensive technology and are forced to keep their money in noninterest bearing checking accounts. The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, concluded in their 1996 Joint Report, "Streamlining of Regulatory Requirements," that the statutory prohibition against paying interest on demand deposits no longer serves a public purpose. Today, the repeal also has the support of the Chamber of Commerce, the National Federation of Independent Business, and the American Farm Bureau Federation.

The bill also allows the Federal Reserve to pay interest on reserve balances, thus reducing potential volatility in short-term lending rates. Given the historical importance of price stability, it is imperative we give the Federal Reserve this tool in order to better conduct monetary policy.

In short, Mr. President, the bill repeals outdated laws that hinder the management practices of institutions; cuts bureaucratic redtape; eliminates unnecessary bookkeeping; increases funds available for residential mortgage lending; and eliminates unnecessary restrictions on the discounting, and bundling of financial services to consumers.

The bill enjoys the overwhelming support of the Senate Banking Committee and the chairman of the committee, Chairman D'AMATO, is committed to having hearings on this bill when we return early next year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—IMPROVING MONETARY POLICY AND FINANCIAL INSTITUTION MANAGEMENT PRACTICES
Sec. 101. Payment of interest on reserves at Federal reserve banks.
Sec. 102. Amendments relating to savings and demand deposit accounts at depository institutions.
Sec. 103. Repeal of savings association liquidity provision.
Sec. 104. Repeal of dividend notice requirement.
Sec. 105. Thrift service companies.
Sec. 106. Elimination of thrift multistate multiple holding company restrictions.
Sec. 107. Noncontrolling investments by savings association holding companies.
Sec. 108. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 109. Uniform regulation of extensions of credit to executive officers.
Sec. 110. Expedited procedures for certain reorganizations.
Sec. 111. National bank directors.
Sec. 112. Amendment to Bank Consolidation and Merger Act.
Sec. 113. Loans on or purchases by institutions of their own stock; affiliations.
Sec. 114. Depository institution management interlocks.
Sec. 115. Purchased mortgage servicing rights.
Sec. 116. Cross marketing restriction; limited purpose bank relief.
Sec. 117. Divestiture requirement.
Sec. 118. Daylight overdrafts incurred by Federal home loan banks.
Sec. 119. Federal home loan bank governance amendments.
Sec. 120. Collateralization of advances to members.
TITLE II—STREAMLINING ACTIVITIES OF INSTITUTIONS
Sec. 201. Updating of authority for community development investments.
Sec. 202. Acceptance of brokered deposits.
Sec. 203. Federal Reserve Act lending limits.
Sec. 204. Eliminate unnecessary restrictions on product marketing.
Sec. 205. Business purpose credit extensions.
Sec. 206. Affinity groups.
Sec. 207. Fair debt collection practices.
Sec. 208. Restriction on acquisitions of other insured depository institutions.
Sec. 209. Mutual holding companies.
Sec. 210. Call report simplification.
TITLE III—STREAMLINING AGENCY ACTIONS
Sec. 301. Scheduled meetings of Affordable Housing Advisory Board.
Sec. 302. Elimination of duplicative disclosure of fair market value of assets and liabilities.
Sec. 303. Payment of interest in receiverships with surplus funds.
Sec. 304. Repeal of reporting requirement on differences in accounting standards.
Sec. 305. Agency review of competitive factors in Bank Merger Act filings.
Sec. 306. Termination of the Thrift Depositor Protection Oversight Board.
TITLE IV—DISCLOSURE SIMPLIFICATION
Sec. 401. Alternative compliance method for APR disclosure.
Sec. 402. Alternative compliance methods for advertising credit terms.
TITLE V—MISCELLANEOUS
Sec. 501. Positions of Board of Governors of Federal Reserve System on the Executive Schedule.
Sec. 502. Consistent coverage for individuals enrolled in a health plan administered by the Federal banking agencies.
Sec. 503. Federal Housing Finance Board.
TITLE VI—TECHNICAL CORRECTIONS
Sec. 601. Technical correction relating to deposit insurance funds.
Sec. 602. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 603. Amendments to the Revised Statutes.
Sec. 604. Conforming change to the International Banking Act.

TITLE I—IMPROVING MONETARY POLICY AND FINANCIAL INSTITUTION MANAGEMENT PRACTICES

SEC. 101. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

"(12) EARNINGS ON RESERVES.—

"(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution to meet the reserve requirements of this subsection applicable with respect to such depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

"(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

"(i) the payment of earnings in accordance with this paragraph;

"(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

"(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(B), in a Federal reserve bank by any such entity on behalf of

depository institutions which are not member banks.".

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking "which is not a member bank".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking "subsection (b)(4)(C)" and inserting "subsection (b)".

SEC. 102. AMENDMENTS RELATING TO SAVINGS AND DEMAND DEPOSIT ACCOUNTS AT DEPOSITORY INSTITUTIONS.

(a) NOW ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.—Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended to read as follows:

"SEC. 2. WITHDRAWALS BY NEGOTIABLE OR TRANSFERABLE INSTRUMENTS FOR TRANSFERS TO THIRD PARTIES.

"Notwithstanding any other provision of law, any depository institution (as defined in section 3 of the Federal Deposit Insurance Act) may permit the owner of any deposit or account to make withdrawals from such deposit or account by negotiable or transferable instruments for the purpose of making payments to third parties.".

(b) REPEAL OF PROHIBITIONS ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19 of the Federal Reserve Act (12 U.S.C. 371a) is amended by striking subsection (i).

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking "savings association may not—" and all that follows through "(ii) permit any" and inserting "savings association may not permit any".

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by striking subsection (g).

SEC. 103. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) REPEAL OF LIQUIDITY PROVISION.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

"(M) LIQUIDITY INVESTMENTS.—Investments identified by the Director, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.".

(2) SECTION 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by striking "liquid assets" and all that follows through "Loan Act," and inserting "cash and marketable securities identified by the Director,".

SEC. 104. REPEAL OF DIVIDEND NOTICE REQUIREMENT.

Section 10(f) of the Home Owners' Loan Act (12 U.S.C. 1467a(f)) is amended to read as follows:

"(f) [Reserved].".

SEC. 105. THRIFT SERVICE COMPANIES.

(a) STREAMLINING THRIFT SERVICE COMPANY INVESTMENT REQUIREMENTS.—Section 5(c)(4)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)(B)) is amended—

(1) in the subparagraph heading, by striking "CORPORATIONS" and inserting "COMPANIES"; and

(2) in the first sentence, by striking "corporation organized" and all that follows through "such State." and inserting "company, if such company engages or will engage only in activities reasonably related to the activities of financial institutions, as the Director may determine and approve. For purposes of this subparagraph, the term 'company' includes any corporation and any limited liability company (as defined in section 1(b)(7) of the Bank Service Company Act).".

(b) REGULATION AND EXAMINATION OF SERVICE PROVIDERS.—Section 5(d) of the Home Owners' Loan Act (12 U.S.C. 1464(d)) is amended by adding at the end the following new paragraphs:

"(7) REGULATION AND EXAMINATION OF SAVINGS ASSOCIATION SERVICE COMPANIES.—

"(A) SERVICE PERFORMED BY CONTRACT OR OTHERWISE.—If a savings association, subsidiary, or any savings and loan affiliate or entity, as identified by section 8(b)(9) of the Federal Deposit Insurance Act, that is regularly examined or subject to examination by the Director, causes to be performed for itself, by contract or otherwise, any services authorized under this Act or other applicable Federal law, whether on or off its premises—

"(i) such performance shall be subject to regulation and examination by the Director to the same extent as if such services were being performed by the savings association on its own premises;

"(ii) the Director may authorize any other Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) that supervises such subsidiary, savings and loan affiliate, or entity to perform an examination referred to in clause (i); and

"(iii) the savings association shall notify the Director of the existence of the service relationship not later than 30 days after the earlier of the date of the making of such service contract or the date of initiation of the service.

"(B) ADMINISTRATION BY THE DIRECTOR.—The Director may issue such regulations and orders, including those issued pursuant to section 8 of the Federal Deposit Insurance Act, as may be necessary to enable the Director to administer and carry out this paragraph and to prevent evasion of this paragraph.".

(c) CONFORMING AMENDMENTS TO SECTION 8 OF THE FEDERAL DEPOSIT INSURANCE ACT.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(9), by striking "to any service corporation of a savings association and to any subsidiary of such service corporation"; and

(2) in subsection (e)(7)(A)(ii), by striking "(b)(8)" and inserting "(b)(9)".

SEC. 106. ELIMINATION OF THRIFT MULTISTATE MULTIPLE HOLDING COMPANY RESTRICTIONS.

Section 10(e) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

SEC. 107. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting ", except with the prior approval of the Director," after "or to retain"; and

(2) by striking "to so acquire or retain" and inserting "to acquire, by purchase or otherwise, or to retain".

SEC. 108. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is repealed.

SEC. 109. UNIFORM REGULATION OF EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS.

Section 22(g)(4) of the Federal Reserve Act (12 U.S.C. 375a(4)) is amended by striking "member bank's appropriate Federal banking agency" and inserting "Board".

SEC. 110. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

"SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

"(a) IN GENERAL.—A national banking association may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such association owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or a company that will, upon consummation of such reorganization, become a bank holding company.

"(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

"(1) specifies the manner in which the reorganization shall be carried out;

"(2) is approved by a majority of the entire board of directors of the association;

"(3) specifies—

"(A) the amount of cash or securities of the bank holding company, or both, or other consideration, to be paid to the shareholders of the reorganizing association in exchange for their shares of stock of the association;

"(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

"(C) the manner in which the exchange will be carried out; and

"(4) is submitted to the shareholders of the reorganizing association at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

"(c) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the association who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

"(d) EFFECT OF REORGANIZATION.—The corporate existence of an association that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.".

SEC. 111. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5145 of the Revised Statutes (12 U.S.C. 71) is amended—

(1) by striking "for one year" and inserting "for a period of not more than 3 years,"; and

(2) by adding at the end the following: "In accordance with regulations issued by the

Comptroller of the Currency, an association may adopt bylaws that provide for staggering the terms of its directors.".

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period ", except that the Comptroller of the Currency may, by regulation or order, exempt a national banking association from the 25-member limit established by this section".

SEC. 112. AMENDMENT TO BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by section 110 of this Act, the following new section:

"SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

"(a) IN GENERAL.—Upon the approval of the Comptroller, a national banking association may merge with 1 or more of its subsidiaries or nonbank affiliates.

"(b) SCOPE.—Nothing in this section shall be construed—

"(1) to affect the applicability of section 18(c)(1) of the Federal Deposit Insurance Act; or

"(2) to grant a national banking association any power or authority that is not permissible for a national banking association under other applicable provisions of law.

"(c) REGULATIONS.—The Comptroller shall promulgate regulations to implement this section.".

SEC. 113. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) AMENDMENT TO REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

"SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

"(a) GENERAL PROHIBITION.—No national banking association shall make any loan or discount on the security of the shares of its own capital stock.

"(b) EXCLUSION.—For purposes of this section, an association shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt contracted for in good faith before the date of the loan or discount transaction.".

(b) AMENDMENT TO FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(t) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

"(1) GENERAL PROHIBITION.—No insured depository institution shall make any loan or discount on the security of the shares of its own capital stock.

"(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt contracted for in good faith before the date of the loan or discount transaction.".

(c) REMOVAL OF PROHIBITION ON CERTAIN AFFILIATIONS.—Section 18(s)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(s)) is amended by striking "be an affiliate of,".

SEC. 114. DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS.

Section 205(8) of the Depository Institution Management Interlocks Act (12 U.S.C. 3204(8)) is amended by striking "director" each place it appears and inserting "management official".

SEC. 115. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475(a) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) by striking "purchased";

(2) by striking "rights" each place it appears and inserting "assets"; and

(3) by striking "90" and inserting "100".

SEC. 116. CROSS MARKETING RESTRICTION; LIMITED PURPOSE BANK RELIEF.

(a) CROSS MARKETING RESTRICTION.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by striking paragraph (3).

(b) DAYLIGHT OVERDRAFTS.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by inserting after paragraph (2) the following:

"(3) PERMISSIBLE OVERDRAFTS DESCRIBED.—For purposes of paragraph (2)(C), an overdraft is described in this paragraph if—

"(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate;

"(B) such overdraft—

"(i) is permitted or incurred on behalf of an affiliate that is monitored by, reports to, and is recognized as a primary dealer by the Federal Reserve Bank of New York; and

"(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations that are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system; or

"(C) such overdraft—

"(i) is permitted or incurred by, or on behalf of, an affiliate that is engaged in activities that are so closely related to banking, or managing or controlling banks, as to be a proper incident thereto; and

"(ii) does not cause the bank to violate any provision of section 23A or 23B of the Federal Reserve Act, either directly, in the case of a bank that is a member of the Federal Reserve System, or by virtue of section 18(j) of the Federal Deposit Insurance Act, in the case of a bank that is not a member of the Federal Reserve System.".

(c) CONFORMING AMENDMENT.—Section 4(f)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(2)) is amended by striking "Paragraph (1) shall cease to apply to any company described in such paragraph if—" and inserting "Subject to paragraph (3), a company described in paragraph (1) shall no longer qualify for the exemption provided under that paragraph if—".

(d) ACTIVITIES LIMITATIONS.—Section 4(f)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) any bank subsidiary of such company engages in any activity in which the bank was not lawfully engaged as of March 5, 1987;

"(C) any bank subsidiary of such company that—

"(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

"(ii) engages in the business of making commercial loans (and, for purposes of this clause, loans made in the ordinary course of a credit card operation shall not be treated as commercial loans); or

"(D) after the date of enactment of the Competitive Equality Amendments of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in the account of the bank at a Federal reserve bank, on behalf of an affiliate, other than an overdraft described in paragraph (3).".

SEC. 117. DIVESTITURE REQUIREMENT.

(a) IN GENERAL.—Section 4(f)(4) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(4)) is amended to read as follows:

"(4) DIVESTITURE IN CASE OF LOSS OF EXEMPTION.—If any company described in paragraph (1) fails to qualify for the exemption provided under such paragraph by operation of paragraph (2), such exemption shall cease to apply to such company and such company shall divest control of each bank it controls before the end of the 180-day period beginning on the date that the company receives notice from the Board that the company has failed to continue to qualify for such exemption, unless before the end of such 180-day period, the company has—

"(A) either—

"(i) corrected the condition or ceased the activity that caused the company to fail to continue to qualify for the exemption; or

"(ii) submitted a plan to the Board for approval to cease the activity or correct the condition in a timely manner (which shall not exceed 1 year); and

"(B) implemented procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 4(f)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(2)) is amended by striking "Paragraph (1) shall cease to apply to any company described in such paragraph if—" and inserting "A company described in paragraph (1) shall no longer qualify for the exemption provided under such paragraph if—".

SEC. 118. DAYLIGHT OVERDRAFTS INCURRED BY FEDERAL HOME LOAN BANKS.

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 11A the following new section:

"SEC. 11B. DAYLIGHT OVERDRAFTS INCURRED BY FEDERAL HOME LOAN BANKS.

"(a) IN GENERAL.—Any policy or regulation adopted by the Board governing payment system risk or intraday credit shall—

"(1) include—

"(A) the establishment of net debit caps appropriate to the credit quality of each Federal Home Loan Bank; and

"(B) the imposition of normal fees for daylight overdrafts, calculated in the same manner as fees for other users; or

"(2) exempt Federal Home Loan Banks from such policy or regulation.

"(b) DEFINITION.—For purposes of this section, the term 'Federal Home Loan Bank' has the same meaning as in section 2 of the Federal Home Loan Bank Act.".

SEC. 119. FEDERAL HOME LOAN BANK GOVERNANCE AMENDMENTS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended—

(1) in section 7(i) (12 U.S.C. 1427(i)), by striking ", subject to the approval of the board";

(2) in section 12(a) (12 U.S.C. 1432(a))—

(A) by striking ", but, except" and all that follows through "ten years";

(B) by striking "and by its board of directors" and all that follows through "enjoyed subject to the approval of the Board" and inserting "and, by its board of directors, to prescribe, amend, and repeal bylaws governing the manner in which its affairs may be administered, consistent with this Act"; and

(C) by adding at the end the following: "A Federal home loan bank shall not be required to submit to the board of directors of the bank for its approval, budget or business plans, including annual operating and capital budgets, strategic plans, or business plans.";

(3) in section 9 (12 U.S.C. 1429)—

(A) in the second sentence, by striking "with the approval of the Board"; and

(B) in the third sentence, by striking ", subject to the approval of the Board,";

(4) in section 10(a)(5) (12 U.S.C. 1430(a)(5))—

(A) by striking "and the Board"; and

(B) by striking "by the Board" and inserting "by the Federal home loan bank".

(5) in section 10(c) (12 U.S.C. 1430(c)), by striking "Board" and inserting "Federal home loan bank";

(6) in section 10(d) (12 U.S.C. 1430(d))—

(A) by striking "and the approval of the Board"; and

(B) by striking "Subject to the approval of the Board, any" and inserting "Any"; and

(7) in section 16(a) (12 U.S.C. 1436(a)), by striking ", and then only with the approval of the Federal Housing Finance Board".

SEC. 120. COLLATERALIZATION OF ADVANCES TO MEMBERS.

Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Fully disbursed, whole first mortgages on improved residential property that are not more than 90 days delinquent, mortgages on improved residential property insured or guaranteed by the United States Government or any agency thereof, or securities representing a whole interest in such mortgages."; and

(2) in paragraph (4), by striking "If an advance" and all that follows through "is appropriate.".

TITLE II—STREAMLINING ACTIVITIES OF INSTITUTIONS

SEC. 201. UPDATING OF AUTHORITY FOR COMMUNITY DEVELOPMENT INVESTMENTS.

Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended by striking "located" and all that follows through "1974" and inserting "for the primary purpose of promoting the public welfare, including the welfare of low- and moderate-income communities or families (including the provision of housing, services, or jobs)".

SEC. 202. ACCEPTANCE OF BROKERED DEPOSITS.

Section 29 of the Federal Deposit Insurance Act (12 U.S.C. 1831f) is amended—

(1) by striking subsections (e) and (h);

(2) by redesignating subsections (f) through (g) as subsections (e) through (f), respectively;

(3) in subsection (f), as redesignated, by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

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

"(g) DEPOSIT SOLICITATIONS RESTRICTED.—

"(1) IN GENERAL.—An insured depository institution may not solicit deposits by offering rates of interest that are significantly higher than the national rate of interest on insured deposits, as established by the Corporation, if—

"(A) the institution is undercapitalized or adequately capitalized, as those terms are defined in section 38; or

"(B) the Corporation has been appointed conservator for the institution.

"(2) EXCLUSION.—Paragraph (1) does not apply to an insured depository institution that is well capitalized, as defined in section 38.".

SEC. 203. FEDERAL RESERVE ACT LENDING LIMITS.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended—

(1) by striking subsection (m); and

(2) by redesignating subsection (o) as subsection (m).

SEC. 204. ELIMINATE UNNECESSARY RESTRICTIONS ON PRODUCT MARKETING.

Section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by striking "(2)"; and

(B) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(3) in paragraph (6), as redesignated—

(A) by redesignating clauses (i) through (ix) as subparagraphs (A) through (I), respectively;

(B) by striking "clause (i)" each place it appears and inserting "subparagraph (A)";

(C) in subparagraph (B), as redesignated—

(i) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively;

(ii) by striking "(aa)" each place it appears and inserting "(I)";

(iii) by striking "(bb)" each place it appears and inserting "(II)"; and

(iv) by striking "(cc)" each place it appears and inserting "(III)";

(D) in subparagraph (C), as redesignated—

(i) by striking "clauses (i) and (ii)" and inserting "subparagraphs (A) and (B)";

(ii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively;

(iii) in clause (i), as redesignated, by redesignating items (aa) through (cc) as subclauses (I) through (III), respectively; and

(iv) by striking "clause (iv)" and inserting "subparagraph (D)";

(E) in subparagraph (D), as redesignated—

(i) by striking "clause (iii)" each place it appears and inserting "subparagraph (C)";

(ii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively:

(iii) by striking "(aa)" and inserting "(I)"; and

(iv) by striking "(bb)" and inserting "(II)"; and

(F) in subparagraph (E), as redesignated—

(i) by striking "(ii) or (iii)" and inserting "(B), or (C)"; and

(ii) by redesignating subclauses (I) through (III) as clauses (i) through (iii), respectively;

(4) in paragraph (7), as redesignated—

(A) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(B) in subparagraph (A), as redesignated—

(i) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively;

(ii) by striking "(a)" each place it appears and inserting "(I)";

(iii) by striking "(b)" each place it appears and inserting "(II)"; and

(iv) by striking "(c)" each place it appears and inserting "(III)";

(5) by striking "this paragraph" each place it appears and inserting "this subsection"; and

(6) by striking "this subparagraph" each place it appears and inserting "this paragraph".

SEC. 205. BUSINESS PURPOSE CREDIT EXTENSIONS.

Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended by adding at the end the following new subsection:

"(k) BUSINESS PURPOSE CREDIT EXTENSIONS.—

"(1) IN GENERAL.—An institution referred to in section 2(c)(2)(F) or 4(f)(3) may engage in the provision of credit card accounts for business purposes, including the issuance of such accounts to small businesses.

"(2) DEFINITION.—For purposes of this subsection, the term 'credit card' has the same meaning as in section 103 of the Truth In Lending Act (15 U.S.C. 1602).".

SEC. 206. AFFINITY GROUPS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "affinity group" means any person, other than an individual, that—

(A) is established for a common objective or purpose;

(B) is not established by 1 or more settlement service providers for the principal purpose of endorsing the products or services of a settlement service provider;

(C) the common objective or purpose of which is not principally the conduct of settlement services; and

(D) does not consist of member organizations whose principal business is providing settlement services; and

(2) the terms "person", "settlement services", and "thing of value" have the meanings given those terms in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

(b) MARKETING MODERNIZATION.—Notwithstanding any other provision of law, it shall not be unlawful to make a payment or otherwise transfer any thing of value to an affinity group for or in connection with an endorsement (written or oral), either through an advertisement or through a communication addressed to a consumer by name or by mailing address, of the products or services of a settlement service provider, if disclosure is clearly made at the time of the first written communication with the consumer of the fact that a payment has been made or may be made or any other thing of value may accrue to the affinity group for the endorsement.

SEC. 207. FAIR DEBT COLLECTION PRACTICES.

(a) EXEMPTION FOR COMMUNICATIONS INVOLVING LEGAL PROCEEDINGS.—Section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a) is amended—

(1) in paragraph (2)—

(A) by striking "communication' means the" and inserting the following: "communication'—

"(A) means the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) does not include communications made pursuant to the Federal Rules of Civil Procedure, in the case of a proceeding in a State court, the rules of civil procedure available under the laws of that State, or a nonjudicial foreclosure proceeding."; and

(2) in paragraph (5)—

(A) by striking "debt' means any" and inserting the following: "debt'—

"(A) means any";

(B) by striking the period at the end and inserting the following: "; and

"(B) does not include a draft drawn on a bank for a sum certain, payable on demand and signed by the maker.".

(b) COLLECTION ACTIVITY FOLLOWING INITIAL NOTICE.—Section 809 of the Fair Debt Collection Practices Act (15 U.S.C. 1692(g)) is amended by adding at the end the following new subsection:

"(d) CONTINUATION DURING PERIOD.—Collection activities and communications may continue during the 30-day period described in subsection (a) unless the consumer requests the cessation of such activities.".

(c) DEFINITION OF "COMMUNICATION".—Section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a) is amended—

(1) by striking "title—" and inserting "title, the following definitions shall apply:"; and

(2) in paragraph (2)—

(A) by striking "term 'communication' means" and inserting "term 'communication'—

"(A) means";

(B) by striking the period at the end and inserting "; and

"(B) does not include any communication made or action taken to collect on loans made, insured, or guaranteed under the Higher Education Act of 1965.".

SEC. 208. RESTRICTION ON ACQUISITIONS OF OTHER INSURED DEPOSITORY INSTITUTIONS.

Section 4(f)(12) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(12)) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) in an acquisition in which the insured institution has been found to be undercapitalized by the appropriate Federal or State authority.".

SEC. 209. MUTUAL HOLDING COMPANIES.

Section 10(o) of the Home Owners' Loan Act (12 U.S.C. 1467a(o)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) REORGANIZATION.—A savings association operating in mutual form may reorganize so as to become a holding company—

"(A) by chartering a savings association, the stock of which is to be wholly owned, except as otherwise provided in this section, directly or indirectly by the mutual association and by transferring the substantial part of its assets and liabilities, by merger or otherwise, including all of its insured liabilities, to the interim savings association;

"(B) by converting to a stock association charter and simultaneously forming a subsidiary stock holding company that owns 100 percent of the voting stock of the converting association; or

"(C) in any other manner approved by the Director, including by the formation of a subsidiary stock holding company, transferring assets and liabilities by merger or otherwise to the subsidiary stock holding company, or through the use of one or more interim institutions.";

(2) in paragraph (3)(D)—

(A) by striking "savings association" and inserting "the mutual holding company or subsidiary stock holding company";

(B) by striking "such capital" and inserting "the capital of the association";

(C) by striking "association's"; and

(D) by inserting "of the association" before "established";

(3) in paragraph (5)—

(A) by inserting "or subsidiary stock holding company" before "may engage";

(B) in subparagraph (A)—

(i) by inserting "or acquiring" after "Investing in"; and

(ii) by inserting ", savings bank, or bank" before the period; and

(C) in subparagraph (C), by inserting "or bank" before the period;

(4) by striking paragraph (7) and inserting the following:

"(7) CHARTERING AND REGULATION.—

"(A) IN GENERAL.—A mutual holding company shall be chartered by the Director, and a subsidiary stock holding company may be chartered under State law, and such holding companies shall be subject to such regulations as the Director may prescribe. Unless the context otherwise requires, a mutual holding company shall be subject to the other requirements of this section regarding regulation of holding companies.

"(B) CONVERSION TO STATE CHARTER.—A mutual holding company organized pursuant to paragraph (1) may convert its charter to a State mutual holding company charter.

"(C) CONVERSION TO FEDERAL CHARTER.—Notwithstanding any other provision of Federal law, a mutual holding company organized under State law may convert its State mutual holding company charter to a Federal mutual holding company charter.";

(5) in paragraph (8)—

(A) in subparagraph (A), by inserting "or subsidiary stock holding company" after "company"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) ISSUANCE OF SHARES.—This section shall not prohibit a savings association or subsidiary stock holding company chartered as part of a transaction described in paragraph (1) from—

"(i) issuing any nonvoting shares or less than 50 percent of the voting share of such association or subsidiary stock holding company to any person other than the mutual holding company;

"(ii) issuing all of the voting shares of such association to a subsidiary stock holding company, if more than 50 percent of the voting shares of the subsidiary stock holding company are owned by the mutual holding company; and

"(iii) issuing to any person other than the mutual holding company, in connection with the formation of the mutual holding company or at a later date, a separate class of voting shares, the rights and preferences of which are identical to those of the class of voting shares issued to the mutual holding company, except with respect to the payment of dividends.

"(C) MUTUAL SAVINGS ASSOCIATION.—In the case of a mutual savings association in which holders of accounts or obligors exercise voting rights, such holders of accounts or obligors shall have the right to subscribe on a priority basis for voting shares of the subsidiary stock holding company or savings association chartered pursuant to paragraph (1), pursuant to regulations of the Director, but only with respect to the voting shares issued in connection with the initial reorganization pursuant to paragraph (1). The priority subscription rights applicable to voting shares issued to the mutual holding company in connection with the initial reorganization pursuant to paragraph (1) shall be exercisable at such time as the shares are subsequently sold by the subsidiary savings association or subsidiary stock holding company.";

(6) in paragraph (9)(A)(i)(I), by inserting ", directly or indirectly," after "owned"; and

(7) in paragraph (10)—

(A) by striking "subsection—" and inserting "subsection, the following definitions shall apply:"; and

(B) by adding at the end the following:

"(D) SUBSIDIARY STOCK HOLDING COMPANY.—The term 'subsidiary stock holding company' means a stock holding company organized under applicable State law, that is wholly-owned, except as otherwise provided in this section, by the mutual holding company.".

SEC. 210. CALL REPORT SIMPLIFICATION.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

TITLE III—STREAMLINING AGENCY ACTIONS

SEC. 301. SCHEDULED MEETINGS OF AFFORDABLE HOUSING ADVISORY BOARD.

Section 14(b)(6)(A) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended—

(1) by striking "4 times a year, or more frequently if requested" and inserting "2 times a year, or as requested"; and

(2) by striking "In each year" and all that follows through "located.".

SEC. 302. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 303. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

"(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish the interest rate for or to make payments of postinsolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.".

SEC. 304. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37 of the Federal Deposit Insurance Act (12 U.S.C. 1831n) is amended by striking subsection (c).

SEC. 305. AGENCY REVIEW OF COMPETITIVE FACTORS IN BANK MERGER ACT FILINGS.

(a) REPORT REQUIRED.—Section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)) is amended by striking "request reports" and all that follows through the end of the paragraph and inserting the following: "request a report on the competitive factors involved from the Attorney General. The report shall be furnished not later than 30 calendar days after the date on which it is requested, or not later than 10 calendar days after such date if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.".

(b) TIMING OF TRANSACTION.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended by striking the third sentence and inserting the following: "If the agency has advised the Attorney General of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.".

(c) EVALUATION OF COMPETITIVE EFFECT.—

(1) AMENDMENTS TO BANK HOLDING COMPANY ACT OF 1956.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended—

(A) by adding at the end the following new paragraph:

"(6) EVALUATION OF COMPETITIVE EFFECT.—The Board may not disapprove of a transaction pursuant to paragraph (1)(B) unless the Board takes into account—

"(A) competition from institutions, other than depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), that provide financial services;

"(B) efficiencies and cost savings that the transaction may create;

"(C) deposits of the participants in the transaction that are not derived from the relevant market;

"(D) the capacity of savings associations to make small business loans;

"(E) lending by institutions other than depository institutions to small businesses; and

"(F) such other factors as the Board deems relevant."; and

(B) in paragraph (1), by striking "restraint or trade" and inserting "restraint of trade".

(2) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—Section 18(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(5)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting "(A)" after "(5)";

(C) by striking "In every case" and inserting the following:

"(B) In every case under this subsection"; and

(D) by adding at the end the following:

"(C) The responsible agency may not disapprove of a transaction pursuant to subparagraph (A), unless the agency takes into account—

"(i) competition from institutions that provide financial services;

"(ii) efficiencies and cost savings that the transaction may create;

"(iii) deposits of the participants in the transaction that are not derived from the relevant markets;

"(iv) the capacity of the institutions to make small business loans;

"(v) lending by institutions other than depository institutions to small businesses; and

"(vi) such other factors as the responsible agency deems relevant.".

SEC. 306. TERMINATION OF THE THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) IN GENERAL.—Effective 3 months after the date of enactment of this Act, the Thrift Depositor Protection Oversight Board established under section 21A of the Federal Home Loan Bank Act (hereafter in this section referred to as the "Board") is terminated.

(b) DISPOSITION OF AFFAIRS.—

(1) IN GENERAL.—Effective on the date of enactment of this Act, the Chairman of the Board (or the designee of the Chairman) may exercise on behalf of the Board any power of the Board necessary to settle and conclude the affairs of the Board.

(2) AVAILABILITY OF FUNDS.—Funds available to the Board shall be available to the Chairman of the Board to pay expenses incurred in carrying out paragraph (1).

(c) SAVINGS PROVISION.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Nothing in this Act affects the validity of any right, duty, or obligation of the United States, the Board, the Resolution Trust Corporation, or any other person, that—

(A) arises under or pursuant to the Federal Home Loan Bank Act, or any other provision of law applicable with respect to the Board; and

(B) existed on the day before the effective date of the termination of the Board under this Act.

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board with respect to any function of the Board shall abate by reason of the enactment of this Act.

(3) LIABILITIES.—All liabilities arising out of the operation of the Board during the period beginning on August 9, 1989, and ending on the date that is 3 months after the date of enactment of this Act shall remain the direct liabilities of the United States. The Secretary of the Treasury shall not be substituted for the Board as a party to any such action or proceeding.

(4) CONTINUATIONS OF ORDERS, RESOLUTIONS, DETERMINATIONS, AND REGULATIONS PERTAINING TO THE RESOLUTION FUNDING CORPORATION.—

(A) IN GENERAL.—Each order, resolution, determination, and regulation regarding the Resolution Funding Corporation shall continue in effect according to its terms until modified, terminated, set aside, or superseded in accordance with applicable law, if such order, resolution, determination, or regulation—

(i) was issued, made, and prescribed, or allowed to become effective by the Board or by a court of competent jurisdiction, in the performance of functions transferred by this Act; and

(ii) is in effect on the date that is 3 months after the date of enactment of this Act.

(B) ENFORCEABILITY.—All orders, resolutions, determinations, and regulations pertaining to the Resolution Funding Corporation are enforceable by and against—

(i) the United States prior to the effective date of the transfer of responsibilities to the Secretary of the Treasury under this Act; and

(ii) the Secretary of the Treasury on and after the effective date of the transfer of responsibilities to the Secretary of the Treasury under this Act.

(d) TRANSFER OF CERTAIN RESOLUTION FUNDING CORPORATION RESPONSIBILITIES TO SECRETARY OF TREASURY.—Effective 3 months after the date of enactment of this Act, the authorities and duties of the Board under sections 21A(a)(6)(I) and 21B of the Federal Home Loan Bank Act are transferred to the Secretary of the Treasury (or the designee of the Secretary).

(e) MEMBERSHIP OF THE AFFORDABLE HOUSING ADVISORY BOARD.—Effective on the date of enactment of this Act, section 14(b)(2) of the Resolution Trust Corporation Completion Act (12 U.S.C. 1831q note) is amended by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

TITLE IV—DISCLOSURE SIMPLIFICATION

SEC. 401. ALTERNATIVE COMPLIANCE METHOD FOR APR DISCLOSURE.

Section 127A(a)(2)(G) of the Truth in Lending Act (15 U.S.C. 1637a(a)(2)(G)) is amended by inserting before the semicolon "or, at the option of the creditor, a statement that the periodic payments may increase or decrease substantially".

SEC. 402. ALTERNATIVE COMPLIANCE METHODS FOR ADVERTISING CREDIT TERMS.

(a) DOWNPAYMENT AMOUNTS.—Section 144(d) of the Truth in Lending Act (15 U.S.C. 1664(d)) is amended—

(1) by striking "or the number of installments or the period of repayment, then"; and

(2) by inserting "or" before "the dollar".

(b) ALTERNATIVE DISCLOSURES.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following new section:

"SEC. 148. ALTERNATIVE DISCLOSURES.

"(a) IN GENERAL.—A radio or television advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit may satisfy the disclosure requirements in sections 143, 144(d), 147(a), or 147(e), by complying with all of the requirements in subsections (b) and (c) of this section.

"(b) INFORMATION TO BE DISCLOSED.—A radio or television advertisement referred to in subsection (a) complies with this subsection if it clearly and conspicuously sets forth, in such form and manner as the Board may require—

"(1) the annual percentage rate of any finance charge, and with respect to an open-end credit plan, the simple interest rate or the periodic rate in addition to the annual percentage rate;

"(2) whether the interest rate may vary;

"(3) if the advertisement states an introductory rate (or states with respect to a variable-rate plan an initial rate that is not based on the index and margin used to make later rate adjustments)—

"(A) with equal prominence, the annual percentage rate that will be in effect after the introductory or initial rate period expires (or for a variable-rate plan, a reasonably current annual percentage rate that would have been in effect using the index and margin); and

"(B) the period during which the introductory or initial rate will remain in effect;

"(4) the amount of any annual fee for an open-end credit plan;

"(5) a telephone number established in accordance with subsection (c) that may be used by consumers to obtain all of the information otherwise required to be disclosed pursuant to sections 143 and 144(d), and subsections (a) and (e) of section 147; and

"(6) a statement that the consumer may use the telephone number established in accordance with subsection (c) to obtain further details about additional terms and costs associated with the offer of credit.

"(c) REQUIREMENTS FOR TELEPHONE NUMBERS.—In the case of an advertisement described in subsection (b) that refers to a telephone number—

"(1) the creditor shall establish the telephone number for a broadcast area not later than the date on which the advertisement is first broadcast in that area;

"(2) the required information shall be available by telephone for a broadcast area for a period of not less than 10 days following the date of the final broadcast of the advertisement in that area;

"(3) the creditor shall provide all of the information that is otherwise required pursuant to sections 143 and 144(d), and subsections (a) and (e) of section 147 orally by telephone or, if requested by the consumer, in written form; and

"(4) the consumer shall obtain the required information by telephone without incurring any long-distance charges.".

TITLE V—MISCELLANEOUS

SEC. 501. POSITIONS OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) IN GENERAL.—

(1) POSITIONS AT LEVEL I OF THE EXECUTIVE SCHEDULE.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Governors of the Federal Reserve System.".

(2) POSITIONS AT LEVEL II OF THE EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended—

(A) by striking "Chairman, Board of Governors of the Federal Reserve System."; and

(B) by adding at the end the following:

"Members, Board of Governors of the Federal Reserve System.".

(3) POSITIONS AT LEVEL III OF THE EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by striking "Members, Board of Governors of the Federal Reserve System.".

(b) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this section.

SEC. 502. CONSISTENT COVERAGE FOR INDIVIDUALS ENROLLED IN A HEALTH PLAN ADMINISTERED BY THE FEDERAL BANKING AGENCIES.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of chapter 89 of title 5, United States Code, any period of enrollment shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title, if such enrollment is—

(1) in a health benefits plan administered by the Federal Deposit Insurance Corporation before the termination of such plan on January 3, 1998; or

(2) subject to subsection (c), in a health benefits plan (not under chapter 89 of such title) with respect to which the eligibility of any employees or retired employees of the Board of Governors of the Federal Reserve System terminates on January 3, 1998.

(b) ENROLLMENT; CONTINUED COVERAGE.—

(1) ENROLLMENT.—Subject to subsection (c), any individual who, on January 3, 1998, is enrolled in a health benefits plan described in paragraph (1) or (2) of subsection (a) may enroll in an approved health benefits plan under chapter 89 of title 5, United States Code, either as an individual or for self and family, if, after taking into account the provisions of subsection (a), such individual—

(A) meets the requirements of that chapter 89 for eligibility to become so enrolled as an employee, annuitant, or former spouse (within the meaning of that chapter); or

(B) would meet the requirements of that chapter 89 if, to the extent such requirements involve either retirement system under such title 5, such individual satisfies similar requirements or provisions of the Retirement Plan for Employees of the Federal Reserve System.

(2) DETERMINATIONS.—Any determination under paragraph (1)(B) shall be made under guidelines established by the Office of Personnel Management in consultation with the Board of Governors of the Federal Reserve System.

(3) CONTINUED COVERAGE.—Subject to subsection (c), any individual who, on January 3, 1998, is entitled to continued coverage under a health benefits plan described in paragraph (1) or (2) of subsection (a) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, but only for the same remaining period as would have been allowable under the health benefits plan in which such individual was enrolled on January 3, 1998, if—

(A) the individual had remained enrolled in that plan; and

(B) that plan did not terminate, or the eligibility of such individual with respect to that plan did not terminate, as described in subsection (a).

(4) COMPARABLE TREATMENT.—Subject to subsection (c), any individual (other than an individual under paragraph (3)) who, on January 3, 1998, is covered under a health benefits plan described in paragraph (1) or (2) of subsection (a) as an unmarried dependent child, but who does not then qualify for coverage under chapter 89 of title 5, United States Code, as a family member (within the meaning of that chapter) shall be deemed to be entitled to continued coverage under section 8905a of that title, to the same extent and in the same manner as if such individual had, on January 3, 1998, ceased to meet the requirements for being considered an unmarried dependent child of an enrollee under such chapter.

(5) EFFECTIVE DATE.—Coverage under chapter 89 of title 5, United States Code, pursuant to an enrollment under this section shall become effective on January 4, 1998.

(c) ELIGIBILITY FOR FEHBP LIMITED TO INDIVIDUALS LOSING ELIGIBILITY UNDER FORMER HEALTH PLAN.—Nothing in subsection (a)(2) or any paragraph of subsection (b) (to the extent that paragraph (2) relates to the plan described in subsection (a)(2)) shall be considered to apply with respect to any individual whose eligibility for coverage under the plan does not involuntarily terminate on January 3, 1998.

(d) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—The Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System shall transfer to the Employees Health Benefits Fund, under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve System, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section. The amounts so transferred shall be held in the Fund and used by the Office of Personnel Management in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(e) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer the provisions of this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

SEC. 503. FEDERAL HOUSING FINANCE BOARD.

Section 2A(b)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1422a(b)(2)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

TITLE VI—TECHNICAL CORRECTIONS

SEC. 601. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104-208; 110 Stat. 3009-496) is amended by striking "7(b)(2)(C)" and inserting "7(b)(2)(E)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996.

SEC. 602. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking "subsection (d) of section 4" and inserting "subsection (c) or (d) of section 4".

SEC. 603. AMENDMENTS TO THE REVISED STATUTES.

(a) WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period ", and waive the requirement of citizenship in the case of not more than a minority of the total number of directors".

(b) TECHNICAL AMENDMENT TO THE REVISED STATUTES.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking "to be interested in any association issuing national currency under the laws of the United States" and inserting "to hold an interest in any national bank".

(c) REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is repealed.

SEC. 604. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

Ms. MOSELEY-BRAUN. Mr. President, today, Senator SHELBY and several of my other colleagues on the Banking Committee are introducing the Financial Regulatory Relief and Economic Efficiency Act of 1997. I am cosponsoring this legislation because I have long been committed to the process of reducing unnecessary regulatory burdens on financial institutions. Many of the provisions were drafted in consultation with the banking regulatory agencies and will remove duplicative, unnecessary restrictions that no longer make sense and are no longer appropriate, given this era of great

change in the financial services industry. This bill will allow the banks to be more efficient and cost-effective in their activities. It will also allow them to better meet the needs of the users of the system, the individuals, the communities, the businesses, the exporters, the farmers, and all those who depend on our financial system. We live in capital-scarce times and that means that it is imperative that our financial system provides capital to those who need it in the most cost-effective manner possible. We can be longer tolerate inefficiencies due to outmoded regulation.

However, it is important to note that I do not support every provision of this bill, and in fact I have serious concerns about portions of it. I believe that certain sections of the bill will need to be changed significantly as it works its way through the Banking Committee and the Senate floor. That said, I want to be a part of this process, because I believe in the objectives of the bill: reducing unnecessary regulatory burden. Furthermore, I think the issue should be addressed in a bipartisan manner. This type of effort needs to be a priority for the Banking Committee and the Senate as a whole, and that is why I am an original cosponsor of the Financial Regulatory Relief and Economic Efficiency Act of 1997.

By Mr. SMITH of Oregon:

S. 1406. A bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve; to the Committee on Veterans Affairs.

BURIAL FLAGS FOR MEMBERS OF THE GUARD AND RESERVES LEGISLATION

Mr. SMITH of Oregon. Mr. President, several months ago, one of my constituents, Gilbert Miller, a retired Air Force senior master sergeant, walked into my Medford, OR office to share an idea with me. After doing some research, he discovered that some military reserve component members who had honorably served their country as Selected Reservists were not eligible for funeral burial flags. In response to this inequity, and in recognition of Veterans' Day, I rise to introduce a bill authorizing the Department of Veterans' Affairs to issue burial flags to deceased members of the reserve component.

Mr. President, National Guard and Reserve units and individual members increasingly share the day-to-day burden of our national defense. Their service is routinely performed in a drill or short active duty tour status alongside an active component service member. Their status, however, does not make their contribution to our national defense any less important or less critical. Simply put, many requirements could not be met without the direct involvement of Reserve forces, either in a drill status or on short active duty tours.

In view of this reality, I believe it is time to expand the current law regarding burial flags to include these members of the total force. Therefore, my bill permits the issuance of a burial flag to those National Guard and Reserve members who honorably served in the reserve component.

Mr. President, I would like to thank the Non Commissioned Officers Association and all the veterans' groups for their support of this bill.

Finally, Mr. President, I would like to pay tribute to our veterans as we prepare to celebrate Veterans' Day. Each day as I drive to work at the U.S. Senate, I cannot help but notice the beautiful monuments of our Nation's capital. These monuments were built to honor great people and great events, and each has its own inspirational story to tell. What you will find in the stories is that the greatness of our country and of its leaders was founded in the willingness of common men and women, our veterans, to risk their lives defending the principle of right. Serving both at home and on foreign soil, their service must always be remembered.

Working in Washington in this great institution and among these beautiful monuments, I frequently am reminded of the sacrifices of our veterans. Even outside of Washington, in almost every town across America, there are monuments dedicated to our veterans. I urge each American to discover their story, not only from a historical perspective, but also through the eyes of the veterans living in their communities, where you will find common men and women who simply did the right thing when called upon. And because of them, we live in a world where there is more peace than ever before. They deserve our thanks.

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. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ISSUANCE OF BURIAL FLAGS FOR DECEASED MEMBERS AND FORMER MEMBERS OF THE SELECTED RESERVE.

Section 2301(a)(2) of title 38, United States Code, is amended to read as follows:

"(2) deceased individual who—

"(A) was serving as a member of the Selected Reserve (as described in section 10143 of title 10) at the time of death;

"(B) had served at least one enlistment, or the period of initial obligated service, as a member of the Selected Reserve and was discharged from service in the Armed Forces under conditions not less favorable than honorable; or

"(C) was discharged from service in the Armed Forces under conditions not less favorable than honorable by reason of a disability incurred or aggravated in line of duty during the individual's initial enlistment, or period of initial obligated service, as a member of the Selected Reserve.".

By Mr. BURNS:

S. 1407. A bill to allow participation by the communities surrounding Yellowstone National Park in decisions affecting the park, and for other purposes; to the Committee on Energy and Natural Resources.

THE YELLOWSTONE NATIONAL PARK COMMUNITY PARTICIPATION ACT

Mr. BURNS. Madam President, I rise today to introduce the Yellowstone National Park Community Participation Act. This is a bill to require the National Park Service to work in conjunction and consult with the communities surrounding Yellowstone National Park in both Montana and Wyoming.

The communities surrounding Yellowstone National Park, are as directly affected by actions within the park, as anything in the park itself. These communities' stability and economic viability are in a large part dependent on the actions within the park. Their future is dependent upon the actions taken both by local park management, and the management of the National Park Service in Washington, DC.

The Department of the Interior and the Director of the National Park Service have stated that the management of the parks and the Park Service itself should work in a cooperative effort to make sure that the local communities, affected by actions in the parks, are consulted before action occurs. Well unfortunately this is not always the case.

Last year in the 104th Congress, authority was given to the National Park Service to provide for a demonstration project as it relates to fees charged to enter our national park. This was done with the understanding that this would assist the parks in coming up with additional funding for the backlog of construction and maintenance in each individual parks. Dollars which are sorely needed in the parks and which it is hoped would be put to good use.

Communities surrounding our parks, especially Yellowstone, understand the need for the repairs to the infrastructure in the parks. They are all very willing to work with park management to do what they can to assist in maintaining the parks and assisting management in working on a means for caring for the parks.

Yet, when the Park Service asked for input and provided each individual park with an opportunity to use and develop a new fee structure for the parks not all the communities were asked or informed of the increases in the fees. This was the case in Yellowstone National Park.

While the management of Grand Teton, just a few miles south of Yellowstone, worked with and notified the

communities affected by the future fee changes. Providing these communities an opportunity to prepare for the effects these changes would have on their business and economic vitality.

An announcement was made by the management in Yellowstone to address the upcoming changes without very much, if any interaction with the surrounding communities. This then affected their ability to provide the information necessary to people who use their communities as a staging site for their visit to Yellowstone. It put them in the unenviable position of either subjecting their businesses to a loss, due to the fact that they either accepted the additional cost for operating their park tours, or charging the difference to those consumers who were there on the spur of the moment. This is not what any of us would like to do to our customers, nor anything that the Government should require of taxpayers who are either living at the gates of our national parks or visiting them for recreation.

Had a consultation occurred in this instance, it is possible that relations between the communities and the park management could have developed to find a way to work through this process. However no consultation occurred and as a result, relations between park management and the local communities have been strained.

Another telling facet of this dissolution of relations between local communities and the park management, is what occurred just last winter. Due to what the park management called reduced funding, they changed the winter opening dates for the entrances to Yellowstone. This had a dramatic effect on the economic stability of the communities which are located at the entrances to Yellowstone.

The basis for business in those communities at the entrances to Yellowstone, is not just the traffic they see during the summer, but rests in large part on winter tourism in and around Yellowstone. As beautiful and magnificent, as Yellowstone can be during the summer, the visual experiences a person can enjoy during the winter are multiplied. Many of the businesses in these local communities look upon winter tourism as a means of keeping them in business for the next year.

When any change is announced, without suitable notification or adequate consultation, these communities suffer greatly. Last winter visitors arrived at Yellowstone with the understanding that the park would be open, to allow them to experience the beauty of the Nation's "Crown Jewel" as it lay under a winter coating of snow. However, when they arrived at the entrance to the park, they were greeted not with a welcome, but with a barrier which kept them from enjoying their park.

This delayed opening had a devastating effect on the communities at the gateways to Yellowstone. Many tours were canceled and groups which had planned future winter events in the area, have since canceled those plans. Although it was not true, many of these tour and business groups were of the understanding that Yellowstone was closed to winter travel and activity.

The language in this bill would assure stability for the future of those communities located at the gateways to Yellowstone National Park. The legislation would provide for an opening and closing date, which the people of the community of West Yellowstone, MT, could count on in planning for tour groups and the hiring of personnel to make the visitors' stays a memorable experience.

I have attempted to work with the Park Service and the local communities to see if some means of consultation could be worked out among all the parties involved. Last January a series of meetings occurred, between members of the local community the Park Service and my staff, to discuss the problems which the local communities were facing due to the actions taken last winter. As a result of these meetings, it was hoped that the management of the park would be more receptive to the working with the local communities in the development of changes affecting their lives. So far this has not been the case.

I am offering this legislation today, in an attempt to open dialog to find suitable arrangements for consultation between the park and the gateway communities of Yellowstone National Park. I will request a hearing on this matter to open that dialog and to seek a means by which all parties are comfortable in a process of exchange and consultation on the future of the business related to Yellowstone. I look forward to working with the Park Service and the local communities to find a means of keeping Yellowstone a treasure for all America and the world to enjoy, during all seasons of the year.

Thank you, Madam President.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1408. A bill to establish the Lower East Side Tenement National Historic Site, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOWER EAST SIDE TENEMENT MUSEUM NATIONAL HISTORIC SITE ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today to join with my friend and colleague, Senator MOYNIHAN, to introduce legislation that will declare the Lower East Side Tenement Museum a national historic site. Most of us have heard the stories of how the great wave of immigrants of generations ago entered our Nation, but few really know what happened to them after they landed at Ellis Island. At the Lower East Side Tenement Museum at 97 Orchard Street in New York City, one is able to follow the lives of the immigrants beyond the first hours on our shores. The museum tells their history, displays their courage and showcases their values in an interpretive setting that brings the visitor back to an era from which many of us came. The museum presents to many of us an awareness of our ancestral roots that we may never have known existed. Through the legislation being introduced by Senator MOYNIHAN and me, the museum will be able to affiliate itself with the National Park Service, bestowing national recognition on the humble beginnings of millions of our ancestors.

The Tenement Museum is unique in that it not only traces the quality of life inside the tenement, but presents a picture of the immigrant's outside world as well. Due to the cramped and dingy nature of the tenement, as much time as possible was spent outside. Thus, in order to fully explore their lives, it is essential to look toward their work, their houses of worship, their organizations, and their entertainment. The museum incorporates the experiences of yesteryear's immigrants and interprets them for today's generations. It gives the visitor a powerful glimpse into the life and living arrangements that our ancestors faced on a daily basis. Besides onsite programs, the museum utilizes the surrounding neighborhood; an area which continues to this day in its role as a receiver of immigrants.

Throughout our Nation we have preserved, remembered and cherished places of national significance and beauty. We have put enormous energy toward maintaining homes of noted Americans and protecting vast areas of wilderness. What we do not have, though, is a monument to the so-called ordinary citizen. The Tenement Museum can fill that role and will do so at no cost to the Federal Government under this legislation.

It is unlikely that many of those who lived in buildings like the one at 97 Orchard Street felt that they were special. Rather, they were probably grateful for the chance to come to America to try to make a better life for themselves and their families. Given the living and working conditions that we now take for granted, the language and cultural obstacles they had to overcome, we should applaud their ability to take hold of an opportunity and not only survive, but thrive. It is their contributions to society in the face of overwhelming obstacles that defined an era and established an ethic that survives to this day. It is their spirit that we admire, and that, in retrospect, makes these otherwise ordinary individuals special. The Tenement Museum is their monument, and as their descendants, it is ours as well.

Congress has an opportunity to recognize the pioneer spirit of our ancestors and deliver it to future generations of Americans. The museum reminds us all of an important and often forgotten chapter in our immigrant heritage, mainly, that millions of families made their first stand in our Nation not in a log cabin or farmhouse or mansion, but in a city tenement. Granting the Lower East Side Tenement Museum affiliated status within the National Park Service will shed light on that chapter while linking it to the chain of the Status of Liberty, Ellis Island, and Castle Clinton in the story of our urban immigrant heritage. I urge my colleagues to join Senator MOYNIHAN and me in cosponsoring this bill, and I urge its speedy consideration by the Senate.

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. 1408

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 "Lower East Side Tenement National Historic Site Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1)(A) immigration, and the resulting diversity of cultural influences, is a key factor in defining the identity of the United States; and

(B) many United States citizens trace their ancestry to persons born in nations other than the United States;

(2) the latter part of the 19th century and the early part of the 20th century marked a period in which the volume of immigrants coming to the United States far exceeded that of any time prior to or since that period;

(3) no single identifiable neighborhood in the United States absorbed a comparable number of immigrants than the Lower East Side neighborhood of Manhattan in New York City;

(4) the Lower East Side Tenement at 97 Orchard Street in New York City is an outstanding survivor of the vast number of humble buildings that housed immigrants to New York City during the greatest wave of immigration in American history;

(5) the Lower East Side Tenement is owned and operated as a museum by the Lower East Side Tenement Museum;

(6) the Lower East Side Tenement Museum is dedicated to interpreting immigrant life within a neighborhood long associated with the immigrant experience in the United States, New York City's Lower East Side, and its importance to United States history; and

(7)(A) the Director of the National Park Service found the Lower East Side Tenement at 97 Orchard Street to be nationally significant; and

(B) the Secretary of the Interior declared the Lower East Side Tenement a National Historic Landmark on April 19, 1994; and

(C) the Director of the National Park Service, through a special resource study, found the Lower East Side Tenement suitable and feasible for inclusion in the National Park System.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure the preservation, maintenance, and interpretation of this site and to interpret at the site the themes of immigration, tenement life in the latter half of the 19th century and the first half of the 20th century, the housing reform movement, and tenement architecture in the United States;

(2) to ensure continued interpretation of the nationally significant immigrant phenomenon associated with New York City's Lower East Side and the Lower East Side's role in the history of immigration to the United States; and

(3) to enhance the interpretation of the Castle Clinton, Ellis Island, and Statue of Liberty National Monuments.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) HISTORIC SITE.—The term "historic site" means the Lower East Side Tenement found at 97 Orchard Street on Manhattan Island in City of New York, State of New York, and designated as a national historic site by section 4.

(2) MUSEUM.—The term "Museum" means the Lower East Side Tenement Museum, a nonprofit organization established in City of New York, State of New York, which owns and operates the tenement building at 97 Orchard Street and manages other properties in the vicinity of 97 Orchard Street as administrative and program support facilities for 97 Orchard Street.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ESTABLISHMENT OF HISTORIC SITE.

(a) IN GENERAL.—To further the purposes of this Act and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.), the Lower East Side Tenement at 97 Orchard Street, in the City of New York, State of New York, is designated a national historic site.

(b) COORDINATION WITH NATIONAL PARK SYSTEM.—

(1) AFFILIATED SITE.—The historic site shall be an affiliated site of the National Park System.

(2) COORDINATION.—The Secretary, in consultation with the Museum, shall coordinate the operation and interpretation of the historic site with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument. The historic site's story and interpretation of the immigrant experience in the United States is directly related to the themes and purposes of these National Monuments.

(c) OWNERSHIP.—The historic site shall continue to be owned, operated, and managed by the Museum.

SEC. 5. MANAGEMENT OF THE SITE.

(a) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the Museum to ensure the marking, interpretation, and preservation of the national historic site designated by section 4(a).

(b) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may provide technical and financial assistance to the Museum to mark, interpret, and preserve the historic site, including making preservation-related capital improvements and repairs.

(c) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the Museum, shall develop a general management plan for the historic site that defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the historic site.

(2) INTEGRATION WITH NATIONAL MONUMENTS.—The plan shall outline how interpretation and programming for the historic site shall be integrated and coordinated with the Statue of Liberty National Monument, Ellis Island National Monument, and Castle Clinton National Monument to enhance the story of the historic site and these National Monuments.

(3) COMPLETION.—The plan shall be completed not later than 2 years after the date of enactment of this Act.

(d) LIMITED ROLE OF SECRETARY.—Nothing in this Act authorizes the Secretary to acquire the property at 97 Orchard Street or to assume overall financial responsibility for the operation, maintenance, or management of the historic site.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. MOYNIHAN. Mr. President, I rise to join my friend and colleague Senator D'AMATO in introducing a bill that will authorize a small but most significant addition to the National Park system by designating the Lower East Side Tenement Museum a national historic site. For 150 years New York City's Lower East Side has been the most vibrant, populous, and famous immigrant neighborhood in the Nation. From the first waves of Irish and German immigrants to Italians and Eastern European Jews to the Asian, Latin, and Caribbean immigrants arriving today, the Lower East Side has provided millions their first American home.

For many of them that home was a brick tenement; six or so stories, no elevator, maybe no plumbing, maybe no windows, a business on the ground floor, and millions of our forbearers upstairs. The Nation has with great pride preserved log cabins, farm houses, and other symbols of our agrarian roots. We have reopened Ellis Island to commemorate and display the first stop for 12 million immigrants who arrived in New York City.

Until now we have not preserved a sample of urban, working class life as part of the immigrant experience. For many of those disembarked on Ellis Island the next stop was a tenement on the Lower East Side, such as the one at 97 Orchard Street. It is here that the Lower East Side Tenement Museum shows us what that next stop was like.

The tenement at 97 Orchard was built in the 1860's, during the first phase of tenement construction. It provided housing for 20 families on a plot of land planned for a single family residence. Each floor had four 3-room apartments, each of which had two windows in one of the rooms and none in the others. The privies were out back, as was the

spigot that provided water for everyone. The public bathhouse was down the street.

In 1900 this block was the most crowded per acre on Earth. Conditions improved at 97 Orchard Street after the passage of the New York Tenement House Act of 1901, though the crowding remained. Two toilets were installed on each floor. A skylight was installed over the stairway and interior windows were cut in the walls to allow some light throughout each apartment. For the first time the ground floor became commercial space. In 1918 electricity was installed. Further improvements were mandated in 1935, but the owner of this building chose to board it up rather than follow the new regulations. It remained boarded up for 60 years until the idea of a museum took hold.

The tenement museum will keep at least one apartment in the dilapidated condition in which it was found when reopened, to show visitors the process of urban archaeology. Others are being restored to show how real families lived at different periods in the building's history. Across the street there are interpretive programs to better explain the larger experience of gaining a foothold on America in the Lower East Side of New York. There are also plans for programmatic ties with Ellis Island and its precursor, Castle Clinton. And the museum plans to play an active role in the immigrant community around it, further integrating the past and present immigrant experience on the Lower East Side.

This bill designates the tenement museum a national historic site. It also authorizes the Secretary of the Interior to enter into a cooperative agreement with the museum to ensure the marking, interpretation, and preservation of the site. The Secretary will also coordinate with the Statue of Liberty, Ellis Island, and Castle Clinton sites to help with the interpretation of the immigrant experience. It will be a productive partnership.

Mr. President, I believe the tenement museum provides an outstanding opportunity to preserve and present an important stage of the immigrant experience and the move for social change in our cities at the turn of the century. I know of no better place than 97 Orchard Street to do so, and no other place in the National Park system doing so already. I look forward to the realization of this grand idea, and I ask my colleagues for their support.

By Ms. COLLINS (for herself, Mr. THOMPSON, and Mr. BENNETT):

S. 1409. A bill for the relief of Sheila Heslin of Bethesda, MD; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Ms. COLLINS. Mr. President, today I am introducing a bill, along with my colleagues Senators THOMPSON and BENNETT, that will require the Department of Justice to pay the legal fees of a former Federal employee, Sheila Heslin, who incurred these expenses as a direct result of the campaign finance investigations conducted by the Congress, the Department of Justice, and the Central Intelligence Agency.

Earlier this fall, Ms. Heslin testified before the Senate Governmental Affairs Committee about actions she took while performing her official duties as an employee of the National Security Council. Everyone who observed her testimony was impressed with her honesty and courage in resisting high-level political pressure. Ms. Heslin told us how other governmental and political officials pressured her to approve a request that Roger Tamraz, a major contributor with an unsavory reputation, be allowed to meet with President Clinton. She resisted these overtures in an effort to protect the integrity of the White House and to ensure that our foreign policy was conducted appropriately. Of all the individuals who testified before the Senate Governmental Affairs Committee about the campaign finance problems, Ms. Heslin provided the best example of how career Government officials ought to conduct themselves. She demonstrated courage and a high regard for the proper conduct of U.S. foreign policy.

Ms. Heslin participated in these proceedings as a witness, not as the subject of any investigation. She has provided important information on events and activities that may well become the subject of prosecution. As a result, Ms. Heslin was forced to retain private counsel to advise her in the various investigations because representation by Government counsel would have presented a clear conflict of interest.

It is my understanding that the Department of Justice has to date declined to reimburse Ms. Heslin for the legal fees relating to her testimony before the Senate Governmental Affairs Committee and other similar inquiries. She is now a private citizen with a new baby and without the personal wealth to afford the legal representation her service as a Government employee has required. As an important and fully cooperative witness in these investigations, she has set an example that ought to not be discouraged by denying Government payment for outside legal representation in a case involving appropriate actions taken during her Federal employment.

Under existing regulations, the Department of Justice normally approves the payment of legal fees for Government employees when "the actions for which representation is requested reasonably appears to have been performed within the scope of the employees's employment" and payment is "in the interest of the United States." Both requirements have been met in the case Sheila Heslin.

Moreover, Mr. President, in connection with other investigations, the Department of Justice has paid the legal fees of hundreds of Government employees, some of whom were high-level political appointees. For example, in fiscal year 1996, political appointees at the White House and on the Vice President's staff were reimbursed thousands of dollars in attorneys' fees. To deny the payment of legal fees to Ms. Heslin, who is not suspected of any wrongdoing, while at the same time paying the legal fees of many other Government employees, some of whom were being investigated for possible illegal activities, is simply unfair.

Earlier this month, I asked the Attorney General to personally address this matter and to reverse the decision denying reimbursement to Ms. Heslin. I am still waiting for Attorney General Reno's response to my letter.

In the absence of action by the Department of Justice, I am introducing this bill which directs the Attorney General to pay reasonable attorney's fees incurred by Ms. Heslin as a result of the campaign finance investigations. To ensure that such payments are not excessive, it is intended that the amounts be determined in accordance with applicable Justice Department regulations.

Mr. President, this bill is not only for Sheila Heslin. It is also to send a clear message to every career Government employee who in the future has to choose between succumbing to inappropriate political pressure or doing the right thing. It is also for the American people who are the ultimate beneficiaries when public servants put the interests of the country ahead of the interests of those seeking to buy access and influence for their own narrow purposes.

Mr. President, it is regrettable that we cannot do more to reward people who follow the high standards of conduct we all espouse. At the very least, we should ensure that the actions of their Government do not penalize them. For that reason, I hope my colleagues will support this measure.

By Mr. REED:

S. 1410. A bill to amend section 258 of the Communications Act of 1934 to enhance to protections against unauthorized changes in subscriber selections of telephone service providers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ANTI-SLAMMING ACT OF 1997

Mr. REED. Mr. President, I rise today to make a few comments concerning legislation which I am introducing to deal with the problem of slamming. Earlier this year, I outlined the remedies necessary to deal with this serious consumer problem in a Sense of the Senate Resolution which was amended to the Commerce State Justice Appropriations legislation. The legislation I introduce today embodies

those remedies. I would like to take a moment to thank ranking member HOLLINGS and Chairmen MCCAIN and BURNS for the assistance they have lent to me on this issue.

Telephone "slamming" is the illegal practice of switching a consumer's long distance service without the individual's consent. This problem has increased dramatically over the last several years, as competition between long distance carriers has risen. Slamming is the top consumer complaint lodged at the Federal Communications Commission [FCC], with 11,278 reported complaints in 1995, and 16,500 in 1996. In the first 9 months of 1997 alone, 15,000 complaints have been filed. Unfortunately, this represents only the tip of the iceberg because most consumers never report violations to the FCC. One regional Bell company estimates that 1 in every 20 switches is fraudulent. Media reports indicate that as many as 1 million illegal transfers occur annually. Thus, slamming threatens to rob consumers of the benefit of a competitive market, which is now composed of over 500 companies which generate $72.5 billion. As a result of slamming, consumers face not only increased phone bills, but also the significant expenditure of time and energy in attempting to identify and reverse the fraud. The results of slamming are clear: higher phone bills and immense consumer frustration.

Mr. President, we are all aware of the stiff competition which occurs for customers in the long distance telephone service industry. The goal of deregulating the telecommunications industry was to allow consumers to easily avail themselves of lower prices and better service. Hopefully, this option will soon be presented to consumers for in-state calls and local phone service. Indeed, better service at lower cost is a main objective of those who seek to deregulate the utility industry. Unfortunately, fraud threatens to rob many consumers of the benefits of a competitive industry.

Telemarketing is one of the least expensive and most effective forms of marketing, and it has exponentially expanded in recent years. By statute, the Federal Trade Commission [FTC] regulates most telemarketing, prohibiting deceptive or abusive sales calls, requiring that homes not be called at certain times, and that companies honor a consumer's request not to be called again. The law mandates that records concerning sales be maintained for two years. While the FTC is charged with primary enforcement, the law allows consumers, or state Attorneys General on their behalf, to bring legal action against violators. Yet, phone companies are exempt from these regulations, since they are subject to FCC regulation.

While the FCC has brought action against twenty-two of the industry's largest and smallest firms for slamming violations with penalties totaling over $1.8 million, this represents a minute fraction of the violations. FCC prosecution does not effectively address or deter this serious fraud. To date, state officials have been more aggressive in pursuing violators. The California Public Utility Commission fined a company $2 million earlier this year after 56,000 complaints were filed against it. Arizona, Arkansas, Idaho, Illinois, Kansas, Minnesota, Mississippi, Missouri, New Jersey, Ohio, Vermont, and Wisconsin have all pursued litigation against slammers. Earlier this summer, public officials of twenty-five states asked the FCC to adopt tougher rules against slammers.

As directed by the Telecommunications Act of 1996, the FCC has recently moved to close several loopholes which have allowed slamming to continue unabated. Most importantly, the FCC has proposed to eliminate the financial incentive which encourages many companies to slam by mandating that all revenues generated from an illegal switch be returned to the original carrier. At present, a slammer can retain the profits generated from an illegal switch. Additionally, the FCC proposed regulations would require that a carrier confirm all switches generated by telemarketing through either (1) a letter of agency, known as a LOA, from the consumer; (2) a recording of the consumer verifying his or her choice on a toll free line provided by the carrier; or (3) a record of verification by an appropriately qualified and independent third party. The regulations are expected to be finalized by the FCC early in 1998. While this represents a start, I believe that these remedies will be wholly inadequate to address the ever-increasing problem of slamming. The problem is that slammed consumers would still be left without conclusive proof that their consent was properly obtained and verified.

My legislation encompasses a three part approach to stop slamming by strengthening the procedures used to verify consent obtained by marketers; increasing enforcement procedures by allowing citizens or their representatives to pursue slammers in court with the evidence necessary to win; and encouraging all stakeholders to use emerging technology to prevent fraud.

Mr. President, let me also thank the National Association of Attorneys General, the National Association of Regulatory Utility Commissioners which through both their national offices and individual members provided extensive recommendations to improve this bill. Additionally, I have found extremely helpful the input of several groups which advocate on behalf of consumers. I was particularly pleased to work with the Consumer Federation of America to address concerns which its members expressed, and I am honored that this legislation has received the endorsement of their organization.

Mr. President, let me take a few minutes to outline the specific provisions of my bill. My legislation requires that a consumer's consent to change service is verified so that discrepancies can be adjudicated quickly and efficiently. Like the 1996 Act, my bill requires a legal switch to include verification. However, my legislation enumerates the necessary elements of a valid verification. First, the bill requires verification to be maintained by the provider, either in the form of a letter from the consumer or by recording verification of the consumer's consent via the phone. The length that the verification must be maintained is to be determined by the FCC. Second, the bill stipulates the form that verification must take. Written verification remains the same as current regulations. Oral verification must include the voice of the subscriber affirmatively demonstrating that she wants her long distance provider to be changed; is authorized to make the change; and is currently verifying an imminent switch. The bill mandates oral verification to be conducted in a separate call from that of the telemarketer, by an independent, disinterested party. This verifying call must promptly disclose the nature and purpose of the call. Third, after a change has been executed, the new service provider must send a letter to the consumer, within five business days of the change in service, informing the consumer that the change, which he requested and verified, has been effected. Fourth, the bill mandates that a copy of verification be provided to the consumer upon request. Finally, the bill requires the FCC to finalize rules implementing these mandates within nine months of enactment of the bill.

These procedures should help ensure that consumers can efficiently avail themselves of the phone service they seek, without being exposed to random and undetectable fraudulent switches. If an individual is switched without his or her consent, the mandate of recorded, maintained verification will provide the consumer with the proof necessary to prove that the switch was illegal.

The second main provision of my legislation would provide consumers, or their public representatives, a legal right to pursue violators in court. Following the model of Senator Hollings' 1991 Telephone Consumer Protection Act, my bill provides aggrieved consumers with a private right of action in any state court which allows, under specific slamming laws or more general consumer protection statutes such an action. The 1991 Act has been adjudicated to withstand constitutional challenges on both equal protection and tenth amendment claims. Thus,

the bill has the benefit of specifying one forum in which to resolve illegal switches of all types of service: long distance, in-state, and local service.

Realizing that many individuals will not have the time, resources, or inclination to pursue a civil action, my bill also allows state Attorneys Generals, or other officials authorized by state law, to bring an action on behalf of citizens. Like the private right of action in suits brought by public officials damages are statutorily set at $1,000 or actual damages, whichever is greater. Treble damages are awarded in cases of knowing or willful violations. In addition to monetary awards, states are entitled to seek relief in the form of writs of mandamus, injunction, or similar relief. To ensure a proper role for the FCC, state actions must be brought in a federal district court where the victim or defendant resides. Additionally, state actions must be certified with the Commission, which maintains a right to intervening in an action. The bill makes express the fact that it has no impact on state authority to investigate consumer fraud or bring legal action under any state law.

Finally, Mr. President, my legislation recognizes that neither legislators nor regulators can solve tomorrow's problems with today's technology. Therefore my bill mandates that the FCC provide Congress with a report on other, less burdensome but more secure means of obtaining and recording consumer consent. Such methods might include utilization of Internet technology or issuing PIN numbers or customer codes to be used before carrier changes are authorized. The bill requires that the FCC report to Congress on such methodology by December 31, 1999.

Mr. President, I appreciate the opportunity to discuss my initiative to stop slamming. I hope that this issue can be addressed quickly. As a result, I would urge all my colleagues to cosponsor this legislation.

By Mr. MACK (for himself, Mr. HARKIN, Mr. DEWINE, Mr. SANTORUM, Ms. COLLINS, Ms. SNOWE, Mr. D'AMATO, Mr. SMITH of Oregon, Mrs. BOXER, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. LAUTENBERG, Mr. GRAHAM, Mr. DODD, Mr. DURBIN, and Mr. WELLSTONE):

S. 1411. A bill to amend the Internal Revenue Code of 1986 to disallow a Federal income tax deduction for payments to the Federal Government or any State or local government in connection with any tobacco litigation or settlement and to use any increased Federal revenues to promote public health; to the Committee on Finance.

THE NATIONAL INSTITUTES OF HEALTH TRUST FUND ACT OF 1997

Mr. MACK. Mr. President, today I am joined by Senators HARKIN, DEWINE, SANTORUM, COLLINS, SNOWE, D'AMATO, SMITH of Oregon, BOXER, KENNEDY, FEINSTEIN, LAUTENBERG, GRAHAM, DODD, DURBIN, and WELLSTONE in introducing legislation that begins to realize the paramount goal of doubling funding for the National Institutes of Health [NIH] over the next 5 years. The bill ensures that any tobacco settlements or judgments are not tax deductible.

As currently crafted, the global settlement specifically allows the tobacco companies to deduct the entire amount of their payments. That is a possible $128 billion break on their tax bill. I believe it is fundamentally wrong to allow them such a free ride at taxpayers' expense. More importantly, any settlement should provide funds for biomedical research, including funding to find better treatment and cures for the diseases caused by tobacco.

Although the Tax Code often allows settlement amounts to be deductible, the current law provides that fines or penalties paid to a Government entity are not. The unprecedented situation we face with the tobacco industry demands that the Congress define these payments as more akin to such a fine or penalty. If a businessman cannot deduct a speeding ticket he received on his way to a meeting, tobacco shouldn't be able to deduct its payment for guaranteed immunity and certainty of liability. Which is worse, a speeding ticket or knowingly addicting and killing millions of Americans?

I want my colleagues to understand that the success of our efforts on this front does not hinge on the enactment of a final Federal settlement. The bill applies to any settlement or judgment at the State or Federal level. As such, if the tobacco companies are found liable in any forum, or see fit to settle any of their cases with governmental entities, those payments will not be deductible. However, the bill leaves in place the deductibility of compensatory sums paid to individuals for harm done to them. Now is the time for Congress to step forward and pledge that we will not be a party to any tobacco settlement that comes at taxpayers' expense.

Allowing the companies to state that they are willing to pay $368.5 billion to the Government, when in reality they are only paying two-thirds of that amount, is false advertising. The bill corrects this misleading situation to the benefit of thousands, perhaps millions, of Americans whose tobacco-related illnesses might be cured now through medical research.

As my colleagues will recall, the Senate passed by a vote of 98 to 0 a Sense of the Senate Resolution that Congress, and the Nation, should commit to the goal of doubling funding for NIH over the next 5 years. The actions we are taking today will help us to achieve that goal.

The tax revenues which will be derived as a result of making the settlement or judgments nondeductible will be used to establish the National Trust Fund for Biomedical Research. Each year, after the President has signed the Labor/HHS/Education bill into law, the moneys in the medical research trust fund established by this bipartisan legislation will be allocated to NIH for biomedical research.

Research has demonstrated that many diseases can be prevented, eliminated, detected earlier, or managed more effectively through a vast array of new medical procedures and therapies.

For the first time in history, overall death rates from cancer have begun a steady decline in the United States. Ten years ago, cancer patients were offered little hope of survival. Today, however, if a breast cancer is detected at an early stage, there is a 94-percent survival rate. Today, 80 percent of children diagnosed with acute lymphoblastic leukemia [ALL] are alive and free of the disease 5 years after diagnosis.

Genetic research has enabled Americans to learn if they are more likely to develop osteoporosis, breast cancer, Lou Gehrig's disease and other illnesses. Scientists now know that, in at least 50 percent, and possibly as many as 80 percent, of all cancers, one gene—p53—is damaged. If cancer cells growing in a dish are given healthy p53 genes, they immediately stop proliferating and die.

We now know that if one inherits a mutated gene for hemochromatosis, more commonly known as iron overload disease, a disease which affects approximately 1 million Americans, then one will actually develop the disease. The benefit of knowing this is that giving blood is an effective way to manage the disease.

Because of the advances made in biomedical research, people with Parkinson's disease, AIDS, Alzheimer's disease, and other ailments are living longer and healthier lives. We are on the verge of cures and new treatments for diseases which have plagued our society for many years. Research is the key which will unlock the knowledge needed to find these cures.

But doubling our commitment to NIH, we could improve the grant success rate from 25 to 40 percent. More patients would have access to clinical trials. Approximately 2 percent of all cancer patients are now enrolled in clinical trials. We could increase that to 20 percent. The result is that more families would have access to the most effective state-of-the-art treatment.

Patients would also benefit by advances in new methods of treatment including gene therapy, immunotherapy, spinal cord rejuvenation; helping diabetics naturally produce insulin; relief for Parkinson's disease patients, and

reduction in heart disease, which is the leading cause of death in the United States.

We have entered a new era of medical research in this country, but we must provide the necessary funding in order to translate discoveries into new methods of diagnosis and treatment.

There can be little argument that scientific advances will also have a significant positive impact upon our Nation's economy. They will result in reduced health expenditures for Medicare, Medicaid, DOD, VA, and other public and private health programs. A recent study by the National Science Foundation concluded that every dollar spent on basic research permanently adds 50 cents or more each year to national output.

In addition, the medical technology industry provides high-wage jobs to millions of Americans. Investment in basic science helps the United States compete in the global marketplace in such industries as pharmacology, biotechnology, and medical technology. Combined with the actions taken earlier this year to reform the FDA, public and private investment in biomedical research will ensure our ability to compete in this important industry and create new jobs.

Mr. President, there are millions of Americans who are fighting a day-today battle against cancer, sickle cell anemia, AIDS, osteoporosis, Parkinson's disease, and other ailments. Their lives are in our hands. They are asking for hope and the opportunity for a cure. We must act now.

This legislation is supported by more than 175 organizations representing a broad base of research, patient, health professions, consumer, and education communities. I ask unanimous consent that a list of these organizations be included in the RECORD.

I urge my colleagues to join this bipartisan effort to help achieve the goal of doubling NIH funding over the next 5 years.

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

ORGANIZATIONS SUPPORTING MACK-HARKIN TOBACCO RESEARCH FUND AS OF NOVEMBER 6, 1997

1. Alliance for Eye and Vision Research.
2. Alzheimer's Association.
3. American Academy of Allergy, Asthma and Immunology.
4. American Academy of Child and Adolescent Psychiatry.
5. American Academy of Dermatology.
6. American Academy of Neurology.
7. American Academy of Opthalmology.
8. American Academy of Orthopaedic Surgeons.
9. American Academy of Otolaryngology-Head and Neck Surgery, Inc.
10. American Academy of Pediatrics.
11. American Academy of Physical Medicine and Rehabilitation.
12. American Association for Cancer Education.
13. American Association for Cancer Research.
14. American Association for Dental Research.
15. American Association for the Surgery of Trauma.
16. American Association of Anatomists.
17. American Association of Colleges of Nursing.
18. American Association of Colleges of Osteopathic Medicine.
19. American Association of Colleges of Pharmacy.
20. American Association of Immunologists.
21. American Association of Pharmaceutical Scientists.
22. American Cancer Society.
23. American College of Cardiology.
24. American College of Clinical Pharmacology.
25. American College of Medical Genetics.
26. American College of Neuropsychopharmacology.
27. American College of Rheumatology.
28. American Dermatological Association.
29. American Federation for Medical Research.
30. American Foundation for AIDS Research.
31. American Gastroenterological Association.
32. American Geriatrics Society.
33. American Heart Association.
34. American Liver Foundation.
35. American Lung Association.
36. American Optometric Association.
37. American Pediatric Society.
38. American Physiological Society.
39. American Podiatric Medical Association.
40. American Psychiatric Association.
41. American Psychological Association.
42. American Psychological Society.
43. American Sleep Disorders Association.
44. American Society for Biochemistry and Molecular Biology.
45. American Society for Cell Biology.
46. American Society for Clinical Nutrition.
47. American Society for Clinical Pharmacology and Therapeutics.
48. American Society for Dermatologic Surgery.
49. American Society for Microbiology.
50. American Society for Nutritional Sciences.
51. American Society for Pharmacology and Experimental Therapeutics.
52. American Society for Reproductive Medicine.
53. American Society for Therapeutic Radiology and Oncology.
54. American Society of Cataract and Refractive surgery.
55. American Society of Clinical Oncology.
56. American Society of Hematology.
57. American Society of Human Genetics.
58. American Society of Nephrology.
59. American Society of Tropical Medicine and Hygiene.
60. American Thoracic Society.
61. American Uveitis Society.
62. American Urogynecologic Society.
63. American Urological Association.
64. America's Blood Centers.
65. Arthritic Foundation.
66. Association for Medical School Pharmacology.
67. Association of Research in Vision and Ophthalmology.
68. Association of Academic Health Centers.
69. Association of Academic Physiatrists.
70. Association of American Cancer Institutes.
71. Association of American Medical Colleges.
72. Association of American Universities.
73. Association of Anatomy, Cell Biology, and Neurobiology Chairpersons.
74. Association of Independent Research Institutes.
75. Association of Medical and Graduate Departments of Biochemistry.
76. Association of Medical School Microbiology and Immunology Chairs.
77. Association of Medical School Pediatric Department Chairmen.
78. Association of Minority Health Professions Schools.
79. Association of Pediatric Oncology Nurses.
80. Association of Professors of Dermatology.
81. Association of Professors of Medicine.
82. Association of Schools and Colleges of Optometry.
83. Association of Schools of Public Health.
84. Association of Subspecialty Professors.
85. Association of Teachers of Preventive Medicine.
86. Association of University Environmental Health Sciences Center.
87. Association of University Professors of Ophthalmology.
88. Association of University Programs in Occupational Safety and Health.
89. Association of University Radiologists.
90. Astra Merck.
91. Cancer Research Foundation of America.
92. The Candlelighters Childhood Cancer Foundation.
93. Citizens for Public Action.
94. Coalition for American Trauma Care.
95. Coalition of Patient Advocates for Skin Disease Research.
96. College on Problems of Drug Dependence, Inc.
97. Columbia University.
98. Communication Disorders Program University of Virginia.
99. Consortium of Social Science Associations.
100. Cooley's Anemia Foundation.
101. Corporation for the Advancement of Psychiatry.
102. Cystic Fibrosis Foundation.
103. Digestive Disease National Coalition.
104. Dystonia Medical Research Foundation.
105. Dystrophic Epidermolysis Bullosa Research Association of America, Inc.
106. East Carolina University School of Medicine.
107. Emory University.
108. The Endocrine Society.
109. ESA, Incorporated.
110. Families Against Cancer.
111. Federation of American Societies for Experimental Biology.
112. Federation of Behavioral, Psychological and Cognitive Sciences.
113. Foundation for Icthyosis and Related Skin Types.
114. Fred Hutchinson Cancer Research Center.
115. Friends of the National Library of Medicine.
116. Fox Chase Cancer Center.
117. Gay Men's Health Crisis.
118. General Clinical Research Center Project Directors Association.
119. Glaucoma Research Foundation.
120. Immune Deficiency Foundation.
121. Inova Institute of Research and Education.
122. Joint Council of Allergy, Asthma & Immunology.

123. Juvenile Diabetes Foundation International.
124. The Lighthouse, Inc.
125. Lombardi Cancer Center.
126. Lupus Foundation of America.
127. Lymphoma Research Foundation of America.
128. Medical Library Association.
129. National Alliance for Eye and Vision Research.
130. National Alliance for the Mentally Ill.
131. National Alopecia Areata Foundation.
132. National Association for Biomedical Research.
133. National Association for Pseudoxanthoma Elasticum.
134. National Association of Children's Hospitals.
135. National Association of State Universities and Land-Grant Colleges.
136. National Campaign to end Neurological Disorders.
137. National Caucus of Basic Biomedical Science Chairs.
138. National Coalition for Cancer Research.
139. National Committee to Preserve Social Security and Medicare.
140. National Council on Spinal Cord Injury.
141. National Eczema Association for Science & Education.
142. National Foundation for Ectodermal Dysplasias.
143. National Marfan Foundation.
144. National Mental Health Association.
145. National Multiple Sclerosis Society.
146. National Organization for Rare Disorders.
147. National Osteoporosis foundation.
148. The National Pemphigus Foundation.
149. National Perinatal Association.
150. National Psoriasis Foundation.
151. National Vitiligo Foundation, Incorporated.
152. New York University Medical Center.
153. Oncology Nursing Society.
154. Parkinson's Action Network.
155. Prevent Blindness America.
156. Prevention of Blindness.
157. PXE International Inc.
158. Radiation Research Society.
159. Research America.
160. Research Society on Alcoholism.
161. RESOLVE.
162. Roswell Park Cancer Institute.
163. Society for Academic Emergency Medicine.
164. Society for Inherited Metabolic Diseases.
165. Society for Society for Investigative Dermatology.
166. Society for Neuroscience.
167. Society for Pediatric Research.
168. Society for the Advancement of Women's Health Research.
169. Society of Gynecologic Oncologists.
170. Society of Medical College Directors of Continuing Medical Education.
171. Society of University Otolaryngologists.
172. Society of University Urologists.
173. St. Jude Children's Research Hospital.
174. Sudden Infant Death Syndrome Alliance.
175. Tourette Syndrome Association, Inc.
176. United Scleroderma Foundation, Incorporated.
177. University of California, Berkeley School of Optometry.
178. Women in Ophthalmology.
179. Women's Dermatologic Society.

Mr. HARKIN. Mr. President, today Senator MACK and I, joined by a strong bipartisan group of our colleagues, are introducing legislation that would prevent tobacco companies from claiming the settlement or judgment payments as a tax-deductible expense, and use the resulting savings to substantially expand our Nation's investment in the search for medical breakthroughs.

It is important to note that this commonsense proposal is the first major tobacco legislation this year to be introduced with strong bipartisan support. We have 16 cosponsors—8 Democrats and 8 Republicans—and I believe we'll have many more as more of our colleagues have the time to review this bill. Senator MACK and I are also very pleased to have the support of over 170 organizations from across the Nation signed up in support of this plan.

During the negotiations that led to the proposed national tobacco settlement, lawyers for the big tobacco companies insisted on a provision stating that "all payments pursuant to this agreement shall be deemed ordinary and necessary business expenses." This means that all payments under this proposal, an estimated $368.5 billion over 25 years, would be tax deductible. Thus the industry could write off about 35 percent of the entire settlement payment of $368.5 billion, as well as any future payments or fines. So, if this were allowed to happen, the American people—not Big Tobacco—would be forced to pay approximately $130 billion of the tobacco settlement.

But the American people have paid enough. They've paid by having their kids deliberately targeted in slick advertising campaigns. They've paid by having the industry lie to them about the health effects of tobacco. And they've paid with disease and death.

Tobacco products kill more than 400,000 Americans every year—that's more deaths than from AIDS, alcohol, car accidents, murders, suicides, drugs, and fires combined. Last year, close to 5,000 Iowans died from smoking related illnesses.

Mr. President, our bipartisan bill would close this outrageous loophole in the proposed national tobacco settlement, and open a new source of funding for investing in health research.

And that's what we really need. The proposed settlement provides funding for smoking cessation programs, antismoking education programs, and FDA enforcement—but only a tiny amount is set aside for vital scientific research on lung cancer, emphysema, and heart disease.

The Senate is already on record, in a vote of 98–0, to double the budget of NIH within 5 years. If we create a trust fund for medical research as I have been calling for since 1993 and deposit in it the savings from the elimination of this special interest loophole, we could take a major step to meet the Senate's objective and make even more headway in curing killer diseases.

A fund for health research would provide additional resources for our search for medical breakthroughs over and above those provided to NIH in the annual appropriations process. The fund would greatly enhance the quality of health care by investing more in finding preventive measures, cures, and more cost effective treatments for the major illnesses and conditions that strike Americans.

In 1993 and 1994 I argued that any health care reform plan should include additional funding for health research. Health care reform was taken off the front burner but the need to increase our Nation's commitment to health research has only grown.

While health care spending devours nearly $1 trillion annually our medical research budget is dying of starvation. The United States devotes less than 2 percent of its total health care budget to health research. The Defense Department spends 15 percent of its budget on research. Does this make sense? The cold war is over but the war against disease and disability continues.

Increased investment in health research is key to reducing health costs in the long run. If we can find cures for lung cancer, emphysema, and heart disease, the savings would be enormous.

Mr. President, I do everything I can to increase funding for NIH through the appropriations process. But, given the current budget situation and freeze in discretionary spending what we can do is limited. Without action, our investment in medical research through the NIH is likely to decline in real terms.

The NIH is able to fund only about 25 percent of competing research projects or grant applications deemed worthy of funding. This is compared to rates of 30 percent or more just over a decade ago. Science and cutting edge medical research are being put on hold. We may be giving up possible cures for diabetes, Parkinson's, cancer, and countless other diseases.

Our lack of investment in research may also be discouraging our young people from pursuing careers in medical research. The number of people under the age of 36 even applying for NIH grants dropped by 54 percent between 1985 and 1993. This is due to a host of factors but I'm afraid that the lower success rates among applicants is making biomedical research less and less attractive to young people.

I am tremendously heartened by the significant bipartisan coalition of 16 Senators that has formed in support of our bill. Our colleagues who have joined with us on this legislation understand that health research is an investment in our future—an investment in our children and grandchildren.

Mr. President, this legislation is common sense, bipartisan—and it's the right thing to do. Senator MACK and I

join in asking our colleagues for their willingness to carefully review our proposal. Certainly any tobacco legislation that this Congress adopts next year should contribute significantly to our Nation's commitment in the search for medical breakthroughs.

Mr. DODD. Mr. President, I rise today to join my colleagues, Senator MACK, Senator HARKIN, and others in introducing the National Institutes of Health Trust Fund Act of 1997. This bill, very simply, is intended to ensure that payments made by the tobacco industry under any settlement legislation enacted by Congress on behalf of the people of this Nation, will be the full responsibility of the tobacco companies.

Many of us were dismayed to learn that under current law, those payments could be deducted by these companies as a business expense—effectively reducing the cost to manufacturers by one-third. I don't think that this is what the negotiators of the settlement intended, nor is it what the public expects. This bill would disallow the deductibility of the proposed settlement or the settlement of any other tobacco-related civil action. The tax revenues from the disallowance of the deduction, estimated at $100 billion, would go toward a trust fund for the National Institutes of Health.

My primary interest in the tobacco settlement originates in the dramatically high incidence of teen smoking in our country. The statistics are startling—3,000 young children begin smoking each day and over 90 percent of adults that smoke started before the age of 18. Our hope and expectation is that with resources generated by a tobacco settlement, we can fund effective programs to help addicted teens quit smoking and prevent most children from ever starting.

In essence, we want to encourage young people to take responsibility for their health. Tobacco companies must set a precedent for our youth by taking full financial responsibility for the damage they have inflicted on the public health of the Nation. Tobacco companies have already conceded the points that tobacco is harmful and addictive and information that would have been useful to our understanding of tobacco addition was withheld. Avoiding full payment of penalties for their actions through the tax deduction loophole is ethically wrong, even if legal. The tobacco industry needs to serve as an example for the children of the Nation by accepting the full financial consequences of the settlement.

Just a few months ago, the public loudly voiced its disgust with the covert attempt to give the tobacco industry a $50 billion credit toward payment of a future settlement. While we were successful in eliminating that loophole, an unfortunate repercussion has been the exacerbation of the public's doubts about the settlement. Even if they didn't before, many now believe that the industry will exploit any loophole to escape its responsibility. We must restore the public's faith in this process. We must send a clear message that any tobacco settlement reached will be grounded in the principle that tobacco companies take full responsibility for their actions. That objective can best be achieved by swift passage of this bill.

By Mr. SMITH of Oregon (for himself, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAUCUS, and Mr. GORTON):

S. 1412. A bill to amend the Internal Revenue Code of 1986 to permit certain tax-free corporate liquidations into a 501(c)(3) organization and to revise the unrelated business income tax rules regarding receipt of debt-financed property in such a liquidation; to the Committee on Finance.

THE CHARITABLE GIVING INCENTIVE ACT

Mr. SMITH of Oregon. Mr. President, I rise to introduce with Senator FEINSTEIN legislation that will provide incentives to taxpayers to use their wealth for charitable causes. In this era of ever-tightening fiscal constraints placed on congressional ability to authorize discretionary funding, we have asked our communities to do more and more for those less fortunate. Charitable organizations in our communities have become an integral part of the safety net for the poor and homeless and significant sources of assistance for education in every community.

To help charities take advantage of those donors who wish to contribute significant wealth for charitable purposes, we are introducing the Charitable Giving Incentive Act. This legislation will change current tax law to encourage prospective donors to contribute a controlling interest in a closely-held corporation to charity.

When a donor is willing to make a gift of a controlling interest in a company, a tax is imposed on the corporation upon its liquidation, reducing the gift that the charity receives by 35 percent. The Smith/Feinstein bill would eliminate this egregious tax that is levied upon the value of these qualifying corporations. We sincerely hope that this will directly encourage meaningful contributions to charitable organizations that help a variety of causes. I ask that my colleagues support this legislation and look forward to its being considered by the Finance Committee in the near future.

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. 1412

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 "Charitable Giving Incentive Act".

SEC. 2. ELIMINATION OF CORPORATE LEVEL TAX UPON LIQUIDATION OF CLOSELY HELD CORPORATIONS UNDER CERTAIN CONDITIONS.

(a) IN GENERAL.—Paragraph (2) of section 337(b) of the Internal Revenue Code 1986 (relating to treatment of indebtedness of subsidiary, etc.) is amended—

(1) by striking "Except as provided in subparagraph (B)" in subparagraph (A) and inserting "Except as provided in subparagraph (B) or (C)", and

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

"(C) EXCEPTION IN THE CASE OF CLOSELY-HELD STOCK ACQUIRED WITHOUT CONSIDERATION.—If the 80-percent distributee is an organization described in section 501(c)(3) and acquired stock in a liquidated domestic corporation from either a decedent (within the meaning of section 1014(b)) or the decedent's spouse, subparagraph (A) shall not apply to any distribution of property to the 80-percent distributee. This subparagraph shall apply only if all of the following conditions are met:

"(i) 80 percent or more of the stock in the liquidated corporation was acquired by the distributee, solely by a distribution from an estate or trust created by one or more qualified persons. For purposes of this clause, the term 'qualified person' means a citizen or individual resident of the United States, an estate (other than a foreign estate within the meaning of section 7701(a)(31)(A)), or any trust described in clause (i), (ii), or (iii) of section 1361(c)(2)(A).

"(ii) The liquidated corporation adopted its plan of liquidation on or after January 1, 1999.

"(iii) The 80-percent distributee is an organization created or organized under the laws of the United States or of any State.

"(iv) All of the stock in the liquidated corporation is non-readily-tradable stock (as defined in section 6166(b)(7)(B)).

Nothing in subsection (d) shall be construed to limit the application of this subsection in circumstances in which this subparagraph applies.".

(b) REVISION OF UNRELATED BUSINESS INCOME TAX RULES TO EXEMPT CERTAIN ASSETS.—Subparagraph (B) of section 514(c)(2) of the Internal Revenue Code of 1986 (relating to property acquired subject to mortgage, etc.) is amended by inserting "or pursuant to a liquidation described in section 337(b)(2)9C)," after "bequest or devise,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleagues Senator GORDON SMITH and RON WYDEN of Oregon, as well Senator MAX BAUCUS and Senator SLADE GORTON to introduce legislation to strengthen tax incentives and encourage more charitable giving in America. The legislation, based on S. 1121 which I introduced last year, represents an important step to encourage greater private sector support for important educational, medical, and other goals in local communities across the country.

Americans are among the most caring in the world, contributing generously to charities in their communities: American families contribute, on average, nearly $650 for each household, or about $130 billion annually, to charities. Approximately, three out of every four households give to nonprofit charitable organizations.

However, charities are very concerned for the future, as Federal efforts to balance the budget will limit funds for social spending for urgent needs like children's services, homelessness, job training, and health care. While support for charities grew by 3.7 percent in 1994, contributions for human services, the area most closely associated with poverty programs, dropped by 6 percent. Nonprofit charities are very concerned about their ability to maintain their current level of services or grow to address unmet needs.

Nonprofit charities can never replace government programs, but they can play a critical role and provide vital social services. The Federal Government must ensure we are doing everything we can to encourage support for charities, which supplement Federal programs.

EXPANDING TAX INCENTIVES FOR CHARITABLE GIVING

The Federal Government must provide the leadership and the tools to encourage more charitable giving through the Tax Code. One source of untapped resources for charitable purposes is closely held corporate stock. A closely held business is a corporation, in which stock is issued to a small number of shareholders, such as family members, but is not publicly traded on an exchange. This type of business is very popular for family businesses involving different generations.

However, the tax cost of contributing closely held stock to a charity or foundation can be prohibitively high. The tax burden discourages families and owners from winding down a business and contributing the proceeds to charity. This legislation would permit certain tax-free liquidations of closely held corporations into one or more tax exempt 501(c)(3) organizations.

Under current law, a corporation may have to be liquidated to effectively complete the transfer of assets to a charity, incurring a corporate tax at the 35-percent tax rate. In 1986, Congress repealed the General Utilities doctrine, imposing a corporate-level tax on all corporate transfers, including those to tax exempt charitable organizations. A charity may also be subject to taxation on its unrelated business income from certain types of donated property.

These tax costs make contributions of closely held stock a costly and ineffective means of giving funds to a charity. If we are going to find new ways to strengthen charities, we need to review the tax costs which undercut the incentive to give and the value of a charitable gift.

Volunteers are already hard at work in their communities and charitable funding is already stretched dangerously thin. Charities need added tools to unlock the public's desire to give generously. We need to create appropriate incentives for the private sector to do more.

In California, volunteer and charitable organizations, together, perform vital roles in the community and deserve our support. I would like to offer some examples, which can be also found throughout the country:

Summer Search: In San Francisco, the Summer Search Foundation is hard at work preventing students from dropping out of high school. Summer Search helps students successfully complete school and, for 93 percent of the participants, go on to college. With increased charitable contributions, Summer Search could help keep kids in school and on track toward graduation and a more productive contribution to the Nation.

Drew Center for Child Development: I am deeply concerned with increases in the number of child abuse and neglect cases, which now total nearly 3 million children in the United States. Social services block grants cuts will impose new burdens on local communities. The Drew Child Development Center, located in the Watts area of Los Angeles, works directly with children and families involved in child abuse environments. There are thousands of other families that could benefit from the Drew Center program if only more resources were available. Stronger tax incentives to boost charitable giving could provide the Drew Center with some of the resources needed to combat this enormous problem.

The Chrysalis Center: In 1993 I visited the Chrysalis Center, a Los Angeles organization dedicated to helping homeless individuals find and keep jobs. Chrysalis provides employment assistance, from training in jobseeking skills to supervised searches for permanent employment. The center has helped place thousands of people in permanent, full-time jobs in the last decade.

Jobs for the Homeless: Jobs for the Homeless assists with job placement services for the homeless in Berkeley and Oakland, supporting over 1,400 men and women. However, thousands more need their help. The former homeless individuals have landed successful positions in manufacturer, retailers, and small and large businesses. Without more contributions, Jobs for the Homeless will be unable to provide the necessary support and increase their literacy or drug rehabilitation programs, critical ingredients in moving people back to work.

Today, Senators SMITH, WYDEN, BAUCUS, GORTON, and I introduce tax incentive legislation to encourage stronger support for the Nation's vital charities. The proposal: Eliminates the corporate tax upon liquidation of a qualifying closely held corporation under certain circumstances. The legislation would require 80 percent or more of the stock to be dedicated to a charity; and clarifies that a charity can receive mortgaged property in a qualified liquidation, without triggering unrelated business income tax for 10 years.

By eliminating the corporate tax upon liquidation, Congress would encourage additional, and much needed, charitable gifts. Across America, countless thousands have built successful careers and have generated substantial wealth in closely held corporations. As the individuals age and plan their estates, we should help them channel their wealth to philanthropic goals. Individuals who are willing to make generous bequests of companies and assets, often companies they have spent years building, should not be discouraged by substantially reducing the value of their gifts through Federal taxes.

While the Joint Tax Committee has not yet prepared an official revenue cost, previous estimates suggest a cost of about $400 million over 5 years. However, as a result of capital gains tax reform adopted earlier this year, the cost is likely to be significantly lower. Of equal significance, the same revenue estimating assumptions project big increases in charitable giving as a result of the legislation, stimulating between $3 and $5 billion in charitable contributions. This tax proposal may generate as much as seven or eight times its projected revenue loss in expanded charitable giving.

I encourage others to review this legislation and listen to the charities in your community. The legislation has been endorsed by the Council on Foundations, which represents foundations throughout the country, and the Council of Jewish Federations. Since the introduction of the legislation last year, the proposal has been revised to sharpen the bill's focus and target the legislation in the most effective manner. I want to encourage the review process to continue, so we may continue to build support and target the bill's impact for the benefit of the Nation's nonprofit community.

With virtually limitless need, we must look at new ways to encourage and nurture a strong charitable sector. Private charities cannot replace the government, but if the desire to support charitable activity exists, we should not impose taxes to decrease the value of that support. Tax laws should encourage, rather than impede, charitable giving. By inhibiting charitable gifts, Federal tax laws hurt those individuals that most need the help of their government and their community.

By Mr. LUGAR (for himself, Mr. HAGEL, Mr. ROBERTS, Mr. THOMAS, Mr. GRAMS, Mr. KERREY, Mrs. FEINSTEIN, and Mr. CHAFEE):

S. 1413. A bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions; to the Committee on Foreign Relations.

THE ENHANCEMENT OF TRADE, SECURITY, AND HUMAN RIGHTS THROUGH SANCTIONS REFORM ACT

Mr. LUGAR. Mr. President, I rise to introduce the Enhancement of Trade, Security, and Human Rights Through Sanctions Reform Act, a bill that will establish a more deliberative, commonsense approach to U.S. sanctions policy. I'm pleased to be joined by several distinguished colleagues, in introducing this important piece of legislation.

In recent years, there has been a proliferation in the use of unilateral economic sanctions as a tool of American foreign policy. While unilateral sanctions may be a low-cost alternative to the deployment of American Armed Forces abroad—or to milder, less coercive choices—they almost never succeed in achieving their foreign policy objectives. They frequently impose a greater burden on American companies, producers, farmers, and workers than on the intended target country.

A cardinal test of foreign policy is that when we act internationally, our actions should do less harm to ourselves than to others. Unilateral economic sanctions, unfortunately, often fail this crucial test.

Mr. President, there have been a large number of studies on unilateral economic sanctions in recent years and they provide some interesting results. Manufacturers revealed that in the period 1993 to 1996, the United States imposed unilateral sanctions to achieve foreign policy goals 61 times in 35 different countries. Last year, the report of the President's Export Council cited 75 countries representing 52 percent of the world's population that have been subject to or threatened by U.S. unilateral economic sanctions.

These actions have jeopardized billions in export earnings and hundreds of thousands of American jobs, while weakening our ability to provide humanitarian assistance abroad. In another study, the Institute for International Economics concluded that, in 1995 alone, economic sanctions cost U.S. exports—to 26 countries—between $15–19 billion, and eliminated upward to 200,000 U.S. jobs, many in high-wage export sector.

The damage to the U.S. economy can have long-term consequences. Once foreign competitors establish a presence in international markets abandoned by the United States, the potential losses begin to magnify. Over time, the cumulative effect of sanctions will be a loss of commercial contracts, but more importantly, may be a loss of confidence in American suppliers and in the United States as a reliable partner to do business. Frequent resort to economic sanctions, however, meritorious they may be, runs the risk of weakening the export sector which has contributed so greatly to our economic prosperity. This weakening effect can, in turn, have an adverse effect on our political influence abroad.

The major difficulty with our increased use of unilateral economic sanctions is that they rarely achieve the foreign policy goals they are intended to achieve. Sanctions frequently give the illusion of action by substituting for more decisive action or by serving as a palliative for those who demand that some action be taken—any action—by the United States against another country with whom we have a disagreement.

Sanctions can also make it more difficult diplomatically to engage foreign governments in dialog to help bring about a political opening or a change in behavior. Serious trade sanctions can, in fact, inhibit, rather than facilitate, constructive dialog with others.

As a nation, we often seek instant gratification or quick results from our actions. Sanctions, however, take a long time to work and the change in behavior we seek in other countries will most often take place incrementally over time. In some cases, our sanctions have the unintended consequences of providing authoritarian leaders a basis for increasing their political support and rally opposition to the United States because our sanctions can be used to divert popular anger and resentment away from their own misdeeds and misrule.

Unilateral sanctions almost never help those we want to assist, they frequently harm the United States more than the sanctioned country and undermine our international economic competitiveness and economic security. Most regrettably, unilateral sanctions have become a policy of first choice when other policy alternatives exist.

Nonetheless, some economic sanctions are effective and, therefore, must remain a tool of American foreign policy. Multilateral, unlike unilateral, sanctions have frequently advanced American national interests. The multilateral sanctions against Saddam Hussein following Iraq's aggression against Kuwait have slowed down Iraq's weapons of mass destruction program. Similarly, international sanctions aimed at Serbia and the Federal Republic of Yugoslavia functioned to isolate them diplomatically and protect United States and allied interests in the Balkans. The international sanctions against apartheid in South Africa in the 1980's had a significant influence on bringing about a nonviolent peaceful transition in that country.

Finally, the broad consensus to oppose Soviet expansion through export restraints on East-West trade in the Coordinating Committee, or CoCom, proved to be enormously effective. Most economic sanctions, whether unilateral or multilateral, must be in place for a long time before they are effective and their success will almost always be dependent upon extensive multilateral cooperation and compliance.

Nothing in our proposed legislation prohibits unilateral economic sanctions. There are situations where other foreign policy options have been exhausted and where the actions of others are so outrageous or so threatening to the United States and our national interests that our response, short of the use of force, must be firm and unambiguous. In such instances, economic sanctions may be a useful instrument of American foreign policy.

Mr. President, my proposed legislation is prospective. It will not affect existing U.S. sanctions. It will apply only to unilateral sanctions and to those sanctions intended to achieve foreign policy or national security objectives. It would exclude, by definition, U.S. trade laws, Jackson-Vanik and munitions list controls. It would not address the complex and important issue of state and local sanctions designed to achieve foreign policy goals, although these so-called vertical sanctions are increasingly important features of American foreign policy.

More specifically, Mr. President, this legislation seeks to establish clear guidelines and informational requirements to help us understand better the likely consequences of our actions before we opt to impose economic sanctions. We should know in advance of voting on sanctions legislation what our goals are, the anticipated economic, political and humanitarian benefits and costs to the United States and other countries, the possible impact on our reputation as a reliable supplier, the other policy options that have been explored, and whether the proposed sanctions are likely to contribute to achieving the foreign policy objectives sought by legislation. Comparable requirements are also in the bill for sanctions mandated by the executive branch.

Once sanctions are implemented, the bill also requires an annual report from the President detailing the degree to which sanctions have accomplished U.S. goals, as well as their impact on our economic, political and humanitarian interests, including our relations with other countries.

The bill also provides for more active and timely consultations between Congress and the President. It provides Presidential waiver authority in emergencies or if he determines it is in the national interest.

It includes a sunset provision that would terminate unilateral economic

sanctions after 2 years duration unless the Congress or the President acts to reauthorize them.

It includes language on contract sanctity to help ensure the United States is a reliable supplier.

It identifies U.S. agriculture as an especially vulnerable sector of our economy that has borne a disproportionate burden stemming from U.S. economic sanctions. Because of this, there is discretionary authority for agricultural assistance in the bill. In addition, the bill opposes agricultural embargoes as a foreign policy weapon and urges that economic sanctions be targeted as narrowly as possible in order to minimize harm to innocent people and humanitarian activities.

Mr. President, my sanctions reform bill represents an attempt to develop an improved and comprehensive approach to an important foreign policy issue. We, in the Congress, are often called upon to make difficult choices between conflicting interests or among our core values as a nation and our international interests.

These are frequently hard choices that should be given careful attention and preceded by careful analysis. We should never turn our back on our fundamental values of supporting democracy, human rights, and basic freedoms abroad but we should ask whether we can alter the behavior of other countries by imposing sanctions on them. Many times we cannot do so and many times we exacerbate the very behavior we hope to reverse. There is no magic formula for influencing the behavior of other countries, but unilateral economic sanctions are rarely the answer.

Nothing in this bill prevents the imposition of U.S. unilateral economic sanctions or dictates a particular trade-off between American core values and our commercial and other interests. The steps detailed in this bill provide for better policy procedures so that consideration of economic sanctions are preceded by a more deliberative process by which the President and the Congress can make reasoned and balanced choices affecting the totality of American values and interests.

Mr. President, I feel strongly about this issue. I hope my colleagues will join the other original cosponsors by taking a close look at this legislation. I welcome their support and believe that if we deal with the sanctions issues in a careful and systematic manner, we can make a significant positive contribution to our national interest.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 1413

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 "Enhancement of Trade, Security, and Human Rights through Sanctions Reform Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to establish an effective framework for consideration by the legislative and executive branches of unilateral economic sanctions.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to pursue United States interests through vigorous and effective diplomatic, political, commercial, charitable, educational, cultural, and strategic engagement with other countries, while recognizing that the national security interests of the United States may sometimes require the imposition of economic sanctions on other countries;

(2) to foster multilateral cooperation on vital matters of United States foreign policy, including promoting human rights and democracy, combating international terrorism, proliferation of weapons of mass destruction, and international narcotics trafficking, and ensuring adequate environmental protection;

(3) to promote United States economic growth and job creation by expanding exports of goods, services, and agricultural commodities, and by encouraging investment that supports the sale abroad of products and services of the United States;

(4) to maintain the reputation of United States businesses and farmers as reliable suppliers to international customers of quality products and services, including United States manufactures, technology products, financial services, and agricultural commodities;

(5) to avoid the use of restrictions on exports of agricultural commodities as a foreign policy weapon;

(6) to oppose policies of other countries designed to discourage economic interaction with countries friendly to the United States or with any United States national, and to avoid use of such measures as instruments of United States foreign policy; and

(7) when economic sanctions are necessary—

(A) to target them as narrowly as possible on those foreign governments, entities, and officials that are responsible for the conduct being targeted, thereby minimizing unnecessary or disproportionate harm to individuals who are not responsible for such conduct; and

(B) to the extent feasible, to avoid any adverse impact of economic sanctions on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which sanctions are imposed.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) UNILATERAL ECONOMIC SANCTION.—

(A) IN GENERAL.—The term "unilateral economic sanction" means any restriction or condition on economic activity with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, including any of the measures described in subparagraph (B), except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other members of that regime have agreed to impose substantially equivalent measures.

(B) PARTICULAR MEASURES.—The measures referred to in subparagraph (A) are the following:

(i) The suspension, restriction, or prohibition of exports or imports of any product, technology, or service to or from a foreign country or entity.

(ii) The suspension of, or any restriction or prohibition on, financial transactions with a foreign country or entity.

(iii) The suspension of, or any restriction or prohibition on, direct or indirect investment in or from a foreign country or entity.

(iv) The imposition of increased tariffs on, or other restrictions on imports of, products of a foreign country or entity, including the denial, revocation, or conditioning of nondiscriminatory (most-favored-nation) trade treatment.

(v) The suspension of, or any restriction or prohibition on—

(I) the authority of the Export-Import Bank of the United States to give approval to the issuance of any guarantee, insurance, or extension of credit in connection with the export of goods or services to a foreign country or entity;

(II) the authority of the Trade and Development Agency to provide assistance in connection with projects in a foreign country or in which a particular foreign entity participates; or

(III) the authority of the Overseas Private Investment Corporation to provide insurance, reinsurance, financing, or conduct other activities in connection with projects in a foreign country or in which a particular foreign entity participates.

(vi) A requirement that the United States representative to an international financial institution vote against any loan or other utilization of funds to, for, or in a foreign country or particular foreign entity.

(vii) A measure imposing any restriction or condition on economic activity on any foreign government or entity on the ground that such government or entity does business in or with a foreign country.

(viii) A measure imposing any restriction or condition on economic activity on any person that is a national of a foreign country, or on any government or other entity of a foreign country, on the ground that the government of that country has not taken measures in cooperation with, or similar to, sanctions imposed by the United States on a third country.

(ix) The suspension of, or any restriction or prohibition on, travel rights or air transportation to or from a foreign country.

(x) Any restriction on the filing or maintenance in a foreign country of any proprietary interest in intellectual property rights (including patents, copyrights, and trademarks), including payment of patent maintenance fees.

(C) MULTILATERAL REGIME.—As used in this paragraph, the term "multilateral regime" means an agreement, arrangement, or obligation under which the United States cooperates with other countries in restricting commerce for reasons of foreign policy or national security, including—

(i) obligations under resolutions of the United Nations;

(ii) nonproliferation and export control arrangements, such as the Australia Group, the Nuclear Supplier's Group, the Missile Technology Control Regime, and the Wassenaar Arrangement;

(iii) treaty obligations, such as under the Chemical Weapons Convention, the Treaty on the Non-Proliferation of Nuclear Weapons, and the Biological Weapons Convention; and

(iv) agreements concerning protection of the environment, such as the International Convention for the Conservation of Atlantic Tunas, the Declaration of Panama referred

to in section 2(a)(1) of the International Dolphin Conservation Act (16 U.S.C. 1361 note), the Convention on International Trade in Endangered Species, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes.

(D) FINANCIAL TRANSACTION.—As used in this paragraph, the term "financial transaction" has the meaning given that term in section 1956(c)(4) of title 18, United States Code.

(E) INVESTMENT.—As used in this paragraph, the term "investment" means any contribution or commitment of funds, commodities, services, patents, or other forms of intellectual property, processes, or techniques, including—

(i) a loan or loans;

(ii) the purchase of a share of ownership;

(iii) participation in royalties, earnings, or profits; and

(iv) the furnishing or commodities or services pursuant to a lease or other contract.

(F) EXCLUSIONS.—The term "unilateral economic sanction" does not include—

(i) any measure imposed to remedy unfair trade practices or to enforce United States rights under a trade agreement, including under section 337 of the Tariff Act of 1930, title VII of that Act, title III of the Trade Act of 1974, sections 1374 and 1377 of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3103 and 3106), and section 3 of the Act of March 3, 1933 (41 U.S.C. 10b–1);

(ii) any measure imposed to remedy market disruption or to respond to injury to a domestic industry for which increased imports are a substantial cause or threat thereof, including remedies under sections 201 and 406 of the Trade Act of 1974, and textile import restrictions (including those imposed under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1784));

(iii) any action taken under title IV of the Trade Act of 1974, including the enactment of a joint resolution under section 402(d)(2) of that Act;

(iv) any measure imposed to restrict imports of agricultural commodities to protect food safety or to ensure the orderly marketing of commodities in the United States, including actions taken under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624);

(v) any measure imposed to restrict imports of any other products in order to protect domestic health or safety;

(vi) any measure authorized by, or imposed under, a multilateral or bilateral trade agreement to which the United States is a signatory, including the Uruguay Round Agreements, the North American Free Trade Agreement, the United States-Israel Free Trade Agreement, and the United States-Canada Free Trade Agreement; and

(vii) any export control imposed on any item on the United States Munitions List.

(2) NATIONAL EMERGENCY.—The term "national emergency" means any unusual or extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States.

(3) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)).

(4) APPROPRIATE COMMITTEES.—The term "appropriate committees" means the Committee on Agriculture, the Committee on International Relations, the Committee on Ways and Means, and the Committee on Banking and Financial Services of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Finance, and the Committee on Foreign Relations of the Senate.

(5) CONTRACT SANCTITY.—The term "contract sanctity", with respect to a unilateral economic sanction, refers to the inapplicability of the sanction to—

(A) a contract or agreement entered into before the sanction is imposed, or to a valid export license or other authorization to export; and

(B) actions taken to enforce the right to maintain intellectual property rights, in the foreign country against which the sanction is imposed, which existed before the imposition of the sanction.

SEC. 5. GUIDELINES FOR UNILATERAL ECONOMIC SANCTIONS LEGISLATION.

Any bill or joint resolution that imposes any unilateral economic sanction, or authorizes the imposition of any unilateral economic sanction by the executive branch, and is considered by the House of Representatives or the Senate, should—

(1) state the foreign policy or national security objective or objectives of the United States that the economic sanction is intended to achieve;

(2) provide that the economic sanction terminate 2 years after it is imposed, unless specifically reauthorized by Congress;

(3) provide for contract sanctity;

(4) provide authority for the President both to adjust the timing and scope of the sanction and to waive the sanction, if the President determines it is in the national interest to do so;

(5)(A) target the sanction as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted; and

(B) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in any country against which the sanction may be imposed; and

(6) provide, to the extent that the Secretary of Agriculture or the Congressional Budget Office finds that—

(A) the proposed sanction is likely to restrict exports of any agricultural commodity or is likely to result in retaliation against exports of any agricultural commodity from the United States, and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity,

that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity or commodities, to the maximum extent permitted by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

SEC. 6. REQUIREMENTS FOR BILL OR JOINT RESOLUTION.

(a) PUBLIC COMMENT.—Before considering a bill or joint resolution that imposes any unilateral economic sanction, or authorizes the imposition of any unilateral economic sanction by the executive branch, the committee of primary jurisdiction shall publish a notice which provides an opportunity for interested members of the public to submit comments to the committee on the proposed sanction.

(b) WHEN REPORTS REQUESTED.—The committee of primary jurisdiction that orders reported a bill or joint resolution described in section 5 shall timely request from the President and the Secretary of Agriculture the reports identified in subsection (c). Each such report that has been timely submitted prior to the filing of the committee report accompanying the bill or joint resolution shall be included in the committee report. The committee report shall also contain, if the bill or joint resolution does not meet any of the guidelines specified in paragraphs (1) through (6) of section 5, an explanation of why it does not.

(c) REPORTS.—

(1) REPORT BY THE PRESIDENT.—The President's report to Congress under subsection (b) shall contain—

(A) an assessment of—

(i) the likelihood that the proposed unilateral economic sanction will achieve its stated objective within a reasonable period of time; and

(ii) the impact of the proposed unilateral economic sanction on—

(I) humanitarian conditions, including the impact on conditions in any specific countries on which the sanction is proposed to be or may be imposed;

(II) humanitarian activities of United States and foreign nongovernmental organizations;

(III) relations with United States allies;

(IV) other United States national security and foreign policy interests; and

(V) countries and entities other than those on which the sanction is proposed to be or may be imposed;

(B) a description and assessment of—

(i) diplomatic and other steps the United States has taken to accomplish the intended objectives of the unilateral sanction legislation;

(ii) the likelihood of multilateral adoption of comparable measures;

(iii) comparable measures undertaken by other countries;

(iv) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(v) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(vi) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(vii) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(2) REPORT BY THE SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall submit to the appropriate committees a report which shall contain an assessment of—

(A) the extent to which any country or countries proposed to be sanctioned or likely to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(B) the likelihood that exports of agricultural commodities from the United States

will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned or likely to be sanctioned, and specific commodities which are most likely to be affected;

(C) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(D) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(E) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(3) FEDERAL PRIVATE SECTOR MANDATE.—

(A) IN GENERAL.—Any bill or joint resolution that imposes any unilateral economic sanction described in section 5 shall be considered to include a Federal private sector mandate for purposes of part B of title IV of the Congressional Budget Act of 1974.

(B) REPORT BY THE CONGRESSIONAL BUDGET OFFICE.—The report by the Congressional Budget Office pursuant to subparagraph (A) shall include an assessment of the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

SEC. 7. REQUIREMENTS FOR EXECUTIVE ACTION.

(a) IN GENERAL.—The President may implement a unilateral economic sanction under any provision of law not less than 60 days after announcing his intention to do so.

(b) CONSULTATION.—The President shall consult with the appropriate committees regarding the proposed unilateral economic sanction, including consultations regarding efforts to achieve or increase multilateral cooperation on the issues or problems prompting the proposed sanction.

(c) PUBLIC HEARINGS; RECORD.—The President shall publish a notice in the Federal Register of the opportunity for interested persons to submit comments on the proposed unilateral economic sanction.

(d) GUIDELINES FOR EXECUTIVE BRANCH SANCTIONS.—Any unilateral economic sanction imposed by the President—

(1) shall—

(A) include a clear finding that the sanction is likely to achieve a specific United States foreign policy or national security objective within a reasonable period of time, which shall be specified, and that the achievement of the objectives of the sanction outweighs any costs to United States national interests;

(B) provide for contract sanctity;

(C) terminate not later than 2 years after the sanction is imposed, unless specifically extended by the President in accordance with the procedures of this section;

(D)(i) be targeted as narrowly as possible on foreign governments, entities, and officials that are responsible for the conduct being targeted; and

(ii) seek to minimize any adverse impact on the humanitarian activities of United States and foreign nongovernmental organizations in a country against which the sanction may be imposed; and

(2) should provide, to the extent that the Secretary of Agriculture finds that—

(A) a unilateral economic sanction is likely to restrict exports of any agricultural commodity from the United States or is likely to risk retaliation against exports of any agricultural commodity from the United States, and

(B) the sanction is proposed to be imposed, or is likely to be imposed, on a country or countries that constituted, in the preceding calendar year, the market for more than 3 percent of all export sales from the United States of an agricultural commodity,

that the Secretary of Agriculture expand agricultural export assistance under United States market development, food assistance, or export promotion programs to offset the likely damage to incomes of producers of the affected agricultural commodity or commodities, to the maximum extent permitted by law and by the obligations of the United States under the Agreement on Agriculture referred to in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2)).

(e) REPORT BY THE PRESIDENT.—Prior to imposing any unilateral economic sanction, the President shall provide a report to the appropriate committees on the proposed sanction. The report shall include the report of the International Trade Commission under subsection (g) (if timely submitted prior to the filing of the report). The President's report shall contain the following:

(1) An explanation of the foreign policy or national security objective or objectives intended to be achieved through the proposed sanction.

(2) An assessment of—

(A) the likelihood that the proposed unilateral economic sanction will achieve its stated objectives within the stated period of time; and

(B) the impact of the proposed unilateral economic sanction on—

(i) humanitarian conditions, including the impact on conditions in any specific countries on which the sanctions are proposed to be imposed;

(ii) humanitarian activities of United States and foreign nongovernmental organizations;

(iii) relations with United States allies;

(iv) other United States national security and foreign policy interests; and

(v) countries and entities other than those on which the sanction is proposed to be imposed.

(3) A description and assessment of—

(A) diplomatic and other steps the United States has taken to accomplish the intended objectives of the proposed sanction;

(B) the likelihood of multilateral adoption of comparable measures;

(C) comparable measures undertaken by other countries;

(D) alternative measures to promote the same objectives, and an assessment of their potential effectiveness;

(E) any obligations of the United States under international treaties or trade agreements with which the proposed sanction may conflict;

(F) the likelihood that the proposed sanction will lead to retaliation against United States interests, including agricultural interests; and

(G) whether the achievement of the objectives of the proposed sanction outweighs any likely costs to United States foreign policy, national security, economic, and humanitarian interests, including any potential harm to United States business, agriculture, and consumers, and any potential harm to the international reputation of the United States as a reliable supplier of products, technology, agricultural commodities, and services.

(f) REPORT BY THE SECRETARY OF AGRICULTURE.—Prior to the imposition of a unilateral economic sanction by the President, the Secretary of Agriculture shall submit to the appropriate committees a report which shall contain an assessment of—

(1) the extent to which any country or countries proposed to be sanctioned are markets that accounted for, in the preceding calendar year, more than 3 percent of all export sales from the United States of any agricultural commodity;

(2) the likelihood that exports of agricultural commodities from the United States will be affected by the proposed sanction or by retaliation by any country proposed to be sanctioned, including specific commodities which are most likely to be affected;

(3) the likely effect on incomes of producers of the specific commodities identified by the Secretary;

(4) the extent to which the proposed sanction would permit foreign suppliers to replace United States suppliers; and

(5) the likely effect of the proposed sanction on the reputation of United States farmers as reliable suppliers of agricultural commodities in general, and of the specific commodities identified by the Secretary.

(g) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Before imposing a unilateral economic sanction, the President shall make a timely request to the United States International Trade Commission for a report on the likely short-term and long-term costs of the proposed sanction to the United States economy, including the potential impact on United States trade performance, employment, and growth, the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services, and the economic well-being and international competitive position of United States industries, firms, workers, farmers, and communities.

(h) WAIVER IN CASE OF NATIONAL EMERGENCY.—The President may waive any of the requirements of subsections (a), (b), (c), (e), (f), and (g), in the event that the President determines that there exists a national emergency that requires the exercise of the waiver. In the event of such a waiver, the requirements waived shall be met during the 60-day period immediately following the imposition of the unilateral economic sanction, and the sanction shall terminate 90 days after being imposed unless such requirements are met. The President may waive any of the requirements of paragraphs (1)(B), (1)(D), and (2) of subsection (d) in the event that the President determines that the unilateral economic sanction is related to actual or imminent armed conflict involving the United States.

(i) SANCTIONS REVIEW COMMITTEE.—The President shall establish a Sanctions Review Committee to coordinate United States policy regarding unilateral economic sanctions and to provide appropriate recommendations to the President prior to decisions regarding such sanctions. The Committee shall be comprised of—

(1) the Secretary of State;

(2) the Secretary of the Treasury;

(3) the Secretary of Defense;

(4) the Secretary of Agriculture;

(5) the Secretary of Commerce;

(6) the Secretary of Energy;

(7) the United States Trade Representative;

(8) the Director of the Office of Management and Budget;

(9) the Chairman of the Council of Economic Advisers;

(10) the Assistant to the President for National Security Affairs; and

(11) the Assistant to the President for Economic Policy.

(j) INAPPLICABILITY OF OTHER PROVISIONS.—This section applies notwithstanding any other provision of law.

SEC. 8. ANNUAL REPORTS.

(a) ANNUAL REPORT.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the President shall submit to the appropriate committees a report detailing with respect to each country or entity against which a unilateral economic sanction has been imposed—

(1) the extent to which the sanction has achieved foreign policy or national security objectives of the United States with respect to that country or entity;

(2) the extent to which the sanction has harmed humanitarian interests in that country, the country in which that entity is located, or in other countries; and

(3) the impact of the sanction on other national security and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

(b) REPORT BY THE UNITED STATES INTERNATIONAL TRADE COMMISSION.—Not later than 6 months after the date of enactment of this Act, and annually thereafter, the United States International Trade Commission shall report to the appropriate committees on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under United States law, regulation, or Executive order. The calculation of such costs shall include an assessment of the impact of such measures on the international reputation of the United States as a reliable supplier of products, agricultural commodities, technology, and services.

ENHANCEMENT OF TRADE, SECURITY AND HUMAN RIGHTS THROUGH SANCTIONS REFORM ACT—SECTION-BY-SECTION ANALYSIS

Section 1: Short Title. The act may be cited as the "Enhancement of Trade, Security and Human Rights through Sanctions Reform Act."

Section 2: Purpose. The purpose of the Act is to establish an effective framework for consideration of unilateral economic sanctions.

Section 3: Statement of Policy. This section sets forth U.S. policy to pursue American security, trade, and humanitarian interests through broad-ranging engagement with other countries, while recognizing the need at times to impose sanctions as a last resort. It supports multilateral cooperation as an alternative to unilateral U.S. sanctions. It seeks to promote U.S. economic growth through trade and to maintain America's reputation as a reliable supplier. It opposes boycotts and use of agricultural embargoes as a foreign policy weapon. It urges that economic sanctions be targeted as narrowly as possible, to minimize harm to innocent people or to humanitarian activities.

Section 4: Definitions. This section defines "unilateral economic sanction" as any restriction or condition on economic activity with respect to a foreign country or entity imposed for reasons of foreign policy or national security. This definition excludes multilateral sanctions, where other countries have agreed to adopt "substantially equivalent" measures. The definition also excludes U.S. trade laws, Jackson-Vanik, and munitions list controls. This section also defines the terms "national emergency," "agricultural commodity," "appropriate committees," and "contract sanctity."

Section 5: Guidelines for Unilateral Economic Sanctions Legislation. This section provides that any bill or joint resolution imposing or authorizing a unilateral economic sanction should state the U.S. foreign policy or national security objective, sunset after two years unless specifically reauthorized, protect contract sanctity, provide Presidential authority to adjust or waive the sanction in the national interest, target the sanction as narrowly as possible against the parties responsible for the offending conduct, and provide for expanded export promotion if sanctions target a major export market for American farmers.

Section 6: Requirements for Report Accompanying the Bill. The committee reporting sanctions legislation shall request reports from the President and Secretary of Agriculture. These reports shall be included in the committee report. If the legislation does not meet any Section 5 guideline, the committee report shall explain why not.

The President's report shall contain an assessment of the likelihood that the proposed sanction will achieve its stated objective within a reasonable time. It must weigh the likely foreign policy, national security, economic, and humanitarian benefits against the costs of acting unilaterally. The report will also assess alternatives, such as prior diplomatic and other U.S. steps and comparable multilateral measures.

The Secretary of Agriculture's report shall assess the likely extent of the proposed legislation in terms of market share in affected countries, the likelihood that U.S. agricultural exports will be affected on the reputation of U.S. farmers as reliable suppliers.

Section 6 also considers unilateral sanctions as unfunded federal mandates for purposes of the Unfunded Mandates Act. The Congressional Budget Office shall assess the likely short- and long-term cost of the proposed sanctions to the U.S. economy.

Section 7: Requirements for Executive Action. The President may impose a unilateral sanction no less than 60 days after announcing his intention to do so, during which time he shall consult with Congressional committees and publish a notice in the Federal Register seeking public comment. Any Executive sanction must meet the same guidelines that Section 5 applies to the Congress and must, in addition, include a clear finding that the sanction is likely to achieve a specific U.S. foreign policy or national security objective within a reasonable—and specified—period of time.

Section 7 also requires—prior to the imposition of a unilateral sanction—the President and the Secretary of Agriculture to provide to the appropriate Congressional committees reports that contain the same assessment as required in the reports described in Section 6. The President shall also request a report by the U.S. International Trade Commission on the likely short- and long-term costs of the proposed sanctions to the U.S. economy, including the potential impact on U.S. competitiveness.

In case of national emergency, the bill allows the President temporarily to waive most Section 7 requirements in order to act immediately. If the President acts on an emergency basis, the waived requirements must be met within sixty days. Finally, the President shall establish an interagency Sanctions Review Committee to improve coordination of U.S. policy regarding unilateral sanctions.

Section 8: Annual Report. The President must submit to the appropriate committees a report each year detailing the extent to which sanctions have achieved U.S. objectives, as well as their impact on humanitarian and other U.S. interests, including relations with friendly countries. The U.S. International Trade Commission shall report to the Congress on the costs, individually and in the aggregate, of all unilateral economic sanctions in effect under U.S. law, regulation, or Executive order, including the impact on U.S. competitiveness.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. BREAUX, and Mr. GORTON):

S. 1415. A bill to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE UNIVERSAL TOBACCO SETTLEMENT ACT

Mr. MCCAIN. Mr. President, I am pleased today to introduce the Universal Tobacco Settlement Act. This bill is cosponsored by the Commerce Committee Ranking Member Senator HOLLINGS, Senator GORTON, and Senator BREAUX.

Mr. President, the bill we are introducing today is the legislative version of the Universal Tobacco Settlement agreed upon by the attorneys general and the tobacco companies. We hope it will serve as the basis of discussion and amendment here in the Senate.

I want briefly to discuss what this bill is and is not. It is the basis for hearings, discussion, and amendment. After this bill is introduced, I will ask consent to have it jointly referred to various committees of jurisdiction for consideration. As the chairman of the Commerce Committee, I intend to hold extensive hearings on this bill and use it as the vehicle for amendment.

First, let me emphasize that this legislation was drafted by Senate legislative counsel who was requested to write a bill that would implement and mirror the universal tobacco agreement without any direction or input from Members and without any alteration from the agreement.

The substance of the bill is not perfect, complete, comprehensive, or legislation that could ever be signed into law without considerable debate and amendments. None of the cosponsors endorse this bill as being the answer to our Nation's problem with tobacco-related death and illness. But it can and should serve as a basis to begin negotiations between all concerned parties.

The bipartisan group of attorneys general and the tobacco companies deserve praise for developing this language. I know it was not easy. But much more needs to be done. The Universal Tobacco Settlement Agreement presents more questions than it answers. That is why we must move the legislative process forward and begin debating substantive language.

I had hoped that the administration would send the Congress legislation in this area. I would have liked for the Congress to begin considering the proposals developed and advocated by the White House. Unfortunately, the White House chose not to take such action. As a result, I have chosen to begin this discussion with attorneys general agreement.

There has been one addition to the settlement developed by the attorneys general. The universal tobacco settlement did not address the issue of tobacco farmers and the communities whose existence and economy depends on the growing of tobacco. To address this concern, a new title IX has been added to the bill. The text of title IX is the language of S. 1310, legislation introduced by Senator FORD. It is my hope that with the addition of this language to the bill, we can begin the comprehensive debate necessary on this subject.

Mr. President, let there be no mistake, the Senate takes its role in this matter very seriously. Millions of lives have been lost and millions more will follow. Every day 3,000 young adults and children begin smoking. We cannot and should not allow this to continue. With the introduction of this bill we will begin this debate and I am hopeful that by early next year we can move forward on the floor on this matter.

By Mr. MCCONNELL:

S. 1416. A bill to amend Federal election laws to repeal the public financing of national political party conventions and Presidential elections and spending limits on Presidential election campaigns, to repeal the limits on coordinated expenditures by political parties, and for other purposes; to the Committee on Finance.

THE PRESIDENTIAL CAMPAIGN REFORM ACT OF 1997

Mr. MCCONNELL. Mr. President, the Governmental Affairs hearings investigating the 1996 Presidential election affirmed what knowledgeable observers have contended for years—that the Presidential campaign finance system of spending limits and taxpayer funding is a fraud.

Not soon forgotten will be the seamy videos of the White House coffee fundraisers in which the President was caught on tape extolling the virtues of circumventing the Presidential system's contribution and spending limits, via soft money contributions to the DNC—that once proud institution hijacked by the Clinton-Gore campaign bent on reelection in 1996. The 1996 Clinton-Gore reelection campaign took campaign finance chicanery to new heights, or lows, depending on your perspective.

Mr. President, I am no fan of spending limits so am not without sympathy for those who must campaign under them. The Presidential system, while technically voluntary, presents a Hobson's choice to those contemplating a campaign. Candidates can choose between compliance with arbitrary and severe spending limits, burdensome regulatory requirements, and the prospect of years of FEC audits or trying to mount a credible campaign under the severe constraints of outdated contribution limits.

It's difficult enough to mount a statewide Senate campaign with individual contributions limited to $1,000 a pop. Conducting a nationwide effort under the same contribution limits must be a nightmare. It requires, at the least, a Herculean effort, unless a candidate has the good fortune to have a fortune sufficient to bankroll their own campaign out of their own pocket. So I might be inclined to cut the President and Vice President some slack for this particular malfeasance—they have so many fundraising misdeeds to account for this one got lost in the shuffle until recently. I might cut them some slack if they were not such shameless hypocrites, portraying themselves as victims of the system and America's biggest fans of reform, when they aren't pleading incompetence.

"William J. Clinton" signed a letter, addressed to the Chairman of the Federal Election Commission, on October 13, 1995, in which the President agreed to comply with the Presidential system's limits in exchange for which the Clinton-Gore campaign would receive taxpayer dollars. All told, the Clinton-Gore campaign received $75 million for the primary and general elections in 1996. The Democratic National Committee received over $12 million for its convention extravaganza in Chicago. It was a lie.

The Clinton-Gore campaign took the money—$75 million from the U.S. Treasury—and never had any intention of confining their campaign to the spending limits. The Presidential system, from its inception, has been a bad joke on the American taxpayers, limiting neither spending, nor so-called special interests, as its creators—self-styled reformers—said it would.

Unwilling to concede that their utopian reform vision has become a taxpayer-funded debacle worthy only of dismantling, the inside-the-beltway reform industry agitates instead for even more restrictions—on the party committees and independent groups. It would be like putting band-aids on the Titanic, and unconstitutional, to boot.

The reform dream is the taxpayers' nightmare. Over $1 billion has been squandered on the Presidential system. It is an entitlement program for politicians. And a boondoggle for the likes of fringe candidates such as Lenora Fulani and Lyndon LaRouche who have flocked to the Presidential campaign entitlement program, like moths to a flame.

Even Ross Perot's Reform Party has gotten into the act—as the Texas billionaire received $30 million from the U.S. Treasury last year for his campaign. An irony is that the Perot Reform Party's partaking of taxpayer funds from the Presidential system coffers will be the straw that breaks the camel's back in 2000. The Reform Party is going to bleed the reform dream dry if it takes what it will be entitled to in primary matching, convention, and general election funding. This is the gist of a recent FEC staff report on the fund's prospects for the 2000 campaign.

At the outset of the 2000 Presidential primaries, the Presidential fund will be so near bankruptcy that candidates will be able to receive only a tiny fraction of what they are entitled to. FEC staff predict this dearth of funding will prompt some candidates to opt out of the Presidential spending limit system altogether. Where would such an exodus leave the competitive field? The candidates would still be stuck with the quarter-century old contribution limits, bestowing a tremendous advantage on those select few who have a huge donor base from which to draw or the wherewithal to fund a campaign out of their own pocket.

This is a very real campaign finance crisis—a Presidential system on the edge of oblivion and a wide-open contest looming in the year 2000. So I rise today to introduce a bill to reform the Presidential system—the object of so much scandal and scorn. This reform legislation would repeal the Presidential system's spending limits and taxpayer funding. It would save the American taxpayers hundreds of millions of dollars every election. To compensate for the loss of taxpayer funding and make the system more realistic, the contribution limit for Presidential candidates would be adjusted to $10,000, up from the current $1,000. The PAC limit would also be adjusted up to $10,000.

It would also strengthen the political parties by updating the hard money contribution limits regulating donations to them. These limits are a quarter-century old and long overdue for adjustments. Candidates and political parties should not be shackled in the year 2000 with circa-1970's contribution limits. The bill would also do what the Supreme Court talked about doing in the 1996 Colorado decision and is likely to do in the near future: abolish the coordinated spending limit. This arbitrary restriction on what parties can do in coordination with their nominees is absurd. The parties prefer to operate in hard money over soft money. These reforms would facilitate that activity.

Mr. President, these are commonsense reforms that would enhance competition and increase accountability in Presidential elections. In the interest of heading off a complete breakdown of the Presidential system in 2000, I urge

Senators to step away from the traditional reform paradigm and join me in this effort.

By Mr. AKAKA (for himself, Mr. CRAIG, and Ms. LANDRIEU):

S. 1418. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; to the Committee on Energy and Natural Resources.

THE METHANE HYDRATE RESEARCH AND DEVELOPMENT ACT OF 1997

Mr. AKAKA. Mr. President, on behalf of myself and Senators CRAIG and LANDRIEU, I am introducing the Methane Hydrate Research and Development Act of 1997.

Methane hydrate is a methane-bearing, ice-like substance that occurs in abundance in marine sediments. It is a crystalline solid of methane molecules surrounded by a structure of water molecules.

Methane hydrates are stable at moderately high pressures and low temperatures and contain large quantities of methane. One unit volume of methane hydrate contains more than 160 volumes of methane at standard temperature and pressure.

Methane hydrates are found in deep ocean sediments. Significant quantities are also found in the permafrost of Alaska, Canada, and Siberia.

Despite their potential as an energy resource, methane hydrates have not received the attention they deserve. We are only beginning to understand the magnitude of this potential resource. The amount of methane sequestered in gas hydrates is enormous. Worldwide estimates range from 100,000 trillion cubic feet to 270 million trillion cubic feet. Locations of known methane hydrate deposits within the Untied States include the Arctic, the seabed adjacent to northern California, the Gulf of Mexico, and the Eastern Seaboard.

A conservative estimate of deposits under U.S. jurisdiction is 2,700 trillion cubic feet to seven million trillion cubic feet of gas. A recent U.S. Geological Survey analysis indicates the presence of over 500 trillion cubic feet of methane at the Black Ridge site off the coast of Carolinas alone. When you consider that current U.S. consumption is less than 25 trillion cubic feet of natural gas per year, you begin to appreciate the magnitude of this energy resource.

The U.S. energy outlook is perilous at best. Our dependence on imported oil is steadily increasing. Soon we will import over 60 percent of the oil we consume. Air pollution is a persistent problem. We are spending enormous resources to improve air quality. Global climate change poses a looming challenge. With these concerns in mind, it is easy to recognize the importance of methane hydrates.

Methane hydrates are a strategic resource because they contain huge amounts of methane in a concentrated form. Extracted methane from hydrates represents an extraordinarily large energy resource and petrochemical feedstock. Methane is less polluting than other hydrocarbons because of its higher hydrogen-to-carbon ratio. Given the concerns about global climate change, a transition to methane as an energy resource is an attractive solution.

The U.S. is not doing enough to explore this viable energy source. Other countries, primarily Japan and India, have aggressive programs to develop methane hydrates. Japan has launched an exploration project for methane hydrates in its surrounding waters. The Japanese National Oil Corporation is conducting a seismic survey off Hokkaido Island and will drill test wells in two locations in 1999. Commercial production is planned for 2010. About six trillion cubic meters of methane hydrates can be found in the seabed near Japan. Recovery of one-tenth of this reserve could yield about 100 years supply of natural gas for Japan.

As part of its plan to boost natural gas resources, the Oil Industry Development Board of India has earmarked $56 million for a program of methane hydrates research and development. We cannot be left behind these and other nations in the race to develop this important energy resource.

Science News recently published an article summarizing the hopes and hazards associated with methane hydrates. Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD.

This is an exciting area of research and of new knowledge. It has an enormous payoff, not only for our energy security, but also for the global environment.

My bill establishes a small research and development program with the potential for major payback. It would direct the Department of Energy to conduct research and development in collaboration with the Naval Research Laboratory and the U.S. Geological Survey. The Secretary of Energy would also consult with other Federal and State agencies, industry, and academia. It directs the Department to conduct research on, and identify, explore, assess, and develop methane hydrate resources as a source of energy. It also directs the Department to develop technologies needed to develop methane resources in an environmentally sound manner. It provides for research to develop safe means of transportation and storage of methane produced from methane hydrates. To alleviate the concerns related to releases of methane, the legislation directs the Department to undertake research to assess and mitigate hydrate degassing, both natural and that associated with commercial development. It requires the Department to develop technologies to reduce the risk of drilling through the gas hydrates. And finally, it provides for the training of scientists and engineers that would be needed for this new and exciting field on endeavor.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1418

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 "Methane Hydrate Research and Development Act of 1997".

SEC. 2. DEFINITIONS.

In this Act:

(1) CONTRACT.—The term "contract" means a procurement contract within the meaning of 6303 of title 31, United States Code.

(2) COOPERATIVE AGREEMENT.—The term "cooperative agreement" means a cooperative agreement within the meaning of section 6305 of title 31, United States Code.

(3) GRANT.—The term "grant" means a grant agreement within the meaning of section 6304 of title 31, United States Code.

(4) METHANE HYDRATE.—The term "methane hydrate" means a methane clathrate that—

(A) is in the form of a methane-water ice-like crystalline material; and

(B) is stable and occurs naturally in deep-ocean and permafrost areas.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) SECRETARY OF DEFENSE.—The term "Secretary of Defense" means the Secretary of Defense, acting through the Secretary of the Navy.

(7) SECRETARY OF THE INTERIOR.—The term "Secretary of the Interior" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

SEC. 3. METHANE HYDRATE RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—

(1) COMMENCEMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense and the Secretary of the Interior, shall commence a program of methane hydrate research and development.

(2) DESIGNATIONS.—The Secretary, Secretary of Defense, and Secretary of the Interior shall designate individuals to implement this Act.

(3) MEETINGS.—The individuals designated under paragraph (2) shall meet not less frequently than every 120 days to review the progress of the program under paragraph (1) and make recommendations on future activities.

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE AND COORDINATION.—The Secretary may award grants or contracts to, or enter into cooperative agreements with, universities and industrial enterprises to—

(A) conduct basic and applied research to identify, explore, assess, and develop methane hydrate as a source of energy;

(B) assist in developing technologies required for efficient and environmentally sound development of methane hydrate resources;

(C) undertake research programs to provide safe means of transport and storage of methane produced from methane hydrates;

(D) promote education and training in methane hydrate resources research and resource development;

(E) conduct basic and applied research to assess and mitigate the environmental impacts of hydrate degassing, both natural and that associated with commercial development; and

(F) develop technologies to reduce the risks of drilling through methane hydrates.

(2) CONSULTATION.—The Secretary may establish an advisory panel consisting of experts from industry, academia, and Federal agencies to advise the Secretary on potential applications of methane hydrate and assist in developing recommendations and priorities for the methane hydrate research and development program carried out under this section.

(c) LIMITATIONS.—

(1) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to carry out this section for a fiscal year may be used by the Secretary for expenses associated with the administration of the program subsection (a)(1).

(2) CONSTRUCTION COSTS.—None of the funds made available to carry out this section may be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees.)

(d) RESPONSIBILITIES OF THE SECRETARY.—In carrying out subsection (b)(1), the Secretary shall—

(1) facilitate and develop partnerships among government, industry, and academia to research, identify, assess, and explore methane hydrate resources;

(2) undertake programs to develop basic information necessary for promoting long-term interest in methane hydrate resources as an energy source;

(3) ensure that the data and information developed through the program are accessible and widely disseminated as needed and appropriate;

(4) promote cooperation among agencies that are developing technologies that may hold promise for methane hydrate resource development; and

(5) report annually to Congress on accomplishments under this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

[From the Science News, Vol. 150, Nov. 9, 1996]

THE MOTHER LODE OF NATURAL GAS

(By Richard McNastersky)

For kicks, oceanographer William P. Dillon likes to surprise visitors to his lab by taking ordinary-looking ice balls and setting them on fire.

"They're easy to light. You just put a match to them and they will go," says Dillon, a researcher with the U.S. Geological Survey (USGS) in Woods Hole, Mass.

If the truth be told, this is not typical ice. The prop in Dillon's show is a curious and poorly known structure called methane hydrate. Unlike ordinary water ice, methane hydrate consists of single molecules of natural gas trapped within crystalline cages formed by frozen water molecules. Although chemists first discovered gas hydrates in the early part of the 19th century, geoscientists have only recently started documenting their existence in underground deposits and exploring their importance as potential fuel.

Late last year a team of oceanographers conducted the most in-depth investigation of methane hydrates to date by drilling into an extensive accumulation beneath the seabed off the coast of the southeastern United States. The results of this research, which are now beginning to appear in the scientific literature, seem to bolster extremely sketchy estimates made years ago about the vastness of the hydrate resource.

"It turns out there is a tremendous amount of gas down there," says Charles Paull, a marine geologist at the University of North Carolina at Chapel Hill and a leader of the recent drilling expedition. "It shores up the fact that these are large reserves and makes it increasingly important that they get assessed in terms of whether they are energy-producing deposits or not."

At the same time, scientists wonder whether this resource also has a dark side. "There have been extremely rapid changes in climate in the past. Some think that these were caused by methane released from methane hydrate," says Dillon.

Despite their potential importance, methane hydrates have evaded scientific scrutiny until now, largely because they are extremely difficult to study. They exist only where high pressures and low temperatures squeeze water and methane into a solid form.

Most known deposits of methane hydrate lie below the seafloor in regions that slope from the continents to the deep ocean basins thousands of meters underwater. Marine geologists have tentatively identified deposits off the coasts of Costa Rica, New Jersey, Oregon, Japan, India, and hundreds of other sites around the globe. Petroleum companies have also encountered hydrates while drilling through Arctic permafrost in Siberia, Alaska, and Canada.

Like vampires, hydrates disintegrate quickly if pulled from their dark lair. When researchers on the recent drilling expedition hauled up cores of sediment from the ocean floor, the drastic reduction in pressure caused much of the hydrate to melt before it even reached the ship. Without unusual precautions, any remaining hydrate fizzed away when the scientists cut open the core.

"Gas hydrates have largely escaped traditional geologic observation because gas hydrates and humans are sort of incompatible. The gas hydrates decompose under the conditions [in which] people traditionally analyze cores. Conversely, humans have no experience in operating in the conditions where gas hydrates are stable. We die under the conditions of gas hydrate stability," says Paull.

Oceanographers first drilled through methane hydrates unintentionally, on an expedition in 1970. Although that encounter was uneventful, research drilling cruises purposely avoided suspected hydrate deposits for 2 decades afterward, fearing they might hit an overpressureized pocket of gas, which could blast away the drilling equipment. Concerns over pressurized gas gradually diminished, and mounting scientific curiosity emboldened researchers to try boring through more hydrate fields. Starting in 1992, the International Ocean Drilling Program (ODP) intentionally breached hydrate deposits several times without incident.

On the recent expedition, Paull and his colleagues drilled at three sites along the Blake Ridge, a large, submerged promontory 330 kilometers off the southeast coast of the United States. Working in water depths of 2,800 meters, the researchers penetrated 700 meters below the seafloor with a hollow drill bit that cuts away a core of sediment the diameter of a soda can.

The investigators had to take special precautions to prevent losing methane-hydrate during the 10 minutes it too to haul fresh sections of core up from the ocean bottom. At various depths, they sealed small bits of core in pressurized barrels, thereby containing the gas until the core reached shipboard laboratories. These samples provided the first direct measurements of how much methane-hydrate exists at different depths beneath the seafloor.

"The amount of hydrate down there is much higher than has previously been estimated says Paull. "It was not uncommon to go from 10 liters up to 30 liters of gas per liter of sediment."

The researchers also measured, for the first time, large amounts of free gas trapped beneath the frozen hydra-deposits. The volume of gas was far more than expected, exceeding even the amount within the frozen layer, says Paull.

Although the exact origin of hydrate remains unknown, Paull and others suspect that bacteria within the sediment consume rich organic material and generate methane gas. At a certain depth beneath the seafloor, the low temperatures and high pressures ensnare the gas within the frozen hydrate structures. Methane below the hydrate layer remains in gaseous form because the temperatures there are too high to support freezing.

Conventional deposits of methane, a natural gas, form through a different process, when seafloor sediments are buried far deeper. Exposed to much higher temperatures, the organic material the sediments simmers until it transforms into petroleum and eventually methane.

Nearly a decade ago, several researchers independently tried to estimate how much methane exists in hydrate deposits. Because of the scarcity of direct hyro-measurements at the time, the estimate rested on indirect seismic studies which probe the ocean bottom sediments with blasts of sound that reflect off hidden layers.

These studies suggested that global hydrate deposits contain approximately 10,000 gigatons, or 10 tons, of carbon. That number represents double the combined amount in all reserves of coal, oil, and conventional natural gas.

The newly emerging evidence, supports these rough approximations, says Gordon J. MacDonald, one of the scientists who made the calculations in the 1980s. "All these estimates are quite uncertain. But it remains abundantly clear that methane hydrates contain the largest store of carbon that we know about that is underground," says MacDonald, who now directs the International Institute for Applied Systems Analysis in Laxenburg, Austria.

In fact, hydrates may be more widespread than previously thought. The recent ODP expedition found hydrates in regions that lack the seismically reflective layers usually used to identify potential deposits, the team reports in the Sept. 27 Science.

"Given their worldwide distribution and their very large quantities, they make a very attractive energy source, provided that one can bring the gas up at somewhere near market price," MacDonald says. The cost of accessing hydrates has served as a barrier in the past, but some energy-hungry nations lacking conventional fossil fuels are extremely interested in future use of hydrates.

Japan plans to drill exploratory wells in the next few years, first on land in Alaska

and then in Japanese waters. The Japanese National Oil Company is currently negotiating with the U.S. and Canadian governments to conduct experimental drilling of hydrate deposits near Prudhoe Bay, Alaska in early 1998. They hope to have more success than the nations and commercial companies that tried to extract frozen methane in Canada, Alaska and Siberia during the 1970s and 1980s.

In nature, methane hydrates are fickle molecules, liable to melt whenever the pressure drops slightly or the temperature creeps upward. Evidence of this instability pockmarks the ocean floor along the Blake Ridge. Marine geologists have identified numerous craters there that apparently formed when hydrates melted, releasing methane gas.

"The Blake Ridge is a pressure cooker, over geological time. The gas and fluids come up and blow thought the sediments. We can see depressions 500 to 700 meters wide and 20 to 30 meters deep," says Dillon.

In other cases, melting at the base of the hydrate layer has destabilized seafloor slopes, leading to massive submarine landslides. Researchers have suggested hydrate weakness as a factor behind landslides off Alaska, the U.S. Atlantic coast, British Columbia, Norway, and Africa, says Keith A. Kvenvolden of the USGS in Menlo Park, Calif.

Such inherent instability could spell problems for future drilling platforms resting on top of hydrate-rich deposits. If the collapses are large enough, they could also produce the destructive waves called tsunamis that race across ocean basins.

Hydrates may exert their greatest impact through their indirect links to climate. Because methane is a powerful greenhouse gas—about 10 times as strong as carbon dioxide—massive melting of hydrates and the ensuing release of methane gas could raise Earth's surface temperature.

James P. Kennett of the University of California, Santa Barbara has recently discovered intriguing evidence implicating methane hydrates as an instigator of climate change. Sediments off the California coast show signs that carbon isotopic ratios in the ocean shifted quite dramatically and quickly at several times during the last 70,000 years. Because methane has a distinctive isotopic fingerprint that matches the shifts, Kennett suggests that large volumes of methane must have poured into the ocean at these times.

In this theory, the methane came from hydrates that melted when ocean waters warmed slightly. The liberation of so much methane over a few decades would have caused widespread warming that affected the entire globe. As supporting evidence, Kennett notes that the ocean's isotopic shifts indeed coincide with well-known Dansgaard-Oeschger episodes when Earth's ice age climate went suddenly warm.

"Until now, [hydrates] haven't really entered into discussions of climate change. They have been almost completely ignored. Until the beginning of this year, I had not even considered them. But I'm now convinced that they are of great importance to the global environment and have been for billions of years," says Kennett. He presented his findings in September at a gas hydrate conference in Ghent, Belgium.

Kvenvolden has proposed a different mechanism that might have released hydrates at the end of the last ice age. As the great blanket of continental ice melted at that time, global sea levels swelled by more than 90 meters, submerging many Arctic regions where hydrate layers exist. The relatively warm ocean water would have melted the hydrates, unleashing tremendous amounts of methane into the atmosphere, Kvenvolden believes.

The same rationale could apply to the modern world. Sea levels are currently rising slowly, at a rate of a few centimeters per decade. Projections suggest that they will rise even faster in the future because of the climatic warming caused by greenhouse gas pollution. At the same time, ocean temperatures are expected to creep upward.

"If you reason that hydrates were important in climate change in the past, there is no reason they wouldn't be important in the future," says Kvenvolden. Indeed, some scientists speculate that melting methane hydrates could greatly exacerbate global warming.

For now, though, Kvenvolden and others remain unsure exactly what role hydrates have played in past climate changes. Lacking this knowledge, they say it is impossible to predict how hydrates will behave in the future.

A greater understanding of hydrates and their importance will come as oceanographers tap deposits in other areas of the world, testing whether the lessons learned on the Blake Ridge apply elsewhere. Scientists are also creating synthetic hydrates in the laboratory (SN:10/19/96, p. 252). By squeezing methane and water in a pressurized apparatus, Dillon and his colleagues can not only gauge how hydrates weaken seafloor sediments but also improve seismic methods for detecting hydrates.

When the experiments are over, the remaining synthetic hydrates could have other uses. "I hadn't really thought of it before, but you could try cooking with them" says Dillon, "I wouldn't want to plan a major meal, but you could probably scramble an egg on it."

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 1420. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to provide for full reimbursement of States and localities for costs related to providing emergency medical treatment to individuals injured while entering the United States illegally; to the Committee on the Judiciary.

THE ILLEGAL ALIEN EMERGENCY MEDICAL SERVICES REIMBURSEMENT ACT OF 1997

Mrs. FEINSTEIN. Mr. President, I am offering legislation with Senator KYL as original cosponsor, a legislation which provides full reimbursement to state and local counties for costs incurred for emergency medical services and ambulatory services provided to undocumented aliens injured during a pursuit by border patrol or under the custody of federal, state, or local authorities.

This legislation: Authorizes full reimbursement for emergency medical costs, including ambulatory services for illegal aliens who are injured during illegal crossings at land and sea ports, or during a pursuit by border patrol, or while in custody of Federal, State, or local authorities;

Authorizes up to $18 million per year for the next 4 years from a separate account under the Attorney General to reimburse States and localities for emergency medical services provided to illegal aliens.

Requires the Attorney General to submit a written report to Senate and House Judiciary Committees on the policy and practice, including custody practice, of the border patrol by March 1, 1998.

Requires annual report by the Attorney General to Senate and House Judiciary and Appropriations Committees on the implementation of this bill.

INS reports show that in Fiscal Year 1996, 1.65 million illegal aliens were apprehended, of which 97 percent or 1.6 million apprehensions were made at the Southwest border. INS also reports that more than 300,000 illegal aliens come into the country every year and in Fiscal Year 1997, over 111,000 criminal and other illegal aliens were put through formal deportation proceedings.

With increased focus on apprehending illegal aliens at the 140-mile stretch of our Southwest border, recent reports also show increases in unreimbursed emergency medical service cost of illegal aliens to State and local county hospitals.

The California State auditor recently released a report which charged that San Diego alone incurred up to $8.1 million in unreimbursed charges in emergency medical service for illegal aliens between January 1996 and May 1997. The auditor estimates that San Diego hospitals incurred from $4.9 to $8.1 million in unreimbursed emergency medical services and ambulatory services for up to 1,074 illegal aliens during the 17-month period. The unreimbursed medical service costs include hospital care, costs incurred for paramedics and air transportations, physicians, surgeons, and laboratories. These uncompensated services, which hospitals and other emergency service providers are required to provide under California law, were provided to illegal aliens who were injured during illegal crossings at the border and while escaping border patrol pursuits.

The Sacramento Bee recently reported the following:

> Every time a Border patrol chase results in injuries, San Diego area hospitals provide 'free' care to those injured... (For instance), medical care for Fransciso Quintera—who was struck by a car while fleeing Border patrol agents—cost UCSD Medical Center over $1 million in uncompensated expenses. In one recent vehicle chase, a van loaded with illegal immigrants crashed while evading the Border Patrol, costing Scripps Hospital $200,000 and Mercy Hospital $100,000 in uncompensated care.

In the 1996 Immigration Act, Congress acknowledged the huge cost shift to state and local county hospitals in unreimbursed cost for emergency medical services provided to illegal aliens by authorizing full reimbursement for emergency Medicaid and ambulatory services.

However, the $25 million appropriated annually over the next 4 years under the Balanced Budget Act for emergency Medicaid for illegal aliens is insufficient to cover the full cost of emergency medical services for illegal aliens nationwide, where high immigrant States like California, Texas, New York, Florida, Illinois, New Jersey, Arizona and Massachusetts end up picking up the responsibility for caring for the injured illegal aliens.

In fact, for fiscal year 1998, there are no appropriations for reimbursement for emergency ambulatory services, as authorized by the 1996 Immigration Act. Instead, Congress only requires INS to perform a pilot project in Nogales, Arizona and report its findings to Congress.

Appropriating $25 million over the next 4 years and performing a pilot project in Nogales, Arizona is not enough to cover the millions of dollars high immigrant States like California incur every year in unreimbursed emergency medical and ambulatory costs for illegal aliens injured at the border or during a border patrol pursuit.

Mr. President, time has come for the Federal Government to take full responsibility for the cost associated with providing emergency medical services, including ambulatory services, for illegal aliens and lifting the fiscal burden on State and local counties.

Thank you and I urge all my colleagues to support this legislation.

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. 1420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.

Section 563 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended to read as follows:

"SEC. 563. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL SERVICES.

"(a) Subject to the availability of appropriations, the Attorney General shall fully reimburse States and political subdivisions of States for their costs of providing medical services, including ambulatory services, related to an emergency medical condition of an individual who—

"(1) is injured while, or being pursued immediately after, crossing a land or sea border of the United States without inspection or at any time or place other than as designated by the Attorney General; and

"(2) is under the custody of the State or subdivision pursuant to a transfer, request, or other action by a Federal authority.

"(b) There is established in the general fund of the Treasury a separate account out of which the Attorney General shall provide reimbursement under this section.

"(c) Reimbursement under this section shall not be taken out of monies appropriated for the Immigration and Naturalization Service.

"(d) There are authorized to be appropriated for fiscal years 1998–2002 an amount not to exceed $18,000,000 annually for the purpose of carrying out this section.

"(e) The Attorney General shall report to the Judiciary and Appropriations Committees of the House of Representatives and the Senate annually on the implementation of this section.

"(f) By March 1, 1998, the Attorney General shall submit a written report to the Judiciary Committees of the House of Representatives and Senate on the policy and practice, including custody practice, of the United States Border Patrol with respect to injured aliens.

"(g) For purposes of this section, the term 'emergency medical condition' has the same meaning as that term has under section 562 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.".

Mr. KENNEDY (for himself, Mr. COCHRAN, Mr. DURBIN, Mr. FAIRCLOTH, and Ms. MIKULSKI):

S. 1421. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Labor and Human Resources.

THE CLINICAL RESEARCH ENHANCEMENT ACT OF 1997

Mr. KENNEDY. Mr. President, the promise of new biomedical research is boundless. As impressive as the progress of the past has been, it pales in comparison to future opportunities. We stand on the threshold of stunning advances in medicine. Supporting biomedical research is among the wisest possible investments we can make in our Nation's future.

Support for clinical research is central to biomedical research. Clinical research is essential for the advancement of scientific knowledge and the development of cures and improvement treatments of disease. Tremendous advances in basic biological research are opening doors to new insights into all aspects of medicine. As a result, there are extraordinary opportunities for cutting-edge clinical research to translate breakthroughs in the laboratory to the bedsides of patients.

Improvements in patient care and diagnosis and prevention of disease depend upon clinical research that brings basic research discoveries to the bedside. In addition, the results of clinical research are incorporated by industry and developed into new drugs, vaccines, and health care products. These developments strengthen the economy and create jobs.

Advances in biomedical research may also prove to be the most effective way to reduce the country's health care costs in the long run. As our Nation's demographics change and the baby boomers move toward retirement, financing Medicare has become an increasing concern. A Duke University study released earlier this year suggests that a small improvement in the disability rate of older Americans can bring large cost savings for Medicare. Investment in medical research will result in healthier older Americans and lower costs to Medicare.

Despite these clear benefits, clinical research is in crisis. The resources dedicated to such research, particularly at the NIH, have fallen to a level that places the United States at a serious international disadvantage.

Studies by the Institute of Medicine, the National Research Council, the National Academy of Sciences, and the National Institutes of Health have highlighted significant problems in the Nation's clinical research efforts. A 1994 report by the Institute of Medicine, for example, characterized the current level of training and support for health research professionals as "fragmented, frequently undervalued and potentially underfunded."

The legislation we are introducing today seeks to enhance support of clinical research by addressing the issues that have caused this crisis in clinical research.

First, it will implement the longstanding recommendations regarding the merit review process for clinical research proposals at NIH.

Second, it will provide greater support for general clinical research centers.

Third, it will create new opportunities to pursue clinical research. A Clinical Research Career Enhancement Award will enable a clinical researcher to pursue research projects with a mentor prior to independent pursuit of research. For more established researchers, the Innovative Medical Science Award will provide funds to apply basic scientific discoveries to medical treatment. Both awards will generate the protected time which is so valuable to physician-scientists.

Fourth, the bill provides support for individuals seeking advanced degrees in clinical investigation.

Fifth, it expands the Loan Repayment Program for clinical researchers to encourage the recruitment of new investigators.

A solid infrastructure is essential to any research program. In clinical research, that infrastructure is provided by the general clinical research centers at academic health centers throughout the country. Support for these centers was once largely provided by academic health centers. Today, academic health centers provide approximately $1 billion annually from clinical revenues to support clinical research. However, academic health centers are confronted with heavy competition from nonteaching institutions and are increasingly obligated to emphasize patient care over research to minimize costs. In the face of these changes, clinical researchers have become more dependent on NIH for infrastructure support.

In spite of the expanding need, NIH support for the general clinical research centers has barely kept up with inflation. The centers are consistently funded at 75 percent of the funding level recommended by the NIH's own Advisory Council. This level is not adequate for the backbone of the Nation's clinical research efforts. Clearly we need to do more.

The number of physicians choosing careers in clinical investigation is in serious decline. Between 1985 and 1997, the number of physicians increased by 34 percent, while the number of physicians pursuing research decreased by 37 percent. Fewer young physicians are choosing careers in research, and we need to reverse that decline.

Student debt is a major barrier to pursuing clinical research. Young physicians graduate from medical school with an average debt burden of $80,000. Limited financial opportunity in clinical research has caused many young physicians to choose more lucrative medical practice. NIH has acknowledged this problem and has established a loan repayment subsidy to encourage the recruitment of clinical researchers to NIH. Our legislation expands the current program.

Many of today's young clinical investigators are unfamiliar with research methodology. Dr. Harold Varmus, the Director of NIH, has articulated the need for individuals seeking careers in clinical research to have access to clinical research-specific training programs after they graduate from medical school. The NIH already supports a postgraduate training for those pursuing basic research. This legislation will support a comparable program for clinical investigators.

Clinical researchers at academic health centers are also increasingly urged to turn their attention away from research to generate greater revenues. This loss of protected time has a significant adverse impact on their ability to compete for NIH research grants. This problem is particularly difficult for young researchers still seeking mentored research experience during the early years of clinical investigation. The NIH currently has awards to provide mentored career development experiences for basic scientists. Our legislation creates career development awards to help meet this need.

Less than a third of all NIH grantees are physicians. Only a fraction of them receive awards for clinical investigation. The funding gap for clinical research is most severe in the earliest phases of clinical investigation, where basic scientific discoveries are tested on a small scale in studies involving few patients. Industry will not support such research in non-product-oriented studies and often regard such efforts as too speculative. The medical science awards in our bill will ensure funding for these important research initiatives.

The need for reform of the peer review system has been documented by studies by the Institute of Medicine and an outside review committee of the NIH Division of Research Grants, which is responsible for the peer review process. So far, their recommendations have not been implemented, and the bias against clinical research persists. Our legislation will implement these recommendations and provide effective evaluation of clinical research proposals.

The funds authorized by our legislation to support clinical research do not target specific diseases. The funds would go to peer-reviewed proposals to translate basic scientific discoveries into treatment and prevention of disease. Without such legislation, clinical research will continue to decline to a point where advances in medicine will no longer come from this country but from abroad.

Mr. President, our bill is supported by more than a hundred and forty biomedical associations and organizations. I would like to thank the American Federation for Medical Research for their efforts to support this legislation and ask unanimous consent that the list of supporters, the letters of support and a copy of the bill be included in the RECORD.

I look forward to working with my colleagues as we move this important legislation through Congress.

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

S. 1421

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 "Clinical Research Enhancement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Clinical research is critical to the advancement of scientific knowledge and to the development of cures and improved treatment for disease.

(2) Tremendous advances in biology are opening doors to new insights into human physiology, pathophysiology and disease, creating extraordinary opportunities for clinical research.

(3) Clinical research includes translational research which is an integral part of the research process leading to general human applications. It is the bridge between the laboratory and new methods of diagnosis, treatment, and prevention and is thus essential to progress against cancer and other diseases.

(4) The United States will spend more than $1 trillion on health care in 1997, but the Federal budget for health research at the National Institutes of Health was $12.7 billion, only 1 percent of that total.

(5) Studies at the Institute of Medicine, the National Research Council, and the National Academy of Sciences have all addressed the current problems in clinical research.

(6) The Director of the National Institutes of Health has recognized the current problems in clinical research and has through the use of an advisory committee begun to evaluate these problems.

(7) The current level of training and support for health professionals in clinical research is fragmented, frequently undervalued, and potentially underfunded.

(8) Young investigators are not only apprentices for future positions but a crucial source of energy, enthusiasm, and ideas in the day-to-day research that constitutes the scientific enterprise. Serious questions about the future of life-science research are raised by the following:

(A) The number of young investigators applying for grants dropped by 54 percent between 1985 and 1993.

(B) The number of federally funded research (R01) grants awarded to persons under the age of 36 have decreased by 70 percent from 1985 to 1993.

(C) Newly independent life-scientists are expected to raise funds to support their new research programs and a substantial proportion of their own salaries.

(9) The following have been cited as reasons for the decline in the number of active clinical researchers, and those choosing this career path:

(A) A medical school graduate incurs an average debt of $80,000, as reported in the Medical School Graduation Questionnaire by the American Association of Medical Colleges (AAMC).

(B) The prolonged period of clinical training required increases the accumulated debt burden.

(C) The decreasing number of mentors and role models.

(D) The perceived instability of funding from the National Institutes of Health and other Federal agencies.

(E) The almost complete absence of clinical research training in the curriculum of training grant awardees.

(F) Academic Medical Centers are experiencing difficulties in maintaining a proper environment for research in a highly competitive health care marketplace, which are compounded by the decreased willingness of third party payers to cover health care costs for patients engaged in research studies and research procedures.

(10) In 1960, general clinical research centers were established under the Office of the Director of the National Institutes of Health with an initial appropriation of $3,000,000.

(11) Appropriations for general clinical research centers in fiscal year 1997 equaled $153,000,000.

(12) In fiscal year 1997, there were 74 general clinical research centers in operation, supplying patients in the areas in which such centers operate with access to the most modern clinical research and clinical research facilities and technologies.

(13) The average annual amount allocated for each general clinical research center is $1,900,000, establishing a current funding level of 75 percent of the amounts approved by the Advisory Council of the National Center for Research Resources.

(b) PURPOSE.—It is the purpose of this Act to provide additional support for and to expand clinical research programs.

SEC. 3. INCREASING THE INVOLVEMENT OF THE NATIONAL INSTITUTES OF HEALTH IN CLINICAL RESEARCH.

Section 402 of the Public Health Service Act (42 U.S.C. 282) is amended by adding at the end the following:

"(l)(1) The Director of NIH shall undertake activities to support and expand the involvement of the National Institutes of Health in clinical research.

"(2) In carrying out paragraph (1), the Director of NIH shall—

"(A) design test pilot projects and implement the recommendations of the Division of Research Grants Clinical Research Study Group and other recommendations for enhancing clinical research, where applicable; and

"(B) establish an intramural clinical research fellowship program and a continuing education clinical research training program at NIH.

"(3) The Director of NIH, in cooperation with the Directors of the Institutes, Centers, and Divisions of the National Institutes of Health, shall support and expand the resources available for the diverse needs of the clinical research community, including inpatient, outpatient, and critical care clinical research.

"(4) The Director of NIH shall establish peer review mechanisms to evaluate applications for—

"(A) clinical research career enhancement awards;

"(B) innovative medical science awards;

"(C) graduate training in clinical investigation awards;

"(D) intramural clinical research fellowships.

Such review mechanisms shall include individuals who are exceptionally qualified to appraise the merits of potential clinical research training and research grant proposals.".

SEC. 4. GENERAL CLINICAL RESEARCH CENTERS.

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is further amended by adding at the end the following:

"SEC. 409B. GENERAL CLINICAL RESEARCH CENTERS.

"(a) GRANTS.—The Director of the National Center for Research Resources shall award grants for the establishment of general clinical research centers to provide the infrastructure for clinical research including clinical research training and career enhancement. Such centers shall support clinical studies and career development in all settings of the hospital or academic medical center involved.

"(b) ACTIVITIES.—In carrying out subsection (a), the Director of NIH shall expand the activities of the general clinical research centers through the increased use of telecommunications and telemedicine initiatives.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

"SEC. 409C. ENHANCEMENT AWARDS.

"(a) CLINICAL RESEARCH CAREER ENHANCEMENT AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'clinical research career enhancement awards') to support individual careers in clinical research at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research. The Director of the National Center for Research Resources shall, where practicable, collaborate or consult with other Institute Directors in making awards under this subsection.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $125,000 per year per grant. Grants shall be for terms of 5 years. The Director shall award not more than 20 grants in the first fiscal year, and not more than 40 grants in the second fiscal year, in which grants are awarded under this subsection.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make grants under paragraph (1), $3,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

"(b) INNOVATIVE MEDICAL SCIENCE AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'innovative medical science awards') to support individual clinical research projects at general clinical research centers or at other institutions that have the infrastructure and resources deemed appropriate for conducting patient-oriented clinical research. The Director of the National Center for Research Resources shall, where practicable, collaborate or consult with other Institute Directors in making awards under this subsection.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director requires.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $175,000 per year per grant.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make grants under this subsection, $52,500,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

"(c) GRADUATE TRAINING IN CLINICAL INVESTIGATION AWARD.—

"(1) IN GENERAL.—The Director of the National Center for Research Resources shall make grants (to be referred to as 'graduate training in clinical investigation awards') to support individuals pursuing master's or doctoral degrees in clinical investigation.

"(2) APPLICATIONS.—An application for a grant under this subsection shall be submitted by an individual scientist at such time as the Director may require.

"(3) LIMITATIONS.—The amount of a grant under this subsection shall not exceed $75,000 per year per grant. Grants shall be for terms of 2 years or more and will provide stipend, tuition, and institutional support for individual advanced degree programs in clinical investigation.

"(4) DEFINITION.—As used in this subsection, the term 'advanced degree programs in clinical investigation' means programs that award a master's or Ph.D. degree after 2 or more years of training in areas such as the following:

"(A) Analytical methods, biostatistics, and study design.

"(B) Principles of clinical pharmacology and pharmacokinetics.

"(C) Clinical epidemiology.

"(D) Computer data management and medical informatics.

"(E) Ethical and regulatory issues.

"(F) Biomedical writing.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to make grants under this subsection, $3,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.".

SEC. 5. CLINICAL RESEARCH ASSISTANCE.

(a) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(a)(1)(C) of the Public Health Service Act (42 U.S.C. 288(a)(1)(C)) is amended by striking "50 such" and inserting "100 such".

(b) LOAN REPAYMENT PROGRAM.—Section 487E of the Public Health Service Act (42 U.S.C. 288–5) is amended—

(1) in the section heading, by striking "FROM DISADVANTAGED BACKGROUNDS";

(2) in subsection (a)(1)—

(A) by striking "who are from disadvantaged backgrounds"; and

(B) by striking "as employees of the National Institutes of Health" and inserting "as part of a clinical research training position";

(3) in subsection (a), by striking paragraph (3) and inserting the following:

"(3) APPLICABILITY OF CERTAIN PROVISIONS REGARDING OBLIGATED SERVICE.—With respect to the National Health Service Corps Loan Repayment Program established under subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with this section, apply to the program established in this section in the same manner and to the same extent as such provisions apply to such loan repayment program.";

(4) in subsection (b)—

(A) by striking "Amounts" and inserting the following:

"(1) IN GENERAL.—Amounts"; and

(B) by adding at the end the following:

"(2) DISADVANTAGED BACKGROUNDS SET-ASIDE.—In carrying out this section, the Secretary shall ensure that not less than 50 percent of the contracts involve those appropriately qualified health professionals who are from disadvantaged backgrounds."; and

(5) by adding at the end the following:

"(c) DEFINITION.—As used in subsection (a)(1), the term 'clinical research training position' means an individual serving in a general clinical research center or in clinical research at the National Institutes of Health, or a physician receiving a clinical research career enhancement award, an innovative medical science award, or a graduate training in clinical investigation award.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year.".

SEC. 6. DEFINITION.

Section 409 of the Public Health Service Act (42 U.S.C. 284d) is amended—

(1) by striking "For purposes" and inserting "(a) HEALTH SERVICE RESEARCH.—For purposes"; and

(2) by adding at the end the following:

"(b) CLINICAL RESEARCH.—As used in this title, the term 'clinical research' means patient oriented clinical research conducted with human subjects, or research on the causes and consequences of disease in human populations involving material of human origin (such as tissue specimens and cognitive phenomena) for which an investigator or colleague directly interacts with human subjects in an outpatient or inpatient setting to clarify a problem in human physiology, pathophysiology, or disease; or epidemiologic or behavioral studies, outcomes research, or health services research, or developing new technologies or therapeutic interventions.".

SUPPORTERS OF CLINICAL RESEARCH ENHANCEMENT ACT

Alliance for Aging Research
Alzheimer's Association
Ambulatory Pediatric Association
American Academy of Child and Adolescent Psychiatry
American Academy of Dermatology
American Academy of Neurology
American Academy of Optometry
American Academy of Ophthalmology

American Academy of Otolaryngology-Head and Neck Surgery
American Academy of Physical Medicine and Rehabilitation
American Association for Cancer Research
American Association for the Surgery of Trauma
American Association of Anatomists
American Association of Colleges of Nursing
American Association of Neurological Surgeons
American Cancer Society
American Celiac Society—Dietary Support Coalition
American College of Chest Physicians
American College of Clinical Pharmacology
American College of Medical Genetics
American College of Neuropsychopharmacology
American Diabetes Association
American Federation for Medical Research
American Gastroenterological Association
American Geriatrics Society
American Heart Association
American Kidney Fund
American Liver Foundation
American Lung Association
American Neurological Association
American Optometric Association
American Pediatric Society
American Psychiatric Association
American Skin Association
American Society for Bone and Mineral Research
American Society for Clinical Nutrition
American Society for Clinical Pharmacology and Therapeutics
American Society for Reproductive Medicine
American Society of Addiction Medicine
American Society of Adults with Pseudo-Obstruction, Inc.
American Society of Clinical Nutrition
American Society of Hematology
American Society of Nephrology
American Thoracic Society
American Urological Association
Americans for Medical Progress
Arthritis Foundation
Association for Medical School Pharmacology
Association for Research in Vision and Ophthalmology
Association of Academic Health Centers
Association of Academic Physiatrists
Association of American Cancer Institutes
Association of American Medical Colleges
Association of American Veterinary Medical Colleges
Association of Behavorial Sciences and Medical Education
Association of Departments of Family Medicine
Association of Medical and Graduate Departments of Biochemistry
Association of Medical School Pediatric Department Chairmen
Association of Pathology Chairs
Association of Professors of Dermatology
Association of Professors of Medicine
Association of Program Directors in Internal Medicine
Association of Schools and Colleges of Optometry
Association of Schools of Public Health
Association of Subspecialty Professors
Association of University Radiologists
American Urogynecologic Society
Center for Ulcer Research and Education Foundation
Citizens for Public Action
Cooley's Anemia Foundation
Crohn's and Colitis Foundation of America
Cystic Fibrosis Foundation
Dean Thiel Foundation
Digestive Disease National Coalition
East Carolina University School of Medicine
Ehlers-Danlos National Foundation
Ermory University School of Medicine
The Endocrine Society
Epilepsy Foundation of America
Foundation for Ichthyosis and Related Skin Types
Gay Men's Health Crisis
General Clinical Research Center Program Directors' Association
Gluten Intolerance Group
Hemochromatosis Research Foundation
Hepatitis Foundation International
Inova Institute of Research and Education
Institute for Asthma and Allergy
International Foundation for Functional Gastrointestinal Disorders
Jeffrey Modell Foundation
Joint Council of Allergy, Asthma and Immunology
Juvenile Diabetes Foundation International
Lawson Wilkins Pediatric Endocrine Society
Lupus Foundation of America, Inc.
Medical Dermatology Society
Mount Sinai Medical Center
National Caucus of Basic Biomedical Science Chairs
National Committee to Preserve Social Security and Medicare
National Health Council
National Marfan Foundation
National Multiple Sclerosis Society
National Organization for Rare Disorders
National Osteoporosis Foundation
National Perinatal Association
National Tuberous Sclerosis Association
National Vitiligo Foundation, Inc.
National Vulvodynia Association
North America Society of Pacing and Electrophysiology
Oley Foundation for Home Parenteral and Enteral Nutrition
The Orton Dyslexia Society
Osteogenesis Imperfecta Foundation
PXE International
RESOLVE
Schepens Eye Research Institute
Scleroderma Research Foundation
Society for Academic Emergency Medicine
Society for the Advancement of Women's Health Research
Society for Inherited Metabolic Disorders
Society for Investigative Dermatology
Society for Pediatric Research
Society of Gastroenterology Nurses and Associates, Inc.
Society of Gynecologic Oncologists
Society of Medical College Directors of Continuing Medical Education
Soviety of University Urologists
St. Jude Children's Research Hospital
Tourette Syndrome Association, Inc.
United Ostomy Association
United Scleroderma Foundation
University of Rochester School of Medicine and Dentistry
Wound, Ostomy and Continence Nurses Society
Yale University School of Medicine.

AMERICAN FEDERATION FOR MEDICAL RESEARCH,
November 7, 1997.

Hon. THAD COCHRAN,
Hon. Edward Kennedy,
U.S. Senate, Washington, DC.

DEAR SENATORS COCHRAN AND KENNEDY: I write to express the strong support of the American Federation for Medical Research for the legislation you will introduce to enhance clinical research programs at the National Institutes of Health. The AFMR is a national organization of 6,000 physician scientists engaged in basic, clinical, and health services research. Most of our members receive NIH support for their basic research but are finding it increasingly difficult to obtain public or private funding for translational or clinical research—studies through which basic science discoveries are translated to the care of patients. In the past, academic medical centers provided institutional support for this research through revenues generated by patient care activities. However, as the health care marketplace has become increasingly competitive, academic centers have all but eliminated internal subsidizes clinical research or the training of clinical investigators. In fact, the Association of American Medical Colleges has estimated that these institutions have lost approximately $800 million in annual "purchasing power" for research and research training within their institutions. In this context, the $60 million in spending entailed in your legislation (representing less than one-half of one percent of the NIH budget) would seem an extremely modest investment in a much-needed program to reinvigorate our nation's clinical research capabilities.

The Clinical Research Enhancement Act is a conservative approach to a severe problem. The Institute of Medicine (IOM) expressed alarm about the challenges confronting clinical research in a 1994 report, and your bill is based on the initiatives recommended by the IOM:

The IOM recommended that the General Clinical Research Centers program be strengthened. Your bill would codify this program, which has existed since the late 1950's, so that the Congress will have greater discretion over GCRC funding.

The IOM recommended enhanced career development in clinical investigation, and your bill proposes such awards.

The IOM noted problems with the NIH peer review of clinical research. Your bill directs the NIH to improve the peer review process for such research and establishes "innovative science awards" that will be reviewed by scientists knowledgeable in clinical investigation.

The IOM recommended programs to relieve the tuition debt of physicians pursuing clinical research careers. Your bill would expand an existing NIH intramural program for this purpose to the extramural community.

The IOM recommended structured, didactic training in clinical investigation. Your bill authorizes funding for advanced degree (master's and Ph.D.) training in clinical research as successfully initiated at several institutions around the country.

The list of almost 150 organizations that support the Clinical Research Enhancement Act indicates the consensus of scientific, medical, consumer, and patient organizations that steps must be taken as soon as possible to stop the deterioration of the U.S. clinical research capacity, to reinvigorate the clinical research programs of academic medical centers, and to assure that the American people and the American economy benefit from the translation of basic science breakthroughs to improved clinical care and new medical products. The American Federation for Medical Research is pleased to have the opportunity to express its strong support for your legislation.

Sincerely,

JEFFREY KERN, MD.,
President.

As a coalition of organizations concerned about improving the quality of health care, the National Health Council strongly supports the Clinical Research Enhancement Act. As you know, it has been more than three years since the Institute of Medicine (IOM) documented the major challenges confronting clinical research in our country. Your bill would implement a number of the IOM recommendations for addressing these problems. It is critically important that the NIH move forward as rapidly as possible with these initiatives.

The NIH is the major funding source in the United States for basic biomedical research. However, the major dividends from this investment are discoveries that improve our ability to prevent, effectively treat, and cure disease and disability. The NIH must foster not only the basic research that begins this process but also the translational research through which a basic science discovery is applied to a medical problem. There is generous industry support for clinical research and clinical trials aimed at the development of new products. However, private funding is extremely limited for initial translational research that may have little or no commercial product potential. Examples of such research include studies of nutritional therapies, new approaches to disease prevention, transplantation techniques, behavioral interventions, and studies of off-label uses of approved drugs. In the past, such research was often subsidized from patient care revenues to academic medical centers. However, competition in the health care marketplace has begun to erode this source of funding; therefore, NIH must play an expanded role in providing support for this research. The Clinical Research Enhancement Act would foster NIH funding opportunities for this type of research through the establishment of "innovative medical science awards." Such studies will focus on translating basic research discoveries into tools that health care professionals can use to cure disease and relieve suffering.

In addition, we support provisions of the bill that would foster opportunities for physicians to pursue careers in clinical research. There is ample evidence that American physicians are opting out of careers in science for a variety of reasons. Steps must be taken to rebuild our nation's supply of well-trained physician scientists if the United States is to continue its leadership of the world in medical science.

Finally, the bill would direct the NIH to improve the peer review of patient-oriented research. Studies have documented the fact that clinical research proposals are at a disadvantage when reviewed by NIH study sections because of NIH's primary focus on basic biomedical research. This must be changed, as proposed in your bill, so that scientific opportunities to improve medical care are not lost.

The undersigned organizations are extremely grateful for your leadership in addressing the problems confronting clinical research. We support your initiative to assure that the NIH invests in the translational research that holds the key for patients around the country who are waiting for a cure. We are pleased to endorse the clinical Research Enhancement Act.

Alzheimer's Association
American Autoimmune Related Diseases Association
American Diabetes Association
American Kidney Fund
American Paralysis Association
Digestive Diseases National Coalition
Epilepsy Foundation of America
Foundation Fighting Blindness
Juvenile Diabetes Foundation International
Glaucoma Research Foundation
Myasthenia Gravis Foundation
National Alopecia Areata Foundation
National Multiple Sclerosis Society
National Osteoporosis Foundation
National Tuberous Sclerosis Association
Paget Foundation
Sjogren's Syndrome Foundation
Tourette Syndrome Association.

By Mr. McCAIN (for himself, Mr. BURNS, Mr. CONRAD, and Mr. DORGAN):

S. 1422. A bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE FEDERAL COMMUNICATIONS COMMISSION SATELLITE CARRIER OVERSIGHT ACT

Mr. McCAIN. Madam President, today I am introducing the Federal Communications Commission Satellite Carrier Oversight Act. This bill will do a number of things to promote competition in the multichannel video marketplace. I wish to thank Senator BURNS for his support on this bill.

Congress has had a longstanding interest in promoting competition in the multichannel video marketplace so as to enable consumers to have a choice of video providers at competitive rates. However, a recent regulatory action threatens the ability of direct-to-home [DTH] satellite television operators to compete effectively with cable operators.

On October 27, 1997, the Librarian of Congress adopted a Copyright Arbitration Royalty Panel's recommendation of a precipitous and wholly unjustified increase in the copyright fees satellite carriers pay for superstation and network affiliate signals delivered to satellite TV households. This action will result in a rate increase for satellite television subscribers and have a detrimental effect on the ability of DTH operators to compete with cable.

This bill will ensure that this rate increase does not take effect as scheduled on January 1, 1998. It delays the effective date of the rate increase to January 1, 1999. The 7.5 million U.S. households who currently subscribe to satellite television deserve to have Congress examine the effect of this copyright fee increase on video competition and to consider changes to the law that would ensure a less arbitrary and more consumer friendly result. This delay will give the FCC an opportunity to determine what impact the increased copyright fees will have on satellite's ability to compete with cable, and it will give Congress an opportunity to evaluate the FCC's report and respond accordingly.

The current satellite copyright rates are 14 cents per subscriber per month for each superstation signal and 6 cents per subscriber per month for each network signal. Cable operators currently pay an average of 9.7 cents for the exact same superstations and 2.7 cents for the exact same network signals. At the 27-cent rate adopted by the Librarian, satellite carriers will be paying almost 270 percent more than cable for the exact same superstations and 900 percent more for the exact same network signals.

This creates an enormous disparity in the copyright fees paid for the same signals and will result in rate increases to satellite subscribers, which in turn will have a negative impact on competition between cable and satellite. Such a result is directly contrary to the intent of Congress to give consumers a choice of video providers at competitive rates.

The bill also addresses an issue of continuing concern to the DTH industry. Signal theft represents a serious threat to DTH operators. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of DTH satellite services. The amendment we propose would confirm the judicial interpretation that civil suits may be brought by DTH operators for signal theft.

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. 1422

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 "Federal Communications Commission Satellite Carrier Oversight Act".

SEC. 2. FINDINGS.

(a) The Congress finds that:

(1) Signal theft represents a serious threat to direct-to-home satellite television. In the Telecommunications Act of 1996, Congress confirmed the applicability of penalties for unauthorized decryption of direct-to-home satellite services. Nevertheless, concerns remain about civil liability for such unauthorized decryption.

(2) In view of the desire to establish competition to the cable television industry, Congress authorized consumers to utilize direct-to-home satellite systems for viewing video programming through the Cable Communications Policy Act of 1984.

(3) Congress found in the Cable Television Consumer Protection and Competition Act of 1992 that without the presence of another multichannel video programming distributor, a cable television operator faces no local competition and that the result is undue market power for the cable operator as compared to that of consumers and other video programmers.

(4) The Federal Communications Commission, under the Cable Television Consumer Protection and Competition Act of 1992, has the responsibility for reporting annually to the Congress on the state of competition in

the market for delivery of multichannel video programming.

(5) In the Cable Television Consumer Protection and Competition Act of 1992, Congress stated its policy of promoting the availability to the public of a diversity of views and information through cable television and other video distribution media.

(6) Direct-to-home satellite television service is the fastest growing multichannel video programming service with approximately 8 million households subscribing to video programming delivered by satellite carriers.

(7) Direct-to-home satellite television service is the service that most likely can provide effective competition to cable television service.

(8) Through the compulsory copyright license created by Section 119 of the Satellite Home Viewer Act of 1988, satellite carriers have paid a royalty fee per subscriber, per month to retransmit network and superstation signals by satellite to subscribers for private home viewing.

(9) Congress set the 1988 fees to equal the average fees paid by cable television operators for the same superstation and network signals.

(10) Effective May 1, 1992, the royalty fees payable by satellite carriers were increased through compulsory arbitration to $0.06 per subscriber per month for retransmission of network signals and $0.175 per subscriber per month for retransmission of superstation signals, unless all of the programming contained in the superstation signal is free from syndicated exclusivity protection under the rules of the Federal Communications Commission, in which case the fee was decreased to $0.14 per subscriber per month. These fees were 40–70 percent higher than the royalty fees paid by cable television operators to retransmit the same signals.

(11) On October 27, 1997, the Librarian of Congress adopted the recommendation of the Copyright Arbitration Royalty Panel and approved raising the royalty fees of satellite carriers to $0.27 per subscriber per month for both superstation and network signals, effective January 1, 1998.

(12) The fees adopted by the Librarian are 270 percent higher for superstations and 900 percent higher for network signals than the royalty fees paid by cable television operators for the exact same signals.

(13) To be an effective competitor to cable, direct-to-home satellite television must have access to the same programming carried by its competitors and at comparable rates. In addition, consumers living in areas where over-the-air network signals are not available rely upon satellite carriers for access to important news and entertainment.

(14) The Copyright Arbitration Royalty Panel did not adequately consider the adverse competitive effect of the differential in satellite and cable royalty fees on promoting competition among multichannel video programming providers and the importance of evaluating the fees satellite carriers pay in the context of the competitive nature of the multichannel video programming marketplace.

(15) If the recommendation of the Copyright Arbitration Royalty Panel is allowed to stand, the direct-to-home satellite industry, whose total subscriber base is equivalent in size to approximately 11 percent of all cable households, will be paying royalties that equal half the size of the cable royalty pool, thus giving satellite subscribers a disproportionate burden for paying copyright royalties when compared to cable television subscribers.

SEC. 3. DBS SIGNAL SECURITY.

(a) Section 605(d) of the Communications Act of 1934 (47 U.S.C. 605) is amended by adding after "satellite cable programming," the following: "or direct-to-home satellite services,".

SEC. 4. PROCEEDING ON RETRANSMISSION OF DISTANT BROADCAST SIGNALS; REPORT ON EFFECT OF INCREASED ROYALTY FEES FOR SATELLITE CARRIERS ON COMPETITION IN THE MARKET FOR DELIVERY OF MULTICHANNEL VIDEO PROGRAMMING.

(a) Section 628 of the Communications Act of 1934 (47 U.S.C. 548) is amended—

(1) by adding at the end of subsection (g): "The Commission shall, within 180 days of enactment of this amendment initiate a notice of inquiry to determine the best way in which to facilitate the retransmission of distant broadcast signals such that it is more consistent with the 1992 Cable Act's goal of promoting competition in the market for delivery of multichannel video programming and the public interest. The Commission also shall within 180 days of enactment report to Congress on the effect of the increase in royalty fees paid by satellite carriers pursuant to the decision by the Librarian of Congress on competition in the market for delivery of multichannel video programming and the ability of the direct-to-home satellite industry to compete."

SEC. 5. EFFECTIVE DATE OF INCREASED ROYALTY FEES.

(a) Notwithstanding any other provision of law, the Copyright Office shall be prohibited from implementing, enforcing, collecting or awarding copyright royalty fees, and no obligation or liability for copyright royalty fees shall accrue pursuant to the decision of the Librarian of Congress on October 27, 1997, which established a royalty fee of $0.27 per subscriber per month for the retransmission of distant broadcast signals by satellite carriers, before January 1, 1999.

By Mr. HAGEL (for himself, Mr. BENNETT, Mr. KERREY, and Mr. GRAMS):

S. 1423. A bill to modernize and improve the Federal Home Loan Bank System; to the Committee on Banking, Housing, and Urban Affairs.

THE FEDERAL HOME LOAN BANK SYSTEM MODERNIZATION ACT

Mr. HAGEL. Mr. President, I rise today to introduce the Federal Home Loan Bank System Modernization Act of 1997. I am joined in this effort by my distinguished colleagues Senators BENNETT, GRAMS, and KERREY.

This legislation represents months of work in crafting a bill that has bipartisan support. The process has been open, and we have included all the affected parties: The Federal Home Loan Banks themselves, the Federal Housing Finance Board, and the banking industry. This process has allowed us to craft legislation that represents, above all, sound banking policy.

This bill will help community banks and the consumers who rely on them. Take, for example, the case of Commercial State Bank in Wausa, NE. Commercial has served northeast Nebraska as an agricultural and business lender for more than 70 years.

Now, with a growing economy in the region, the bank is growing as well. In the small community of 600 people, deposits cannot keep pace with the growing demand for loans—and that means the bank's liquidity is declining. With less liquidity, there just isn't as much money available for lending as the community demands.

This bill would help banks like Commercial and communities like Wausa. As Doug Johnson, president of Commercial State Bank, wrote to me about this legislation:

> If banks like the Commercial State Bank were able to access the Federal Home Loan Bank, our customers would be better able to be serviced with a consistent and competitive source of funding. Denying credit to qualified borrowers is not productive for Nebraska or the Midwest. Unfortunately, those borrowers may miss the opportunities available to them at this time to improve their economic prosperity.

Mr. President, that is what this bill is all about—helping small communities to better secure their economic futures.

The Federal Home Loan Bank system was established in 1932, primarily to provide a source of credit to savings and loan institutions for home lending. Now, a majority of the members in the FHLB system are commercial banks. We should update this system to recognize this change in its membership.

Not since 1989 has significant Federal Home Loan Bank legislation become law. The system is working well, but I believe Congress can make it better. It's time for Congress to act.

This legislation has four main components:

First, it recognizes the importance of the FHLB system to community banks. Many smaller institutions are dependent on deposits to fund lending in their local communities. Because of competition from nonbank competitors, those deposits are shrinking. That is going to mean less community lending—which will hurt the economies of these small communities. A recent article in American Banker newspaper titled "Small Banks Face Crisis as Deposits Drain Away" highlighted this problem, and I ask that this article be printed in the RECORD at the conclusion of my remarks.

Our legislation would ease membership requirements for smaller community banks and thrifts that are vital sources of credit in their local communities. It would allow the FHLB System to be more easily accessed as an important source of liquidity for community lenders. These institutions would be permitted to post different types of collateral for various kinds of lending. This critical change will facilitate more small business, rural development, agricultural, and low-income community development lending in rural and urban communities.

The second main component of this bill is an issue of basic fairness. Federally chartered savings associations, or thrifts as they are called today, are required to be members of the Federal

Home Loan Bank System. Commercial banks, on the other hand, are voluntary members. This disparity is unfair.

Our legislation allows federally chartered thrifts to become voluntary members. This is important to these institutions, which are large stockholders in the Federal Home Loan Bank System. It is critical that all member financial institutions have the ability to choose whether Federal Home Loan Bank membership is appropriate or not. As a result of this action, we also equalize stock purchase requirements for all member institutions. We do this in a way that maintains and enhances the safety and soundness of the FHLB system.

The third component of this legislation fixes an imbalance in the system's annual REFCORP obligation. Currently, the 12 FHLBanks must collectively pay a fixed $300 million obligation to service the REFCORP bonds that were issued to help pay for the S&L bailout. This fixed obligation has driven the banks to increase their levels of non-mission-related investments.

Under our legislation each FHLBank would be required to pay 20.75 percent of its earnings to service the REFCORP debt. Freeing the FHLBanks of the obligation to generate a specific dollar figure would allow them to concentrate on their primary mission of housing finance and community lending. This change was scored by the Congressional Budget Office as increasing Federal revenues by $44 million over the next 5 years. In other words, this change would allow a $44 million reduction in taxpayer obligations.

Fourth and finally, the legislation addresses the issue of devolution of management functions from the Finance Board to the FHLBanks. On issues of day-to-day management, the FHLBanks should be able to govern themselves independently of their regulator. The function of the Finance Board should be mission regulation and safety-and-soundness regulation. The provisions of the legislation that accomplish this goal are noncontroversial and enjoy broad support.

Mr. President, it is time to modernize the Federal Home Loan Bank System. The landscape of the financial services industry is rapidly evolving. The Federal Home Loan Banks should be allowed to modernize to keep pace with these changes. I am proud to take up this issue in the Senate and build on the work done in the House of Representatives by Congressmen BAKER and KANJORSKI, both tireless proponents for Federal Home Loan Bank modernization. Their help in the formulation of this legislation was critical.

I sincerely hope the Senate Banking Committee and the full Senate will have the chance to consider this important legislation, and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

[From American Banker, Oct. 14, 1997]

SMALL BANKS FACE CRISIS AS DEPOSITS DRAIN AWAY

(By Laura Pavlenko Lutton)

Community banks are finding it increasingly tough to meet deposit and withdrawal demands as customers shift their deposits into higher-yielding investments like mutual funds. "I think it could become a crisis," said C. William Landefeld, president of Citizens Savings Bank in Bloomington, Ill., and chairman of America's Community Bankers. "It's one of our biggest concerns."

Over the last three years, loans at banks with assets between $100 million and $1 billion have grown nearly 11% while deposits only increased 3.27%, according to the Federal Deposit Insurance Corp. At June 30, loans at these banks averaged 74% of deposits—an all-time high. "We're clearly seeing some community banks struggle with liquidity," said Keith Leggett, an economist at the American Bankers Association. Loan-to-deposit ratios above 70% force these institutions to seek alternative sources of funds to meet loan demand—a move that can squeeze profit margins.

"Banks may give up liquidity to meet loan demand and that raises a safety question," he added. While deposits are leaving banks of all sizes, the problem is worst at small banks because they have fewer funding sources. "The big banks can issue debt securities, but we can't really do that," said Arthur C. Johnson, president of United Bank of Michigan, a $165 million-asset bank in Grand Rapids.

"Smaller banks don't have the same access to the capital markets." Many of these banks also are in towns with dwindling populations or slumping economies. Dennis Utter, president of $45 million-asset Adams County Bank, said it's difficult to keep deposits in the bank's hometown of Kenesaw, Neb. Baby boomers have moved much of their savings to alternative investments, and younger depositors are even tougher to attract, he said. "When an old, loyal customer passes away, those funds don't stay in Adams County Bank," he said. "The heirs don't live here anymore."

To increase liquidity, community bankers are turning to the Federal Home Loan Bank System, seeking out deposit brokers, nudging up interest rates, or selling off assets. The 12 Federal Home Loan banks, which lend money to member institutions, are a popular source of funds for community banks nationwide. Membership in the system has doubled in the last six years to roughly 6,300, and through August total loans were up 10.3%, to 177.8 billion.

Mr. Johnson said United Bank of Michigan has borrowed $5 million from the Federal Home Loan Bank of Indianapolis to fund loan growth. But the Federal Home Loan Bank System is not the answer for all community banks. Membership is limited to banks and thrifts with mortgages making up at least 10% of their total loan portfolios. What's more, only mortgage loans may be used as collateral, further limiting what some institutions may borrow.

William L. McQuillan, president of City National Bank in Greely, Neb., said his bank went out and bought enough mortgages to meet the 10% test so it could start borrowing. "We couldn't continue to go out in the local market and pay up for deposits," he said. The membership and collateral requirements soon may be relaxed through rule change and pending legislation.

For example, banks may be able to reclassify some agricultural loans as mortgages under a proposed rule, and pending legislation would waive the 10% mortgage rule for banks with assets under $500 million—making 800 more banks eligible for membership. In the meantime, banks may buy deposits from brokers. Mr. Utter said he buys about $5 million of deposits to get Adams County Bank through the peak agricultural lending season of April through October.

"Brokered deposits used to be really frowned upon by regulators, but we're not funding long-term investments" he said. Bank also sell older loans in their portfolio, branches, or other investments to boost liquidity.

Gary Scott, president of Cheatam State Bank in Kingston Springs, Tenn., said his bank occasionally bundles 15- to 20-year mortgages and then sells them to raise cash. Citizens Savings Bank recently sold one of its under-performing branches to bring in new funds. The bank sacrificed the branch's $7 million of deposits, but Citizens was able to use cash from the sale to pay off some Federal Home Loan bank advances, Mr. Landefeld said.

First Dakota National Bank in Yankton, S.D., has sold off municipal bond securities in recent years to increase its loan capacity, according to its president, James Ahrendt. Lew Stone, president of Goleta (Calif.) National Bank, said his bank is using the Internet to solve liquidity problems. Goleta sells certificates of deposit through an electronic bulletin board, raising and lowering the rates depending on how much money the bank needs. "We could raise $10 million overnight if we had to," Mr. Stone said.

Industry experts say they expect the current trend of declining deposit growth and increasing loan demand to continue. "I don't see any real relief for community banks," said Charles N. Cranmer, head of equity research at M.A. Schapiro & Co. in New York. "You've got a banking population that's been educated that they can do better things with their money than put it in a bank."

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. STEVENS, and Mr. INOUYE):

S. 1424. A bill to amend the Internal Revenue Code of 1986 to modify the air transportation tax changes made by the Taxpayer Relief Act of 1997; to the Committee on Finance.

AVIATION TAXES MODIFICATION LEGISLATION

Mr. MURKOWSKI. Mr. President, today, along with Senators AKAKA, STEVENS, and INOUYE, I am introducing legislation that will provide a measure of relief to the citizens of Alaska and Hawaii who must rely on air transport far more than citizens in the lower 48.

When Congress adopted the balanced budget legislation last summer, one of the provisions of the tax bill rewrote the formula for calculating the air passenger tax for domestic and international flights. As part of this formula change, Congress adopted a per passenger, per segment fee which disproportionately penalizes travelers to and from Alaska and Hawaii who have no choice but to travel by air.

Th legislation we are introducing today would reinstate the prior law 10-percent tax formula for flights to and from our States. In addition, the $6 international departure fees that are imposed on such flights would be retained at the current level and would not be indexed. I see no reason why passengers flying to and from our States must face a guaranteed increase in tax every year because of inflation. We don't index tobacco taxes, we don't index fuel taxes; why should government automatically gain additional revenue from air passengers simply because of inflation?

Mr. President, this legislation requires that intrastate Alaska and Hawaii flights will be subject to a flat 10-percent tax if such flights do not originate or terminate at a rural airport in our States. In addition, the definition of a rural airport is expanded to include airports within 75 miles of each other where no roads connect the communities. In many towns in Alaska, air transport is the only viable means of transportation from one community to another. There is no reason these airports should be denied the benefit of the special rural airport tax rate simply because our State does not have the transportation infrastructure or geographic definition that exists in most of the lower-48.

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. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO AIR TRANSPORTATION TAX CHANGES MADE BY TAXPAYER RELIEF ACT OF 1997.

(a) ELIMINATION OF INFLATION ADJUSTMENT FOR TAX ON CERTAIN USE OF INTERNATIONAL TRAVEL FACILITIES.—Section 4261(e)(4) of the Internal Revenue Code of 1986 (relating to inflation adjustment of dollar rates of tax) is amended—

(1) in subparagraph (A), by striking "each dollar amount contained in subsection (c)" and inserting "the $12.00 amount contained in subsection (c)(1)", and

(2) in subparagraph (B)(ii), by striking "the dollar amounts contained in subsection (c)" and inserting "the $12.00 amount contained in subsection (c)(1)".

(b) MODIFICATION OF RURAL AIRPORT DEFINITION.—Subclause (I) of section 4261(e)(1)(B) of the Internal Revenue Code of 1986 (defining rural airport) is amended by inserting "(or is so located but is not connected to such other airport by paved roads)" after "clause (i)".

(c) IMPOSITION OF TICKET TAX ON SEGMENTS TO AND FROM ALASKA OR HAWAII OR WITHIN ALASKA OR HAWAII AT RATE IN EFFECT BEFORE THE TAXPAYER RELIEF ACT OF 1997.—Section 4261(e) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following:

"(6) SEGMENTS TO AND FROM ALASKA OR HAWAII OR WITHIN ALASKA OR HAWAII.—Except with respect to any domestic segment described in paragraph (1), in the case of transportation involving 1 or more domestic segments at least 1 of which begins or ends in Alaska or Hawaii or in the case of a domestic segment beginning and ending in Alaska or Hawaii—

"(A) subsection (a) shall be applied by substituting "10 percent" for the otherwise applicable percentage, and

"(B) the tax imposed by subsection (b)(1) shall not apply.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 1031 of the Taxpayer Relief Act of 1997.

Mr. INOUYE. Mr. President, I am pleased to lend my support to Senator MURKOWSKI's bill that would amend Public Law 105–34, the Taxpayer Relief Act of 1997, with respect to domestic aviation travel to, from, and within Hawaii and Alaska. Hawaii, unlike any other State, save Alaska, does not have the transportation alternatives that are available to citizens of other States. Roads, bridges, trains, and buses do not operate between the islands of Hawaii. This geographic difference causes any tax imposed on the cost of flying, our citizens' only means of getting from one island to another, to fall disproportionately on our citizens.

This bill would correct any injustice that the citizens of Hawaii and Alaska were, perhaps inadvertently, subjected to as a result of last summer's passage of increased excise taxes on air transportation. Specifically, the Taxpayer Relief Act of 1997's provision for the collection of an additional segment tax for each segment of air travel among the Hawaiian Islands disproportionately penalized Hawaii citizens.

In addition, the current law definition of "rural airports" is under inclusive. Under the current law, Hawaii citizens traveling to and from an airport located within 75 miles of a high-traffic airport that is inaccessible to them because there are no paved roads connecting the two airports, are nonetheless ineligible for the reduced 7.5 percent tax. By amending the definition of "rural airports," this bill will afford Hawaii citizens the same tax benefits as similarly situated citizens of other States.

Therefore, I support the reinstatement of the pre-act formula for computing taxes on domestic segments that begin or end in Alaska and Hawaii, which would correct the inequitable tax treatment of Hawaii passengers under the current law.

It is my hope that my colleagues will support this measure during the second session of the 105th Congress.

Mr. AKAKA. I am pleased to join Senator MURKOWSKI and other colleagues in introducing legislation today that addresses certain aviation tax inequities that were enacted as part of Public Law 105–34, the Taxpayer Relief Act of 1997.

Among other aviation provisions, Public Law 105–34 lowered the passenger ticket tax from 10 percent to 9 percent, falling incrementally to 7.5 percent over 3 years. In addition, the law established a new domestic segment fee of $1, rising incrementally to $3 over 5 years, which will ultimately be indexed for inflation. However, flights from certain small, rural airports are taxed at a simple 7.5 percent rate and exempted from the segment fee. Finally, while the existing $6 international departure tax for flights between Hawaii and other states is maintained, the charge is indexed for inflation beginning in 1999.

Mr. President, these taxes unfairly discriminate against Hawaii travellers. Residents of and visitors to Hawaii are entirely dependent on plane service for communication among the State's eight major islands as well as for travel to and from the distant U.S. mainland. The new aviation charges make personal, commercial, and Government travel within Hawaii more costly and hurts our tourism-based economy by inhibiting visitation from other States. I understand that many of these problems also apply to Alaska, which has similar transportation concerns.

The bill we are introducing today addresses these shortcomings. Our legislation would reinstate the prior 10 percent ticket tax and eliminate the new segment fee on flights between our States and the mainland as well as on intrastate flights in Hawaii and Alaska. The measure would also eliminate the inflation adjustment for the $6 international departure tax to which flights to and from our States are subject. Finally, the bill would redefine the rural airport exemption in such a way that will qualify many passengers travelling within Hawaii and Alaska for the reduced 7.5 percent rate.

Thank you, Mr. President. For the sake of Hawaii's and Alaska's unique air transportation needs, I urge my colleagues to support this initiative.

By Mr. BURNS:

S. 1425. A bill to provide for the preservation and sustainability of the family farm through the transfer of responsibility for operation and maintenance of the Flathead Indian Irrigation Project, Montana; to the Committee on Indian Affairs.

THE FLATHEAD IRRIGATION PROJECT TRANSFER ACT OF 1997

Mr. BURNS. Madam President, I rise today to introduce a bill to transfer the operation of an irrigation project in Montana from the Bureau of Indian Affairs to the local irrigators. This is a bill, which has been before Congress before, but has been changed to address the concerns expressed by the BIA and groups which have opposed this legislation in the past.

Years of management by the Bureau of Indian Affairs has led to a project in poor physical condition. Rather than being an asset for the government and

the users, the Flathead Irrigation is rapidly becoming a liability. Using current estimates, the project is in need of $15 to $20 million worth of repair and conditioning. Government managers admit that costs associated with rehabilation of this project could be as much as 40 percent higher than if the project were under local control.

The irony of this project however, is the fact that studies on locally owned irrigation projects in Montana and Wyoming show that the costs of operation and maintenance of the Flathead project are some of the highest in the Rocky Mountain Region the condition of the project may be worst in that same region. What do these people, and for that matter the taxpayer, get for the higher costs associated with the current management? Not much if anything at all.

Let's take a moment here to see what local control of this irrigation project would mean to the irrigators and to the taxpayer. First of all, local control will mean increased accountability of the monies collected by and used in the operation of the Flathead Irrigation Project. At the current time the BIA is unable, or unwilling, to provide basic financial information to the local irrigation districts. This despite the fact that the local farmers and ranchers pay 100% of the costs to operate and maintain the project. At the same time, the current management cannot even deliver a year-end balance of funds paid by the local irrigation users.

Local control will also create savings over the current operation management. By using these savings the local management could be used to restore the Flathead Irrigation Project to a fully functioning, efficiently operating unit.

Without the transfer to local control, the residents of the flathead face an uncertain future. This irrigation project is located in one of the most beautiful valleys in western Montana. Current trends in agriculture have put farmers and ranchers in a difficult position. Montana farmers and ranchers have always been land rich and cash poor. In the case of this valley in Montana, this is the rule and not the exception. They live in an area that is being changed daily due to the number of summer home construction, because of the beauty and a temperate climate for Montana.

The family farmers and ranchers in this area continue to face economic pressures from outside, which has led to a number of folks packing up and subdividing their land for residential homesites. Those who have packed up and left the area, have taken their land and subdivided it for the residential development, removing the land from agricultural production.

The subdivision of the land has a number of negative impacts on this valley and Montana and the Nation. The landscape is dotted with magnificent homes which impacts on the landscape and open spaces, and of course wildlife. Another of the major impacts sin on the local and State economies and governments. Agriculture land in Montana pays approximately $1.29 in property taxes for every dollar invested by the local government for services. Residential subdivisions only pay approximately $0.89 for every dollar they receive in local government services.

Preservation of the small family farm and ranch in the Mission, Jocko and Camas Valleys in Montana is dependent upon local control. As local control of the Flathead Irrigation Project will provide these hard working Americans an opportunity to control and have input on the costs associated with the operation of this vital water source.

The local control of this project is supported by a wide cross section of Montanan's. Governor Marc Racicot, the Lake County commissioners and local irrigation districts are among the local government officials in support of this bill. Organizations which have voiced their support for the measure include the Montana Stockgrowers Association, Montana Water Resources Association and the National Water Resources Association. The support of this measure is bipartisan in nature as well.

Madam President, I am pleased to introduce this measure today, and I look forward to moving this bill forward through committee and to the floor in an attempt to give local control back to the people who depend on the Flathead Irrigation Project for their way of living.

By Mr. LAUTENBERG:

S. 1426. A bill to encourage beneficiary developing countries to provide adequate protection of intellectual property rights, and for other purposes; to the Committee on Finance.

THE RIGHTS OF INTELLECTUAL PROPERTY OWNERS FAIRNESS FACILITATION ACT OF 1997

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation I believe will encourage many of our trading partners to improve their protection of American intellectual property rights. This is not an insignificant matter, Mr. President. It is estimated that American companies lose approximately $50 billion every year from intellectual property violations. This theft not only affects a company's bottom line, it means losses to America's competitiveness, and, most importantly, it means loss of American jobs.

The "Rights of Intellectual Property Owners Fairness Facilitation Act of 1997," or RIP-OFF, will require participants in the Generalized System of Preferences Program to expedite their implementation of the intellectual property agreement contained in the Uruguay Round of the General Agreement on Tariffs and Trade. In addition, to continue as a GSP beneficiary, a country must fully comply with the terms of any bilateral or other multilateral intellectual property agreement it has with the United States.

Mr. President, the Agreement on the Trade-Related Aspects of Intellectual Property Rights, known as TRIPS, requires signatories to improve and better enforce the rights of intellectual property holders. Unfortunately, too many countries are able to delay implementation of TRIPS for an inordinately long period of time. Developing countries have until 2000 and least developed countries are permitted to delay some TRIPS requirements for as long as 2006. The United States simply cannot afford to permit piracy to continue unabated for such a lengthy period.

The GSP program enables certain products from developing countries to be exported to the United States duty-free. Through the years, Congress has conditioned the receipt of these tariff preferences on such factors as whether a country enforces arbitral awards in favor of U.S. citizens, whether it affords internationally recognized worker rights to its workers, and whether it harbors terrorists. Although GSP beneficiaries are supposed to provide "adequate and effective" intellectual property protection, it is an amorphous standard that has only been used a handful of times against countries, and then, only for a limited period of time, and with limited success. By tying the GSP program to expedited implementation of TRIPS and full compliance with agreements they have negotiated with the United States, countries will know what they must do and by when to continue receiving GSP benefits. It also demonstrates our commitment to protecting American intellectual property rights overseas.

My legislation conforms to current law, which provides the President with the discretion, via a waiver, to continue or extend GSP benefits to a country that does not comply with the requirements of this bill by allowing a waiver. The President has every right to determine that designating a country as a GSP beneficiary is in the national economic interest of the United States. I thought it was important to maintain the existing flexibility in this program. My bill will also enable our government to provide support and technical assistance to countries having difficulty meeting their intellectual property protection requirements.

The GSP program provides countries with a benefit, not a right. Congress continues to downsize the Federal Government. Resources are scarce. In this climate, it is inappropriate to provide GSP benefits to countries that do not uphold our intellectual property rights.

Industries reliant upon strong intellectual property protection, pharmaceutical, telecommunications, and motion picture companies, for example, are among this country's most competitive. We should be fostering this competitiveness by using appropriate tools to protect our innovators. Mr. President, this legislation will accomplish this goal.

This legislation is very similar to a bill I introduced several years ago with Senator ROTH. The modifications I have made account for the time countries have already had to commence changes to their intellectual property laws and regulations. Additionally, the bill clarifies that the standards provided in TRIPS should be the floor for intellectual property agreements, and that our government should continue seeking stronger protection for American intellectual property owners.

Mr. President, I urge my colleagues to support this legislation and ask unanimous consent that the text of the bill be inserted into the RECORD along with letters of support.

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

S. 1426

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 "Rights of Intellectual Property Owners Fairness Facilitation Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) United States industry loses billions of dollars each year to countries that do not provide adequate protection of intellectual property rights.

(2) According to the Department of Commerce, United States companies lose approximately $50,000,000,000 annually as a result of violations of intellectual property rights by foreign countries.

(3) It is in the interest of the United States to leverage its foreign policy to achieve certain trade policy objectives, such as adequate, effective, and timely protection of intellectual property rights.

(4) Several countries that qualify under the generalized system of preferences provisions have been identified under section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as countries that do not provide adequate and effective protection of patents, copyrights, and trademarks or deny fair and equitable market access to United States persons that rely on intellectual property rights protection.

(5) Several countries that receive United States foreign assistance also have been identified under section 182 of the Trade Act of 1974 as countries that do not provide adequate and effective protection of patents, copyrights, and trademarks or deny fair and equitable market access to United States persons that rely on intellectual property rights protection.

SEC. 3. COUNTRIES INELIGIBLE FOR GSP TREATMENT.

(a) IN GENERAL.—

(1) IMPLEMENTATION OF AGREEMENT ON TRIPS AND OTHER AGREEMENTS RELATING TO INTELLECTUAL PROPERTY RIGHTS.—Section 502(b)(2) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)) is amended—

(A) by inserting immediately after subparagraph (G) the following new subparagraphs:

"(H) Such country is not implementing parts I, II, and III of the Agreement on TRIPS—

"(i) beginning on the date that is 1 year after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997; or

"(ii) by January 1, 2000, in the case of a least-developed beneficiary developing country.

"(I) Beginning on the date that is 90 days after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997, such country is not implementing—

"(i) article 70(9) of part VII of the Agreement on TRIPS; or

"(ii) any bilateral or multilateral agreement (other than an agreement described in subparagraph (H) or clause (i)) to protect and enforce intellectual property rights entered into with the United States.".

(B) in the last sentence, by striking "(D), (E), (F), and (G)" and inserting "(D), (E), (F), (G), (H), and (I)".

(2) CONFORMING AMENDMENT.—Section 507 of such Act (19 U.S.C. 2467) is amended by adding at the end the following new paragraph:

"(6) AGREEMENT ON TRIPS.—

"(A) TRIPS.—The term 'Agreement on TRIPS' means the Agreement on Trade-Related Aspects of Intellectual Property Rights entered into as part of the Uruguay Round Agreements.

"(B) URUGUAY ROUND AGREEMENTS.—The term 'Uruguay Round Agreements' means the trade agreements resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade.".

(b) DESIGNATION AS ELIGIBLE GSP COUNTRY.—Section 502 of such Act (19 U.S.C. 2462) is amended by adding at the end the following new subsection:

"(g) DESIGNATION WHERE COUNTRY ADHERES TO THE AGREEMENT ON TRIPS AND OTHER INTELLECTUAL PROPERTY RIGHTS AGREEMENTS; ANNUAL REPORTS.—

"(1) DESIGNATION AS BENEFICIARY DEVELOPING COUNTRY.—A country—

"(A) which has been denied designation as a beneficiary developing country on the basis of subsection (b)(2)(H) or (I), or

"(B) with respect to which such designation has been withdrawn or suspended based on subsection (b)(2) (H) or (I),

may be designated as a beneficiary developing country under this title, if the President determines that the country is fully implementing parts I, II, III and article 70(9) of part VII of the Agreement on TRIPS, and any other agreement entered into with the United States that relates to intellectual property rights, and reports the determination to Congress.

"(2) REPORTS.—

"(A) ANNUAL REPORTS.—Not later than the date that is 1 year after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997, and annually thereafter, the President shall determine whether each country designated as a beneficiary developing country under this title is fully implementing parts I, II, and III of the Agreement on TRIPS and shall report such findings to Congress.

"(B) OTHER REPORTS.—Not later than 90 days after the date of enactment of the Rights of Intellectual Property Owners Fairness Facilitation Act of 1997, and annually thereafter, the President shall determine whether each country designated as a beneficiary developing country under this title is fully implementing article 70(9) of part VII of the Agreement on TRIPS and any other agreement entered into with the United States that relates to intellectual property rights and shall report such determination to Congress.".

SEC. 4. COORDINATION OF TRADE POLICY AND FOREIGN POLICY.

(a) OTHER EFFORTS TO IMPROVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.—The United States Trade Representative shall notify the Secretary of State, the Secretary of Commerce, and the Administrator of the Agency for International Development on a regular basis of any country which is not fully implementing parts I, II, III and article 70(9) of part VII of the Agreement on TRIPS, and any other agreement entered into with the United States that relates to intellectual property rights.

(b) ENCOURAGING IMPLEMENTATION OF AGREEMENT ON TRIPS.—The Secretary of State, the Secretary of Commerce, and the Administrator of the Agency for International Development shall cooperate with the United States Trade Representative by encouraging any country that receives foreign assistance and is not fully implementing the Agreement on TRIPS or any other agreement entered into with the United States that relates to intellectual property rights to enact and enforce laws that will enable the country to implement the Agreement on TRIPS and any other intellectual property rights agreement. To further this objective, the Secretary of State shall instruct the head of each United States diplomatic mission abroad to include intellectual property rights protection as a priority objective of the mission.

(c) OTHER ACTIONS TO ENCOURAGE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.—Notwithstanding any other provision of law, the President is authorized to undertake the following actions, where appropriate, with respect to a developing country to encourage and help the country improve the protection of intellectual property rights:

(1) Provide Overseas Private Investment Corporation insurance for intellectual property assets.

(2) Require foreign assistance programs to provide support for the development of national intellectual property laws and regulations and for the development of the infrastructure necessary to protect intellectual property rights.

(3) Establish technical cooperation committees on intellectual property standards within regional organizations.

(4) Establish, as a joint effort between the United States Government and the private sector, a council to facilitate and provide intellectual property-related technical assistance through the Agency for International Development and the Department of Commerce.

(5) Require United States representatives to multilateral lending institutions to seek the establishment of programs within the institutions to support strong intellectual property rights protection in recipient countries that have fully implemented parts I, II, III and article 70(9) of part VII of the Agreement on TRIPS, and any other agreement entered into with the United States that relates to intellectual property rights.

(d) DEFINITIONS.—In this section:

(1) AGREEMENT ON TRIPS.—The term "Agreement on TRIPS" means the Agreement on Trade-Related Aspects of Intellectual Property Rights entered into as part of the trade agreements resulting from the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade.

(2) DEVELOPING COUNTRY.—The term "developing country" means any country which is—

(A) eligible to be designated a beneficiary developing country pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.); or

(B) designated as a least-developed beneficiary developing country pursuant to section 502 of such Act (19 U.S.C. 2462).

PHARMACEUTICAL RESEARCH AND MANUFACTURERS OF AMERICA,
Washington, DC, September 19, 1997.

Hon. FRANK LAUTENBERG,
United States Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express PhRMA's appreciation and support for your legislation, the "rights of Intellectual Property Owners Fairness Facilitation Act of 1997." The protection and enhancement of American intellectual property is fundamental to the competitiveness of many U.S. industries, especially the research-based pharmaceutical industry. Thanks to the support of the Congress and the Executive Branch, over the years many countries such as Mexico and Brazil have improved their intellectual property regimes, thereby improving their prospects for economic development and setting a positive example for other countries around the world.

I believe your legislation, by providing a balanced range of incentives for countries to improve their protection of intellectual property rights, will send a positive signal to our trading partners. Please do not hesitate to contact me if there is anything PHRMA can do to support the passage of your legislation.

Sincerely,

ALAN F. HOLMER,
President.

PROCTER & GAMBLE,
Washington, DC, October 28, 1997.

Hon. FRANK LAUTENBERG,
United States Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of Procter & Gamble, I write in strong support of your efforts to protect U.S. intellectual property rights through your bill, the "Rights of Intellectual Property Owners Fairness Facilitation Act of 1997."

Procter & Gamble now generates over half of its $35 billion annual sales from international markets. America's leadership to create rules-based international markets is one of our primary concerns. As we continue to build our business in developing countries, we seek a "level playing field" in the form of transparent, rules-based treatment and protection of investments, including trademarks, technologies, and ideas. Your bill, which requires that developing countries adequately protect our intellectual property rights or lose GSP benefits, represents a positive step.

We are all too familiar with what can happen overseas when U.S. intellectual property rights are not adequately protected. For instance, in the Persian Gulf countries, P&G suffers from severe counterfeit activity. In certain other nations receiving GSP preferences, we estimate that nearly 10% of our total sales is lost to counterfeit products. If GSP can be used as an incentive for countries to implement the TRIPS standards at an accelerated pace, we would avoid those losses.

You proposed similar legislation in 1994, which we and many of our trade associations such as IPO and PhRMA supported. We will encourage those organizations to again support this initiative.

Sincerely,

R. SCOTT MILLER,
Director.

By Mr. FORD:

S. 1427. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE COMMUNITY BROADCASTERS PROTECTION ACT OF 1997

Mr. FORD. Mr. President, today, I am pleased to introduce the Community Broadcasters Protection Act of 1997. This legislation is designed to provide some limited protections for the owners and operators of low-power television, or LPTV.

Mr. President, when the Federal Communications Commission created low-power television licenses in the early 1980's, it did so with a simple premise: television stations unable to reach a large area can still offer a valuable service to our communities. Low-power television stations operate at the higher ends of the broadcast spectrum and serve a more limited area, generally a coverage area of approximately 12 to 15 miles. In addition, LPTV licensees operate as a secondary status. That is, they cannot interfere with the transmission of full power television stations.

Since their creation almost 20 years ago, LPTV stations have flourished. As entrepreneurs, LPTV owners and operators have experimented with various kinds of programming. Many have been extremely successful as local, community broadcasters, providing regional news and sports coverage. In fact, LPTV stations have much in common with full power stations. Many offer a full service daily program schedule. Other LPTV stations have predominantly religious, all news, all sports, or all movie formats. Still, many other LPTV stations offer more local and niche programming because their service areas are smaller, their audiences more targeted.

Unfortunately, the transition to the digital television era threatens the viability of many LPTV stations. As their spectrum is reclaimed by the FCC for the purpose of providing the second channel for digital television, some of the LPTV stations may face darkness during the transition to digital television, or afterwards.

Let me say, Mr. President, that I have been and continue to be, a supporter of the transition to digital television. I believe the move to digital television is a prudent use of modern technology for the use of a scarce public resource, the electromagnetic spectrum. But I also believe that as we make this transition, good public policy must support the investments made by LPTV licensees. I would note, Mr. President, that a majority of Members of the Senate agreed with me on this point as a number of Members joined me on a March 6, 1997, letter to then FCC Chairman Reed Hundt in which we expressed concerns about the plans for the transition to digital television.

And while the FCC agrees that LPTV licensees have been successful and offer a valuable enterprise, there remains regulatory uncertainty for LPTV licensees in the digital age. That is why I have introduced the Community Broadcasters Protection Act of 1997. This legislation will elevate some LPTV stations from their current secondary status to a newly created Class A license. In so doing, Class A LPTV licensees would be treated under law and FCC regulations like a full power television station. That is, Class A LPTV licensees would assume the same duties and responsibilities as their full power counterparts.

To qualify for a Class A license, an LPTV station must broadcast a minimum of 18 hours per day, and broadcast an average of at least 3 hours per week of programming produced within the market area served by the LPTV station. LPTV stations must be operating under these conditions within the last 2 years before enactment of this legislation and within 6 months of filing for the license. Once an LPTV station obtains a Class A license, the FCC would be required to find spectrum for the station in the new digital television era. Like its full power counterparts, a Class A licensee could not be forced off the air by having its license terminated or rescinded. However, in those instances where the FCC cannot accommodate an LPTV licensee in one market, because of the potential for interference with full power digital transmissions, the FCC is authorized to award the LPTV Class A licensee another license in an adjacent community, or if that is not available, in another community acceptable to the licensee.

Lower power television licensees are willing and prepared to join their full power counterparts in the transition to digital television—a transition which is technically complex and potentially costly for both full power and low-power broadcasters. But as long as there remains a regulatory uncertainty about the future of LPTV, they will not be able to obtain the investments and capital to make that transition.

It is an interesting historic footnote, that at the time LPTV was authorized by the FCC, then FCC Chairman

Charles Ferris suggested that one day, LPTV could develop into full power television stations. While this legislation does not elevate LPTV to full power status, I do believe that this legislation addresses a critical issue for LPTV supporters—the development of adequate protections in the digital age for broadcasters who provide a significant benefit to the public. I hope my colleagues, who are also supporters of their community broadcasters agree with me and will lend their support to move this legislation forward towards enactment.

By Mr. GRAHAM (for himself, Mr. MACK and Mr. BUMPERS):

S. 1428. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to be awarded to Robert R. Ingram of Jacksonville, FL, for acts of valor while a Navy Hospital Corpsman in the Republic of Vietnam during the Vietnam conflict; to the Committee on Armed Services.

THE ROBERT R. INGRAM RECOGNITION ACT OF 1997

Mr. GRAHAM. Mr. President, I rise today to urge passage of a private bill that will honor a man that served this country with honor and bravery. This bill will allow Robert R. Ingram to receive the Medal of Honor for conspicuous gallantry and intrepidity at the risk to his life above and beyond the call of duty.

Robert R. Ingram served as corpsman with Company C, 1st Battalion, 7th Marines in Vietnam. On March 28, 1966, Corpsman Ingram accompanied Marine point platoon as it dispatched an outpost of a North Vietnam Aggressor battalion in Quang Ngai Province, Republic of Vietnam. They were sabotaged by the Vietnamese, and the platoon was decimated, suffering numerous casualties. Corpsman Ingram was himself injured four times during the attack while he administered first aid to other members of his platoon.

Enduring the pain from his many injuries and disregarding his own life, Corpsman Ingram's selfless actions saved many U.S. soldiers that day. By his indomitable fighting spirit, daring initiative, and unfaltering dedication to duty, Corpsman Ingram clearly earned the Medal of Honor as a result of his actions. However, the Navy failed to process an award, and Corpsman Ingram received no official commendation for his actions. The men with whom he served that fateful day, and the men whose lives he saved, all feel that a commendation is due. However, there is no evidence of an award recommendation.

Mr. President, it is time that Robert R. Ingram receives an honor that should have been bestowed upon him over 30 years ago. This bill calls for the time limitations in Section 6248 to be waived so that this action may be taken.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ROBERT R. INGRAM FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 6248 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the naval service, the President may award the Medal of Honor under section 6241 of that title to Robert R. Ingram of Jacksonville, Florida, for the acts of valor referred to in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Robert R. Ingram on March 28, 1966, as a Hospital Corpsman Third Class in the Navy serving in the Republic of Vietnam with Company C of the First Battalion, Seventh Marines, during a combat operation designated as Operation Indiana.

By Mr. ROCKEFELLER (for himself, Mr. BURNS, and Mr. DORGAN):

S. 1429. A bill to enhance rail competition and to ensure reasonable rail rates in any case in which there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

THE RAILROAD SHIPPER PROTECTION ACT OF 1997

Mr. ROCKEFELLER. Mr. President, I am pleased and proud to be joined by two of my distinguished colleagues, Senator CONRAD BURNS and Senator BYRON DORGAN, in introducing today the Railroad Shipper Protection Act of 1997. This legislation is the result of many months of effort to develop constructive and pragmatic proposals for addressing the increasingly serious problems faced by shippers in need of affordable access to railroad service in every region of the country. As a bipartisan team committed to achieving urgently needed results in the coming year, we offer this bill with the hope that it will generate the interest, input, and support needed to help shippers obtain fair treatment and true competitive access from railroads across the country. I commend both Senators BURNS and DORGAN for their leadership and constant attention to these issues, which can be complex and yet affect numerous communities, key industries, and workers nationwide.

This legislation deals with issues of longstanding concern to me. Because of the importance of the relationship between the Nation's railroads and the shippers and communities that they serve, especially in my State of West Virginia, I have made a special effort throughout my tenure in the Senate to promote a rail transportation system that is fair and economically sound for all parties. Of all of the things that have troubled me about that system over the years, none is more troubling than the plight of captive rail shippers—businesses and communities that are dependent on a single railroad for freight transportation service.

West Virginia has more than its fair share of captive shippers. Many of our coal fields, most of our chemical manufacturers, and one of our finest steel manufacturing facilities—and the largest single employer in our State—all are captive to a single railroad for shipments to domestic and foreign markets. The result is that West Virginia businesses too often suffer from unreasonable freight rates and inadequate transportation service.

Today, two events are conspiring to create additional captive rail shippers—and worsen the competitive position of existing captive rail shippers—in West Virginia and across the Nation.

First, our national freight rail system continues to concentrate into fewer and fewer major railroads. Since Congress deregulated the railroads in 1980, the number of major Class I railroads has declined from 43 to 5—and will drop to 4 if the division of Conrail is approved. For a long time the fears expressed by shippers, and by those of us in Congress who are dedicated to protecting shippers, have fallen on deaf ears. In the past several months, however, the entire Nation has witnessed the far-reaching economic impact of a merger gone awry. The 1996 merger of Union Pacific and Southern Pacific has made dramatic headlines as service is disrupted, trains pile up, shipments are lost, and ultimately facilities and jobs are put in jeopardy. The chemical industry alone has had to grapple with service disruptions costing an average of $35 to $60 million per month through the summer and into the fall.

The UP–SP service crisis has caught my attention in part because the effects are so far reaching that a number of West Virginia shippers have asked for my help, and in part because I now face a major merger in my own backyard with the proposal to divide Conrail between CSX and Norfolk Southern. The UP–SP situation is expected to improve in the coming months, following implementation of a comprehensive service recovery plan and unprecedented intervention by the Surface Transportation Board, but the UP–SP story has only reinforced my belief that concentration of the Nation's railroads is an ominous development for many shippers and for States like West Virginia. Railroad concentration is reducing transportation options and worsening the competitive position of captive shippers.

Second, the Surface Transportation Board, established in 1995 to succeed the Interstate Commerce Commission, is understaffed and underfunded, and is

not adequately promoting rail competition and protecting captive shippers. As I feared at the time it was passed, the effect of the ICC Termination Act has been to reduce our national commitment to a strong and effective regulatory body to protect rail shippers. Rather than being vigilant in protecting captive shippers from railroad abuses, the STB has instead been consumed with reviewing major railroad mergers, conducting annual revenue adequacy determinations which serve no purpose, and making matters worse for shippers by deciding in December 1996 that railroads may render captive a shipper that is otherwise positioned to enjoy competitive service by refusing to quote a rate on a bottleneck segment.

Mr. President, just as the railroad industry has become more and more concentrated, the regulatory agency charged with protecting captive railroad customers has become less and less able to do its job.

Some may wonder how the STB, which is directly charged with protecting against unreasonable rates and promoting competition, came to make such an anticompetitive and antishipper decision as that set forth in the 1996 bottleneck cases, and I think the answer illustrates well the need for Congress to correct the current imbalance between railroads and their customers.

The answer lies in the confusing instructions that were given to the STB in the ICC Termination Act, and previously in the Staggers Rail Act of 1980 and the Railroad Revitalization and Regulatory Reform Act of 1976. In these statutes Congress directed the STB and its predecessor, the ICC, to promote our national rail transportation system "by allowing rail carriers to earn adequate revenues" (49 U.S.C. 10101(3)) and by making "an adequate and continuing effort to assist those carriers in attaining revenue levels" that allow them "to attract and retain capital in amounts adequate to provide a sound transportation system in the United States" (49 U.S.C. 10704(a)(2)). Congress has further directed the STB to make an annual determination of each railroad's revenue adequacy—a determination that finds most class I railroads to be revenue inadequate, contrary to the view of Wall Street and industry observers about the financial strength of individual railroads and the industry as a whole.

As is evident in reading the Board's bottleneck decision, the perceived revenue inadequacy of the major railroads, and the belief that protecting revenue adequacy is the preeminent responsibility of the agency, formed the basis of the STB's agreement with the railroads that they should have the right to prevent rail-to-rail competition even where competition is physically possible. At this point in the evolution of the railroad industry, such an approach is not only inequitable, it is harmful to our national economy.

Today, I join with my colleagues in proposing legislation to clarify the policy of the U.S. Government with regard to railroad competition and to restore the intended balance between railroads and shippers in the laws governing their relationship and the oversight role of the STB. This bill would accomplish five major objectives: First, making clear that it is the policy of the U.S. Government to promote rail competition and protect captive shippers; second, reducing the regulatory burden on captive shippers by simplifying the market dominance test; third, overturning the bottleneck decision by requiring railroads to quote a rate on any available segment of service; fourth, eliminating the "revenue adequacy" test, which serves no practical purpose and perpetuates the erroneous view that railroads are in dire financial straits; and fifth, requiring the STB to open its process more widely in order to meet the needs of small shippers.

It is our intention to pursue this legislation in the context of the STB's reauthorization next year. I am firmly committed to ensuring that the Board is reauthorized in a timely way and is provided with the funds it needs to perform its mission as the primary oversight agency for the Nation's railroads, but I want to make clear that I will not support continuation of the status quo in the relationship between railroads and shippers.

The legislation I introduce today will begin to afford rail-to-rail competition and captive shipper protection the priority they deserve in our national transportation policy. It is an important first-step, and I look forward to working with Senator BURNS, Senator DORGAN, and others over the course of the next several months to expand upon the shipper protections we propose today. I invite our colleagues to join us in this effort, and genuinely seek constructive input and assistance to achieve needed solutions.

Mr. President, I ask unanimous consent that a copy of the bill be printed in its entirety in the RECORD.

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

S. 1429

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 "Railroad Shipper Protection Act of 1997".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the railroad industry has consolidated dramatically since passage of the Staggers Rail Act of 1980 (94 Stat. 1895 et seq.), leaving the railroad industry with only a few major carriers and providing shippers with limited competitive options;

(2) the financial health of the railroad industry has improved substantially since the passage of the Staggers Rail Act of 1980;

(3) due partly to the continued consolidation of the railroad industry, captive rail shippers—

(A) continue to exist; and

(B) are increasing in number; and

(4) rail shippers, including captive rail shippers, will benefit from increased competition among railroads and a streamlined process under which the Surface Transportation Board determines the reasonableness of captive rail shipper rates.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(2) SURFACE TRANSPORTATION BOARD.—The term "Surface Transportation Board" or "Board" means the Surface Transportation Board established under section 701 of title 49, United States Code.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to clarify the rail transportation policy of the United States;

(2) to ensure rail competition for shippers in geographic areas in which rail competition is physically available;

(3) to ensure reasonable rates for captive rail shippers; and

(4) to remove unnecessary regulatory burdens from the rate reasonableness process of the Surface Transportation Board.

SEC. 5. CLARIFICATION OF RAIL TRANSPORTATION POLICY.

Section 10101 of title 49, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "In regulating"; and

(2) by adding at the end the following:

"(b) PRIMARY OBJECTIVES.—The primary objectives of the rail transportation policy of the United States shall be—

"(1) to ensure effective competition among rail carriers at origin and destination; and

"(2) to maintain reasonable rates in the absence of effective competition.".

SEC. 6. REQUIREMENT OF RAILROADS TO ESTABLISH RATES TO FACILITATE RAIL TO RAIL COMPETITION.

(a) ESTABLISHMENT OF RATE.—Section 11101(a) of title 49, United States Code, is amended by inserting after the first sentence the following: "Upon the request of a shipper, a rail carrier shall establish a rate for transportation requested by the shipper between any 2 points on the system of that rail carrier where traffic originates, terminates, or may be interchanged. A rate established under the preceding sentence shall apply to the shipper that makes the request for the rate without regard to whether the rate established is for part of a through transportation route between an origin and a destination or whether the shipper has made arrangements for transportation over any other part of that through route.".

(b) REVIEW OF REASONABLENESS OF RATE.—Section 10701(d) of title 49, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) If a rail carrier establishes a rate for transportation between any 2 points on the system of that rail carrier where rail traffic originates, terminates, or may be interchanged, the shipper may challenge the reasonableness of—

"(A) that rate; or

"(B) the aggregate rate between origin and destination (if the rate established is for part of a through route).".

SEC. 7. SIMPLIFIED STANDARD FOR MARKET DOMINANCE.

Section 10707(d) of title 49, United States Code, is amended—

(1) by striking paragraph (2);

(2) by striking "(1)(A)" and inserting "(3)";

(3) by striking "(B) For purposes" and inserting "(4) For purposes"; and

(4) by inserting before paragraph (3), as redesignated, the following:

"(1) In making a determination under this section, the Board shall find that the rail carrier establishing the challenged rate referred to in subsection (b) has market dominance over the transportation to which the rate applies if that rail carrier—

"(A) is the only rail carrier serving the origin, destination, or intermediate portion of the route involved; and

"(B) does not prove to the Board that the rate charged results in a revenue-variable cost percentage for that transportation that is less than 180 percent.

"(2) In making a market dominance determination under this section in any case in which 2 or more rail carriers provide service at an origin or destination, the Board shall consider only transportation competition at that origin or destination.".

SEC. 8. REVENUE ADEQUACY DETERMINATIONS.

(a) RAIL TRANSPORTATION POLICY.—Section 10101(3) of title 49, United States Code, is amended by striking ", as determined by the Board;".

(b) AUTHORITY FOR REVENUE ADEQUACY DETERMINATION.—Section 10704(a) of title 49, United States Code, is amended—

(1) by striking "(a)(1)" and inserting "(a)"; and

(2) by striking paragraphs (2) and (3).

SEC. 9. REDUCTION OF PROCEDURAL BARRIERS FACED BY SMALL SHIPPERS.

(a) ADMINISTRATIVE RELIEF.—Not later than 180 days after the date of enactment of this Act, the Surface Transportation Board shall—

(1) review the rules and procedures applicable to rate complaints and other complaints filed with the Board by small shippers;

(2) identify any such rules or procedures that are unduly burdensome to small shippers; and

(3) take such action, including rulemaking, as is appropriate to reduce or eliminate the aspects of the rules and procedures that the Board determines under paragraph (2) to be unduly burdensome to small shippers.

(b) LEGISLATIVE RELIEF.—The Board shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives if the Board determines that additional changes in the rules and procedures described in subsection (a) are appropriate and require commensurate changes in statutory law. In making that notification, the Board shall make recommendations concerning those changes.

Mr. DORGAN. Mr. President, today I am joining Senator ROCKEFELLER and others in introducing legislation that is designed to address some chronic problems facing rail shippers, especially small, captive shippers such as the small grain elevators in agricultural States like North Dakota. As this bill is introduced in the Senate today, thousands of bushels of grain are lying on the ground in North Dakota because there are no cars available to small elevators to take wheat and barley to market. The frustration of North Dakota farmers and grain shippers is focused not only on the availability of grain cars to take their products to market this time of year, but also on what they have to pay when they have only one railroad serving them. The rates captive shippers pay to get their products to market reflect the basic principles of economics: where there is competition there are lower rates and where there is not, the captive shipper pays significantly more.

While the legislation we are introducing today will not create more grain cars this year and it will not solve full the myriad of concerns that many captive shippers have with respect to rail service in this country, this bill will take a step toward addressing some issues that will help improve the situation of captive shippers.

The inspiration of this bill is the fact that 20 years ago there were more than 40 class I railroads and today there are 8, of which 5 of these mega carriers generate 94 percent of the class I rail industry's gross income and own over 90 percent of the track miles, and produce nearly 95 percent of the gross ton miles. Today, the western two-thirds of the country is divided up between two mega carriers that own approximately 85 percent of the track, generate over 90 percent of the gross ton miles, and earn about 90 percent of the total net railroad operating income west of the Mississippi River.

As the railroad industry has consolidated over the past 20 years, more and more shippers have become captive to one carrier, replacing competitive service with monopoly service. At the same time, small captive shippers face insurmountable obstacles to seek relief on unreasonable rates before the Surface Transportation Board [STB]. It seems to me that the Congress needs to begin a serious debate on issues affecting captive shippers. The STB still operates under outdated regulatory structures and too many hurdles and redtape stand between the small shipper and relief on unreasonable rates. This legislation takes a modest step at addressing a few specific issues in these areas.

This legislation addresses the broader issues of promoting rail competition and protecting captive shippers where competition does not exist by identifying these issues as priorities for the STB. The legislation also makes a couple of changes in specific policies of the STB. First, this bill overturns the STB's decision on the so-called bottleneck case where the STB concluded that carriers have no obligation to quote a rate for a segment of line. The essence of the bottleneck case was that some shippers believe that in areas where their products were being shipped where rail competition exists, they want to take advantage of the lower rates for that particular segment of line. This legislation would require a carrier to quote a rate for a specific segment at the request of the shipper. If the carrier did not quote a rate, then the STB would have to set a rate. This circumstance will permit captive shippers to take advantage of the little competition that does exist in the rail industry.

This legislation also repeals the outdated revenue adequacy test. The vice chairman of the STB, Gus Owen, has appropriately questioned the appropriateness and the relevance of the STB conducting this outdated exercise of determining the revenue adequacy of railroads. This test is so out of date that the two largest railroads in the Nation failed the last revenue adequacy test by the STB. However, these and other major railroads have no problem leveraging capital and their own financial reports indicate record profits. It is a ridiculous test and it serves no useful purpose for STB procedures.

In addition, the legislation attempts to streamline the bureaucratic hurdles facing small shippers in seeking rate relief before the STB. One provision streamlines the requirements imposed on the shipper to demonstrate that the rail carrier serving them meets the STB's definition of "market dominance." Under current law, market dominance is defined as "the absence of effective competition from other rail carriers or modes of transportation" and the STB cannot find market dominance unless the revenue to variable cost percentage exceeds 180 percent. Under the STB's interpretation of this requirement, the STB requires shippers to demonstrate that there is no product nor geographic competition under what constitutes transportation competition. This legislation makes the market dominance test simple and easier to understand. Under this bill, a shipper need only demonstrate that they are served by only one rail carrier and that their rates exceed 180 percent revenue to variable cost to determine market dominance.

This legislation would also require the STB to review its regulations and rules with respect to barriers that impede a small shipper's ability to file rate and other complaints against railroads before the STB. The STB would be required to minimize their redtape and barriers for shippers and also to report to Congress on barriers that require legislative action to remedy.

Mr. President, this legislation is modest, but it will make a difference for small shippers in this country. The premise of the bill is that the STB ought to emphasize competition and where competition does not exist, the STB needs to make it easier for captive shippers to seek relief from unreasonable rates.

Next year, the Senate Committee on Commerce, Science, and Transportation will be debating reauthorization

legislation on the STB. That will be a very important debate. Senator ROCKEFELLER, I, and others intend to make sure that one element of that debate will focus on the problems facing small, captive shippers and we consider this legislation as a building block for next year's debate. I hope my colleagues will support this legislation.

By Mr. DODD:

S. 1453. A bill to establish a Commission on Fairness in the Workplace, and for other purposes; to the Committee on Labor and Human Resources.

THE NATIONAL COMMISSION ON FAIRNESS IN THE WORKPLACE ACT

Mr. DODD. Mr. President, today I am introducing the National Commission on Fairness in the Workplace Act. This commission will be tasked to review the trend of creating more part-time jobs than full-time jobs; assess the relationship between part-time work and wage levels, benefits, earning potential, and productivity; and examine the practice of having different wage and benefit levels for part-time and full-time workers. This commission, comprised of representatives of the business community, labor, academia, and government, will report its findings and recommendations to Congress and the President.

I fully recognize that for many individuals, part-time employment is a perfect solution. Full-time students and individuals wanting to combine work and family responsibilities choose to work part-time. But, part-time work should not be a passport to second class status. Often these employees perform the same duties as their full-time counterparts, but for less money and no benefits. And for those individuals seeking employment, too often they can only find work that requires full-time hours, but not full-time pay and benefits.

Too many Americans are forced to work two and three part-time jobs to pay their rent or mortgage, and put food on their tables. Let's not forget that employees who work full-time, earning benefits and living wages, are often still struggling. How do we expect individuals and families to survive on part-time wages and no benefits. Their status may be classified as part-time, but their expenses certainly are not.

Employers must strive to provide salaries and benefits that meet the demands of today's circumstances, while searching for ways to increase productivity and remain competitive in a global environment.

The recent UPS experience put a national spotlight on this issue; working full-time hours at part-time status and receiving less money and fewer benefits than a full-time employee. One of the concessions of the negotiations was that UPS would agree to create 10,000 full-time jobs from existing part-time positions.

A poll of 500 individuals by the University of Connecticut in September found strong support for action that would guarantee part-time workers some benefits and compel employers to pay those workers hourly wages equal to their full-time counterparts. Part-time employees in Connecticut comprise 12 percent of the work force, less than the 18 percent national average.

Our work force is one of our countries most treasured assets. Employees deserve to receive living wages and benefits and we must act now. Therefore, I urge my colleagues to join me in cosponsoring this legislation.

Mr. President, I ask unanimous consent that a copy of the Hartford Courant article "Part-timers' Rights Backed" be included in the RECORD and I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1453

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 "National Commission on Fairness in the Workplace Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there is an increasing trend toward the use of part-time workers;

(2) part-time jobs often have no or limited health or pension benefits and few labor protections;

(3) there is a trend toward the creation of more part-time jobs than full-time jobs;

(4) questions have been raised regarding the impact of part-time employment on wage levels, benefits, earning potential, and productivity; and

(5) a Federal commission should be established to conduct a thorough study of all matters relating to the impact of part-time employment on wage levels, benefits, earning potential, and productivity and to study the practice of providing different wage and benefit levels to part-time and full-time workers.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the National Commission on Fairness in the Workplace (hereafter referred to in this Act as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of 9 members of whom—

(1) 3 shall be appointed by the President;

(2) 3 shall be appointed by the President pro tempore of the Senate, upon the recommendation of the Majority and Minority Leaders of the Senate; and

(3) 3 shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting as directed by the President.

(e) MEETINGS.—After the initial meeting, the Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive study of the impact of part-time employment in the United States.

(2) MATTERS TO BE STUDIED.—The matters to be studied by the Commission under paragraph (1) shall include—

(A) a review of the trend toward creation of more part-time than full-time jobs;

(B) an assessment of the relationship between part-time work and wage levels, benefits, earning potential, and productivity; and

(C) a review of the practice of providing different wage and benefit levels to part-time and full-time workers.

(b) REPORT.—No later than 12 months after the Commission holds its first meeting, the Commission shall submit a report on the study to the President and Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Commission.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each member of the Commission who is otherwise an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and

terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairperson may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for a position at level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for a position at level V of the Executive Schedule under section 5316 of such title.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the purposes of this Act. Any sums appropriated shall remain available, without fiscal year limitation, until expended.

SEC. 8. TERMINATION.

The Commission shall terminate 30 days after submission of its report under section 4(b).

[From the Hartford Courant, Oct. 8, 1997]

PART-TIMERS' RIGHTS BACKED; RESIDENTS POLLED BY THE UNIVERSITY OF CONNECTICUT IN SEPTEMBER STRONGLY SUPPORT GOVERNMENT ACTION THAT WOULD GUARANTEE PART-TIMERS SOME BENEFITS; COURANT/UCONN CONNECTICUT POLL

(By Liz Halloran)

It was the workplace issue that tripped up UPS and snarled the nation's package delivery system during a 15-day strike this summer: the growing use of part-time employees to do America's business.

UPS workers agreed to go back to work after the giant delivery company said it would create 10,000 new full-time jobs from existing part-time positions.

The strike was over, but the national conversation about the country's estimated 23 million part-time workers—their rights and the government's role in protecting them—kicked into high gear.

"Not everyone can work full time, and part-time work offers extra freedom and income to families in need," said Sen. Christopher J. Dodd, D-Conn., who is urging Congress to set up a committee to study part-time work.

"[Part-time work] shouldn't be a passport to second-class status," he said.

It seems those in Connecticut agree strongly that part-time work that provides significant pay, benefits and stature must remain an option for families and individuals struggling to satisfy their own needs, those of their children and demands of their careers.

Part-timers in Connecticut make up about 12 percent of the work force—less than the 18 percent national average—and most don't want a full-time job, a new Courant/Connecticut Poll shows.

But the residents polled by telephone by the University of Connecticut Sept. 9–15 showed remarkable support for government action that would guarantee part-timers some benefits, and compel companies to pay those workers hourly wages equal to their full-time counterparts. Only one in three said they would support laws restricting companies from hiring part-time workers instead of creating full-time jobs.

But two-thirds said they would support laws requiring employers to give part-time workers benefits such as health insurance, pensions and vacations. Three out of four of those polled said that there should be no difference in the hourly pay of part- and full-time workers.

"There is backing for 'fairness'—especially in hourly rates and for the provision of at least some fringe benefits," said G. Donald Ferree Jr., poll director.

A majority of the 500 residents polled, however, seemed more interested in making sure that all workers—including part-timers—are paid equitably, than in judging whether jobs should be part or full time, Ferree said.

Democrats were more apt than Republicans to support government policies regarding part-time work, as were women, who are more likely than men to work part time, he said.

The strong support the poll results show for part-time worker benefits and equal pay did not surprise Joseph F. Brennan, vice president of legislative affairs at the Connecticut Business and Industry Association.

"I think the timing of the poll may have skewed results somewhat because the UPS strike was in the headlines, and general polling at that time seemed to support the workers," Brennan said.

Polling done in the past by the business association tells a different story, he said, suggesting that residents do not support greater governmental control of general business practices. The association polls, however, have not asked specifically about part-time work.

Some business leaders have also argued that state intervention into policies regarding part-time employee pay and benefits could hamper Connecticut's ability to compete with other states for jobs. They have also said that any requirements should come from Congress and be applied uniformly nationwide.

A package of state legislative proposals aimed at regulating corporate behavior, including a requirement to pay part-timers the same hourly wage as full-timers doing the same job, made little headway in the General Assembly this year.

Union officials say they believe that public sentiment for part-time workers runs deeper than simply timing.

"The people in the poll have said it all—it's about equal pay and equal benefits for equal work," said John W. Olsen, president of the state AFL–CIO. "It's not as much about part and full time anymore."

Olsen said that if part-timers are compensated equally, employers will find it less attractive to use them to replace full-time positions.

The issue was central to a demonstration in mid-September against Pratt & Whitney, a division of United Technologies Corp. About 400 workers and supporters, dozens of whom were arrested, gathered in downtown Hartford to protest Pratt's decision to cut contracted full-time cleaning jobs and replace them with part-time, lower-paying positions.

While there are instances in Connecticut where workers have been affected by company decisions to replace full-time jobs with low-wage, no-benefit positions, most part-time employees polled said they are not looking for full-time work.

Only one out of five part-timers questioned in the poll said they were actively seeking full-time work.

"Part-time work plays a real role in Connecticut, and many engaged in it do not want full-time work instead," Ferree said.

One other thing the poll made clear, Ferree said, was that the days when one income was deemed enough for a family to live on are over. About half of those polled said their family could live on what the main earner is paid, but nearly as many said that their household needs the income of more than one person.

On the job, some of the time:

Connecticut residents show remarkable support for requiring employers to pay part-time workers at the same hourly rate as full-time workers and to provide part-time workers some benefits. Those polled also strongly believe it is important to preserve part-time employment as a work option.

* * * * *

The Courant/Connecticut Poll on part-time workers was conducted by the University of Connecticut from Sept. 9–15. Five hundred randomly selected people were interviewed by telephone. Percentages are rounded to the nearest whole number and may not add up to 100.

The poll has a margin of error of plus or minus 5 percentage points. This means there is a 1-in-20 chance that the results would differ by more than 5 points in either direction from the results of a survey of all adult residents.

A poll's margin of error increases as the sample size shrinks. Results for a subgroup within the poll have a higher margin of error.

The telephone numbers were generated by a computer in proportion to the number of adults living in each area. The actual respondent in each household also was selected at random.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from North Dakota [Mr. DORGAN] 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 Missouri [Mr. BOND] and the Senator from Maryland [Ms. MIKULSKI] 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. 428

At the request of Mr. KOHL, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 751

At the request of Mr. SHELBY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 751, a bill to protect and enhance sportsmen's opportunities and conservation of wildlife, and for other purposes.

S. 875

At the request of Mr. TORRICELLI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 875, a bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes.

S. 951

At the request of Mr. TORRICELLI, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 951, a bill to reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.

S. 1044

At the request of Mr. LEAHY, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1044, a bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringment provisions, and for other purposes.

S. 1169

At the request of Mr. REED, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 1169, a bill to establish professional development partnerships to improve the quality of America's teachers and the academic achievement of students in the classroom, and for other purposes.

S. 1188

At the request of Mr. KOHL, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1188, a bill to amend chapters 83 and 85 of title 28, United States Code, relating to the jurisdiction of the District Court for the District of Columbia, and the United States Court of Appeals for the District of Columbia, and for other purposes.

S. 1195

At the request of Mr. CHAFEE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1204

At the request of Mr. COVERDELL, the names of the Senator from Virginia [Mr. WARNER], the Senator from Indiana [Mr. LUGAR] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1221

At the request of Mr. STEVENS, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1221, a bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes.

S. 1228

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1228, a bill to provide for a 10-year circulating commemorative coin program to commemorate each of the 50 States, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Idaho [Mr. CRAIG] the Senator from Massachusetts [Mr. KERRY] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1256

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 1256, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials, or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions 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 United States 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. 1264

At the request of Mr. HARKIN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1264, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1287

At the request of Mr. JEFFORDS, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nationss within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1297

At the request of Mr. COVERDELL, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 1297, a bill to redesignate Washington National Airport as "Ronald Reagan Washington National Airport".

S. 1311

At the request of Mr. LOTT, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf

during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1321

At the request of Mr. TORRICELLI, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 1321, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1343

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 1343, a bill to amend the Internal Revenue Code of 1986 to increase the excise tax rate on tobacco products and deposit the resulting revenues into a Public Health and Education Resource Trust Fund, and for other purposes.

S. 1351

At the request of Mr. BURNS, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 1351, a bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities.

S. 1371

At the request of Mr. KOHL, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1371, a bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

SENATE CONCURRENT RESOLUTION 59

At the request of Mr. D'AMATO, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 59, a concurrent resolution expressing the sense of Congress with respect to the human rights situation in the Republic of Turkey in light of that country's desire to host the next summit meeting of the heads of state or government of the Organization for Security and Cooperation in Europe (OSCE).

SENATE RESOLUTION 116

At the request of Mr. JEFFORDS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Resolution 116, a resolution designating November 15, 1997, and November 15, 1998, as "America Recycles Day".

SENATE RESOLUTION 145

At the request of Mr. CAMPBELL, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 145, A resolution designating the month of November 1997 as "National American Indian Heritage Month".

SENATE RESOLUTION 146—ESTABLISHING AN ADVISORY ROLE FOR THE SENATE IN THE SELECTION OF SUPREME COURT JUSTICES

Mr. SPECTER (for himself and Mr. BYRD) submitted the following resolution; which as referred to the Committee on the Judiciary:

S. RES. 146

Whereas, Article II, Section 2 of the United States Constitution authorizes the President to appoint Judges of the Supreme Court "by and with the Advice and Consent of the Senate";

Whereas, the Senate has exercised its "Consent" function with due diligence through extensive hearings and deliberation prior to voting on nominees to the Court;

Whereas, the Senate has not historically exercised its "Advice" function with the exception of a limited consultation with the President on the selection of a nominee in advance of the President making such a nomination;

Whereas, there is no systematic method for selecting Supreme Court nominees, with the President having historically proceeded on an *ad hoc* basis to consider a limited number of individuals before making his nomination;

Whereas, there is an enormous pool of legal talent who could become Supreme Court nominees;

Whereas, in one case where the Senate exercised influence on the selection of a nominee, it was to replace Justice Oliver Wendell Holmes with Justice Benjamin Cardozo;

Whereas, the importance of having the best and brightest judges is reflected in the fact that the Supreme Court has decided numerous significant cases by a one-vote margin; and

Whereas, it would be useful to create a pool of recognized candidates of superior quality for consideration by the President; Now, therefore, be it

Resolved, That the Senate should better fulfill its "Advice" function under Article II, Section 2 by having the Senate Committee on the Judiciary establish a pool of possible Supreme Court nominees for the President to consider, based on suggestions from Federal and State judges, distinguished lawyers and law professors, and others with a similar level of insight into the suitability of individuals considered for appointment to the Supreme Court.

Mr. SPECTER. Mr. President, I have sought recognition today to discuss an idea which has the potential to have a major impact on the rule of law in the United States by having the U.S. Senate exercise its advise function under the advise and consent clause of the Constitution to advise Presidents on who the nominee should be for the Supreme Court of the United States.

The Supreme Court of the United States, as we all know, is the ultimate arbiter of determining what the law will be. In the session which ended last June, the Supreme Court of the United States handed down historic, really monumental decisions on dying, religion, speech, due process, States rights, congressional power, among many other decisions.

The Constitution of the United States established the Congress, in article I, the President in article II, the Court in article III, with an implicit suggestion that the legislative body was preeminent, the executive second, and the judiciary third.

But we know since the decision of the Supreme Court of the United States in Marbury versus Madison, the Supreme Court of the United States has been the preeminent institution, because the Supreme Court of the United States has the last word.

The Supreme Court Justice, the late Chief Justice Charles Evans Hughes, said that the Constitution is what the Supreme Court says it is.

We talk a great deal about the legislature having the power to make the laws and the courts having the limited power to interpret the laws, but the reality is, the brutal fact of life is that the Supreme Court of the United States makes the avant-garde decisions on the periphery and on the horizons of the law.

We can do better, I submit, in the deliberations, the decisions of the Supreme Court of the United States by a closer focus on the quality of those men and women who go to the Supreme Court.

I expect our distinguished colleague, Senator BYRD, to join us on the floor in a few minutes to make a few comments about this idea, as the permanent resident scholar of the Senate and a great authority on constitutional law and a recent losing litigant in the decision of the Supreme Court of the United States in the line-item veto case, where Senator BYRD, along with Senator MOYNIHAN, Senator HATFIELD, and Senator LEVIN challenged the line-item veto in the case of Raines versus Byrd.

The Supreme Court of the United States, in that decision, ruled that

Senator BYRD and the other Senators did not have standing to challenge the constitutionality of line-item veto—a curious decision. In my opinion, who would have greater status to challenge the constitutionality of line-item veto than sitting Senators, especially the existing chairman of Appropriations, Senator HATFIELD, and the former chairman of Appropriations, Senator BYRD? But that was the ruling of the Supreme Court.

When we take a look historically, Mr. President, at what the Supreme Court has decided, and in many, many cases by 5 to 4 decisions, it is really astonishing the authority and the power wielded by the Supreme Court of the United States on the lives of every man, woman and child in this country, in a fundamental sense, more so than what the Congress does, and in an equally fundamental sense, more so than what the President does and the bureaucracy of the United States.

In the famous Lochner versus New York case in 1905, the Supreme Court struck down an early attempt at labor regulation by holding that a law limiting bakers to a 60-hour workweek violated the liberty of contracts secured by the due process clause of the 14th amendment. It was a 5-4 decision holding up the efforts of the legislative branch to limit the workweek to 60 hours in the interests of public welfare.

In Hammer versus Dagenhart in 1918, the Supreme Court, again by a 5-4 decision, struck down a labor law. This time the Keating-Owen Federal Child Labor Act, on the grounds that the commerce clause did not give Congress the power to completely forbid certain categories of commerce.

In a celebrated decision, Furman versus Georgia in 1972, the Supreme Court of the United States, again by a 5-4 decision, struck down the death penalty provision under the cruel and unusual punishment clause of the eighth amendment.

We have had a series of very controversial decisions where the Court has imposed seriatim limitations on what States may do by way of imposing the death penalty.

In 1982, in Plyler versus Doe, the Supreme Court, again by a 5-4 decision, invoked the equal protection clause of the 14th amendment to strike down a Texas statute which denied State funding for the education of illegal immigrant children and authorized local school boards to deny enrollment to such children.

Again in a 5-4 decision in Webster versus Reproductive Health Services in 1989, the Supreme Court, in a case widely viewed as a retreat from Roe versus Wade, upheld various restrictions on the availability of abortion, including a ban on the use of public funds and facilities for abortions, and required viability testing after 20 weeks. Again, on a 5-4 decision in 1990 in United States v. Eichman, the Court invalidated State and Federal laws prohibiting flag desecration on the grounds that they violated the first amendment.

In Adarand versus Peña, 1995, the Court held that Federal racial classifications like those of a State must be viewed under strict scrutiny standards.

In the course of the past 5 years, on decisions from 1993–1997, there have been 74 decisions of the Supreme Court of the United States by a 5-4 decision.

Mr. President, when there is a vacancy in the Supreme Court of the United States, there is no existing systematic way for the selection process to occur with respect to the Senate involvement under the advice section of the Advice and Consent Clause. We do know historically that when Justice Oliver Wendell Holmes retired in 1931, there was unique concern about who his replacement should be and that was because of the unique status which Justice Holmes had on the life of the law; the author of "Common Law" in 1881, member of the Supreme Judicial Court of Massachusetts for 20 years from 1891 to 1901, and a member of the Supreme Court of the United States for 30 years, until 1931, the author of perhaps the most brilliant decisions on clear and present danger, a Justice extraordinarily gifted.

When he was set to retire, there was unusual public concern about who his replacement would be. President Hoover was reluctant to appoint a New Yorker when many people suggested Benjamin Cardozo, a very distinguished judge on the court of appeals in the State of New York. The chairman of the Judiciary Committee, George W. Norris, made an effort to persuade the President that Benjamin Cardozo ought to be the replacement for Oliver Wendell Holmes, but it was the chairman of the Foreign Relations Committee, William E. Borah, who is historically credited with making the critical suggestion when President Hoover handed Senator Borah a list on which he had ranked individuals whom he was considering for nomination in descending order of preference. The list contained 10 names, and the name on the bottom of the list was Benjamin Cardozo. The Senator looked at the list and replied, "Your list was all right, but you handed it to me upside down." And President Hoover finally conceded, even though reluctant to appoint a Democrat and even though reluctant to appoint another nominee from the State of New York. Benjamin Cardozo was appointed on February 15, 1932, and the nomination won instant and unanimous approval by the U.S. Senate.

In modern times, we have been very diligent in the exercise of our consent function. The hearings in the Judiciary Committee have focused enormous public attention when the nominees come forward because at that point in time there is an awareness of the importance of the Supreme Court. The decisions which come down, and the 74 decisions which have come down in the last 5 years 5-4, really do not create much of a public ripple, do not attract very much public attention, even though these decisions are of enormous, enormous importance.

Because of this background, Mr. President, it is my thinking that the Senate ought to give consideration to establishing a panel of prospective Supreme Court nominees for submission to the President under our advice function, under the Advice and Consent Clause. Obviously, it is a matter that the President can take or leave, but at least we ought to make that pool available.

I advance this in the closing days of the first session of the 105th Congress so that our colleagues can think about it over the intervening several months, and I will seek cosponsors, seek advice from my colleagues. I have talked it over with a number of the Members of the Senate, including members of the Judiciary Committee and the leadership. There has been a very responsive note about it. I have talked to some on the Supreme Court of the United States. The effort would be to try to diversify the background. Few would know, and many would be surprised to learn, that of the nine Justices on the Supreme Court of the United States, eight of them came from prior judicial appointments.

From time to time when there is a suggestion that somebody be nominated who has a broader background—perhaps as a former Governor, perhaps as a former Cabinet officer, with more background—there is some reluctance. It is safer to appoint someone who has been on a court. It may well be, I think it is true, that the country would be better served by having a Supreme Court which had a more diverse background. One thought would be to ask for suggestions from, say, the chief judges of the Federal circuit courts of appeals to suggest individuals whom they know in their circuit—distinguished lawyers, distinguished professors, people from all walks of life; or to ask the chief judges of the U.S. district courts; or the chief justices of the supreme courts of the various States; or a cross-sampling of judges; or the bar associations of the States; or the American Bar Association; or from the public at large.

Then the Judiciary Committee might well establish a practice—and this is a matter of flexibility—where we would inquire into the backgrounds of the individuals and compile a pool of prospective Supreme Court nominees. There are thousands of lawyers at this moment in America who would love to be judges, and all of them would love to be Justices of the Supreme Court of the United States as a very high honor and

an opportunity to serve in a very, very important position. There is enormous legal talent in America, and very little of it, necessarily so, is called to the attention of the President of the United States when a vacancy occurs. From time to time you hear about a nomination and somebody was considered, and the next time a vacancy occurs that person is pretty much automatically put into the spot.

I think it is not betraying the confidence to retell a story about Senator Howard Baker, our distinguished majority leader who later became chief of staff to President Reagan. When Justice Potter Stewart left the bench in 1987, Senator Baker said to President Reagan, "I'll prepare a list of possible replacements for the Supreme Court of the United States." According to Senator Baker, President Reagan responded, "Do you think you could put Judge Bork on the list?" rather an interesting comment, perhaps even a curious comment, coming from the President of the United States. Of course he had the power to make the determination, certainly more than the power to decide who would be on the list among those who would be considered.

So I advance this idea, Mr. President, as I say, in the closing days of this session, with my stated intention to discuss the matter further with my colleagues in an effort to develop more ideas as to how we might function and how we might activate and motivate the advice function of the Advice and Consent Clause.

I ask unanimous consent that a very brief summary statement of the kernel of this idea be printed; a form of the resolution be printed with the caveat that it is not intended to be final but a suggested form; and that a listing of the Supreme Court decisions decided by 5–4 from 1994, 1995 and 1996—since I do not want to take the time to put them in the RECORD at this time—be printed, showing the tremendously important matters which are decided by a single Justice having such a profound impact on the law in the United States.

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

SUMMARY STATEMENT

I suggest to my Senate colleagues that we consider exercising our constitutional "advice" function under the "advice and consent" clause by establishing a panel of possible Supreme Court nominees for consideration by the President when a vacancy occurs.

There is no doubt about the great power exercised by the Supreme Court since the Court itself decided in *Marbury* v. *Madison* that it had the last word on interpretation of the relative powers of the Congress, the Executive Branch, the states and disputes between any parties who sought a constitutional adjudication.

The Supreme Court has the final say on what happens from conception to death.

In the last week of this June, the Court handed down historic/monumental decisions on dying, religion, speech, due process, states rights and congressional power. Several of the cases were decided by a single justice on a 5 to 4 vote. One case, following two other decisions in the past 2 years, reversed six decades of firmly established constitutional authority on the supremacy of federal laws over states rights under the commerce clause.

Without disparaging the Court's current personnel, it is worth noting that seldom are the justices compared to Oliver Wendell Holmes, Louis Dembitz Brandeis or Benjamin Cardozo.

While some nominees get strict scrutiny during the confirmation process, the Senate has traditionally been AWOL on its constitutional responsibility for "advice."

For the Supreme Court especially, we should seek the best and brightest.

To create a panel of the best and brightest, I suggest we call on State Supreme Court Chief Justices, Chief Judges from the 13 Federal Courts of Appeals, Chief Judges from the 94 Federal District Court panels, academic and lawyers' associations and others to make suggestions. The Judiciary Committee could then review and evaluate those suggested for submission of a panel to the President.

Frequent complaints are heard about nominations to satisfy a specific constituency. With sufficient early outreach, we can get diversity in the best and the brightest without accepting lesser qualifications.

SUPREME COURT DECISIONS
OCTOBER 1996 TERM

Abrams v. Johnson 66 USLW 4478 (1997).

Opinion: Kennedy, Rehnquist, O'Connor, Scalia, Thomas.

Dissent: Breyer, Stevens, Souter, Ginsburg.

Holding: Georgia's congressional districting plan, imposed by a federal district court after the legislature deadlocked and was unable to adopt a new districting law in conformity with the Supreme Court's ruling in *Miller v. Johnson* (1995), is valid.

Agostini v. Felton 65 USLW 4524 (1997).

Opinion: O'Connor, Rehnquist, Scalia, Kennedy, Thomas.

Dissent: Souter, Stevens, Ginsburg, Breyer.

Holding: The First Amendment's Establishment Clause does not bar use of public school teachers in parochial schools to provide remedial education to disadvantaged children pursuant to Title I of the Elementary and Secondary Education Act of 1965.

Camps Newfound/Owatonna v. Town of Harrison 117 S.Ct. 1590 (1997).

Opinion: Stevens, O'Connor, Kennedy, Souter, Breyer.

Dissent: Scalia, Rehnquist, Thomas, Ginsburg.

Holding: Maine's property tax law, which contains an exemption for charitable institutions but limits that exception to institutions serving principally Maine residents, violates the "dormant" Commerce Clause as applied to deny exemption status to a nonprofit corporation that operates a summer camp for children, most of whom are not Maine residents.

Commissioners of Bryan County v. Brown 117 S.Ct. 1382 (1997).

Opinion: O'Connor, Rehnquist, Scalia, Kennedy, Thomas.

Dissent: Souter, Stevens, Breyer, Ginsburg.

Holding: The county is not liable under 42 U.S.C. §1983 for personal injury resulting from the use of excessive force by a police officer who had been hired in spite of an arrest record for various misdemeanors that included assault and battery, resisting arrest, and public drunkenness.

Glickman v. Wileman Bros. & Elliott, Inc. 65 USLW 4597 (1997).

Opinion: Stevens, O'Connor, Kennedy, Ginsburg, Breyer.

Dissent: Souter, Rehnquist, Scalia, Thomas.

Holding: A requirement imposed by marketing orders promulgated under authority of the Agricultural Marketing Agreement Act of 1937 that California fruit growers finance generic advertising does not offend the First Amendment.

Idaho v. Coeur d'Alene Tribe 65 USLW 4540 (1997).

Opinion: Kennedy, Rehnquist, O'Connor, Scalia, Thomas.

Dissent: Souter, Stevens, Ginsburg, Breyer.

Holding: The Tribe's action against the State for a declaratory judgment and an injunction establishing the Tribe's ownership an control of the submerged lands and bed of Lake Coeur d'Alene is barred by the Eleventh Amendment.

Kansas v. Hendricks 65 USLW 4564 (1997)

Opinion: Thomas, Rehnquist, O'Connor, Scalia, Kennedy.

Dissent: Breyer, Stevens, Souter, Ginsburg.

Holding: Kansas's Sexually Violent Predator Act, which provides for civil commitment of persons who have been convicted or charged with a sexually violent offense, and who, due to a "mental abnormality" or "personality disorder" are likely to engage in "predatory acts of sexual violence," does not offend the substantive requirements of the Due Process Clause.

Lambrix v. Singletary 117 S.Ct. 1517 (1997).

Opinion: Scalia, Rehnquist, Kennedy, Souter, Thomas.

Dissent: Stevens, Ginsburg, Breyer, O'Connor.

Holding: A state prisoner whose conviction became final before the Court's decision in *Espinosa v. Florida* (1992) is foreclosed from relying on that decision in a federal habeas corpus proceeding because Espinosa announced a "new rule" within the meaning of *Teague v. Lane* (1989).

Lawyer v. Department of Justice 65 USLW 4629 (1997).

Opinion: Souter, Rehnquist, Stevens, Ginsburg, Breyer.

Dissent: Scalia, O'Connor, Kennedy, Thomas.

Holding: A federal district court did not err in approving a settlement agreement imposing new districts for election of members of the Florida Senate and House without first holding unconstitutional the existing plan.

Lindh v. Murphy 65 USLW 4557 (1997).

Opinion: Souter, Stevens, O'Connor, Ginsburg, Breyer.

Dissent: Rehnquist, Scalia, Kennedy, Thomas.

Holding: Amendments made by the Antiterrorism and Effective Death Penalty Act to the general habeas corpus provisions of chapter 153 of Title 28 do not apply to cases that were pending on the date of enactment.

McMillan v. Monroe County 117 S.Ct. 1734 (1997).

Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas.

Dissent: Ginsburg, Stevens, Souter, Breyer.

Holding: Sheriffs in Alabama, when exercising policy making authority in a law enforcement capacity, represent the State and not the county.

O'Dell v. Netherland 65 USLW 4506 (1997).

Opinion: Thomas, Rehnquist, O'Connor, Scalia, Kennedy.

Dissent: Stevens, Souter, Ginsburg, Breyer.

Holding: The rule set forth in *Simmons v. South Carolina* (1994)—that a capital defendant must be permitted to inform his sentencing jury that he is ineligible for parole if the prosecution argues that the defendant should receive the death penalty rather than life imprisonment because of his alleged future dangerousness to society—was a "new rule" that cannot be used to disturb a death sentence that had become final before *Simmons* was decided.

Old Chief v. United States 117 S. Ct. 644 (1997).

Opinion: Souter, Stevens, Kennedy, Ginsburg, Breyer.

Dissent: O'Connor, Rehnquist, Scalia, Thomas.

Holding: The district court abused its discretion under Rule 403, Federal Rules of Evidence, in ruling that the United States Attorney, in a prosecution for possession of a firearm by someone with a prior felony conviction, need not agree to the defendant's stipulation that he had a prior felony conviction.

Printz. v. United States 65 USLW 4731 (1997).

Opinion: Scalia, Rehnquist, O'Connor, Kennedy, Thomas.

Dissent: Souter, Ginsburg, Breyer, Stevens.

Holding: Interim provisions of the Brady Handgun Violence Prevention Act that require state and local law enforcement officers to conduct background checks on prospective handgun purchasers and to perform certain related tasks are unconstitutional.

Richardson v. McKnight 65 USLW 4579 (1997).

Opinion: Breyer, Stevens, O'Connor, Souter, Ginsburg.

Dissent: Scalia, Rehnquist, Kennedy, Thomas.

Holding: Employees of private prison management companies are not entitled to the qualified immunity that is extended to publicly employed state prison guards in suits brought under 42 U.S.C. §1983.

Turner Broadcasting System v. FCC 117 S. Ct. 1174 (1997).

Opinion: Kennedy, Rehnquist, Stevens, Souter.

Dissent: O'Connor, Scalia, Thomas Ginsburg.

Holding: Sections 4 and 5 of the Cable Television Consumer Protection and Competition Act of 1992, which require cable systems to carry local broadcast television stations, are consistent with the First Amendment.

OCTOBER 1995 TERM

Bennis v. Michigan 116 S. Ct. 994 (1996).

Opinion: Rehnquist, O'Connor, Scalia, Thomas, Ginsburg.

Dissent: Stevens, Souter, Breyer, Kennedy.

Holding: A Michigan court's order of forfeiture of an automobile, jointly owned by a husband and wife, conforms to due process requirements even with no offset for the wife's half interest in the car.

BMW of North America v. Gore 116 S. Ct. 1589 (1996)

Opinion: Stevens, O'Connor, Kennedy, Souter, Breyer.

Dissent: Scalia, Thomas, Ginsburg, Rehnquist.

Holding: Award of $2 million in punitive damages of $4,000 was so "grossly excessive" that it violated the Due Process Clause of the Fourteenth Amendment.

Bush v. Vera 116 S. Ct. 1941 (1996)

Opinion: O'Connor, Rehnquist, Kennedy, Thomas, Scalia.

Dissent: Stevens, Ginsburg, Breyer, Souter.

Holding: Three congressional districts created by Texas law constitute racial gerrymanders that are unconstitutional under the Equal Protection Clause.

Gasperini v. Center for Humanities, Inc. 116 S. Ct. 2211 (1977)

Opinion: Ginsburg, O'Connor, Kennedy, Souter, Breyer.

Dissent: Stevens, Scalia, Rehnquist, Thomas.

Holding: A New York law authorizing appellate courts to review the size of civil jury verdicts and to order new trials when the jury's verdict "deviates materially from what would be reasonable compensation" can be given effect by federal district courts reviewing jury awards in cases based on diversity of citizenship without violating the Seventh Amendment.

Gray v. Netherland 116 S. Ct. 2074 (1996)

Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas.

Dissent: Stevens, Ginsburg, Souter, Breyer.

Holding: A habeas corpus petitioner's claim that he was denied due process of law because he was not given adequate notice of some of the evidence that the state would use against him in the penalty phase of his trial would, if sustained, necessitate creation of a "new rule," and therefore does not provide a basis upon which he may receive federal habeas relief.

Holly Farms Corp. v. NLRB 116 S. Ct. 1396 (1996)

Opinion: Ginsburg, Stevens, Kennedy, Souter, Breyer.

Dissent: O'Connor, Rehnquist, Scalia, Thomas.

Holding: The decision of the NLRB that workers described as "live-haul" crews—teams of chicken catchers, forklift operators, and truck drivers—are covered "employees" within the meaning of the National Labor Relations Act, and not exempt "agricultural laborers," is a reasonable interpretation entitled to deference.

Leavitt v. Jane L. 116 S.Ct. 2068 (1996).

Opinion: Per curiam.

Dissent: Stevens, Souter, Ginsburg, Breyer.

Holding: U.S. Court of Appeals for the Tenth Circuit erred in invalidating a provision of Utah's abortion law, regulating abortions after 20 weeks gestational age, on the grounds that it was not severable from another portion of the law, regulating earlier abortions, that had been ruled unconstitutional.

Montana v. Egelhoff 116 S.Ct. 2013 (1996).

Opinion: Scalia, Rehnquist, Kennedy, Thomas, Ginsburg.

Dissent: O'Connor, Stevens, Souter, Breyer, Stevens.

Holding: Montana's law providing that voluntary intoxication may not be taken into account in determining the existence of a mental state that is an element of a criminal offense does not violate the Due Process Clause.

Morse v. Republican Party of Virginia 116 S.Ct. 1186 (1996).

Opinion: Stevens, Ginsburg, Breyer, O'Connor, Souter.

Dissent: Scalia, Thomas, Kennedy, Rehnquist.

Holding: Section 5 of the Voting Rights Act, which prohibits covered jurisdictions from enforcing new voting qualification or procedure without first obtaining court approval or preclearance by the Attorney General, applies to selection of delegates to a political party's state nominating convention.

Seminole Tribe of Florida v. Florida 116 S.Ct. 1114 (1996).

Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas.

Dissent: Stevens, Souter, Ginsburg, Breyer.

Holding: A provision of the Indian Gaming Regulatory Act authorizing an Indian tribe to sue a state in federal court to compel performance of a duty to negotiate in good faith toward the formation of a compact violates the Eleventh Amendment.

Shaw v. Hunt 116 S.Ct. 1894 (1996).

Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas.

Dissent: Stevens, Ginsburg, Breyer, Souter.

Holding: North Carolina's congressional districting law, containing the racially gerrymandered 12th Congressional District as well as another majority-black district, violates the Equal Protection Clause because, under strict scrutiny applicable to racial classifications, creation of the district was not narrowly tailored to serve a compelling state interest.

OCTOBER 1994 TERM

Adarand Constructors, Inc. v. Pēna 115 S.Ct. 2097 (1995).

Opinion: O'Connor, Rehnquist, Kennedy, Thomas, Scalia.

Dissent: Stevens, Ginsburg, Souter, Breyer.

Holding: Racial classifications imposed by federal law must be analyzed by a reviewing court under strict scrutiny.

Florida Bar v. Went For It, Inc. 63 USL W 4644 (1995).

Opinion: O'Connor, Rehnquist, Scalia, Thomas, Breyer.

Dissent: Kennedy, Stevens, Souter, Ginsburg.

Holding: Florida bar rules prohibiting attorneys from sending targeted direct-mail solicitations to victims and their relatives for 30 days following an accident or disaster do not violate the First Amendment.

Gustafson v. Alloyd Co. 115 S.Ct. 1061 (1995).

Opinion: Kennedy, Rehnquist, Stevens, O'Connor, Souter.

Dissent: Thomas, Scalia, Ginsburg, Breyer.

Holding: The right of rescission conferred by section 12(2) of the Securities Act of 1933 against sellers who make material misstatements "by means of a prospectus" applies only to a public offering, and does not apply to a private, secondary sale.

Gutierrez de Martinez v. Lamagno 115 S.Ct. 2227 (1995).

Opinion: Gingsburg, Stevens, O'Connor, Kennedy, Breyer.

Dissent: Souter, Rehnquist, Scalia, Thomas

Holding: The Attorney General's certification under the Westfall Act, 28 U.S.C. §2679(d)(1), that a federal employe who was sued for a wrongful or negligent act had been acting within the scope of his employment at the time of the contested action is subject to judicial review.

Hess v. Port Authority Trans-Hudson Corp. 115 S.Ct. 394 (1995).

Opinion: Ginsburg, Stevens, Kennedy, Souter, Breyer.

Dissent: O'Connor, Rehnquist, Scalia, Thomas.

Holding: The Port Authority Trans-Hudson Corp., a wholly owned subsidiary of the Port Authority of New York and New Jersey that operates a commuter railroad, is not entitled to Eleventh Amendment immunity from suit in federal court.

Kyles v. Whitley 115 S.Ct. 1555 (1995).

Opinion: Souter, Stevens, O'Connor, Ginsburg, Breyer.

Dissent: Scalia, Rehnquist, Kennedy, Thomas.

Holding: The petitioner in this federal habeas corpus action is entitled to a new trial in state court because the net effect of the evidence withheld by the State during his murder trial raised a reasonable probability that its disclosure would have produced a different result.

Miller v. Johnson 63 USLW 4726 (1995). Opinion: Kennedy, Rehnquist, O'Connor, Scalia, Thomas. Dissent: Stevens, Ginsburg, Breyer, Souter. Holding: Georgia's congressional districting plan violates the Equal Protection Clause.

Missouri v. Jenkins 115 S.Ct. 2038 (1995). Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas. Dissent: Souter, Stevens, Ginsburg, Breyer. Holding: The district court exceeded its authority in ordering remedies in the longstanding litigation over desegregation of the Kansas City, Missouri public schools.

Oklahoma Tax Comm'n v. Chickasaw Nation 115 S.Ct. 2214 (1995). Opinion: Ginsburg, Rehnquist, Scalia, Kennedy, Thomas. Dissent: Breyer, Stevens, O'Connor, Souter. Holding: Oklahoma may not impose its motor fuels excise tax upon fuel sold by Chickasaw Nation retail stores on tribal trust land, but the State may impose its income tax on members of the Chickasaw Nation who are employed by the Tribe but who reside in the State outside Indian country.

Rosenberger v. University of Virginia 63 USLW 4702 (1995). Opinion: Kennedy, Rehnquist, O'Connor, Scalia, Thomas. Dissent: Souter, Stevens, Ginsburg, Breyer. Holding: The University, which subsidizes the printing costs of publications by student groups that meet requirements for student participation and open membership, violated the free speech clause of the First Amendment by withholding payments for printing of a student magazine because the magazine "primarily promotes or manifests a particular belie[f] in or about a deity or an ultimate reality."

Sandin v. Connor 63 USLW 4601 (1995). Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas. Dissent: Ginsburg, Stevens, Breyer, Souter. Holding: In some circumstances, state prisoners have liberty interests that are protected by the Due Process Clause, but these interests are generally limited to freedom from restraint which imposes "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life."

Schlup v. Delo 63 USLW 4089 (1995). Opinion: Stevens, O'Connor, Souter, Ginsburg, Breyer. Dissent: Rehnquist, Kennedy, Thomas, Scalia. Holding: A habeas corpus petitioner under sentence of death who submits a second or "abusive" federal claim alleging both constitutional error at his trial and newly discovered evidence of innocence must satisfy the standard announced in *Murray v. Carrier* (1986), that it is "more likely than not that no reasonable juror would have convicted him" in light of the new evidence.

Shalala v. Guernsey Memorial Hospital 115 S.Ct. 1232 (1995). Opinion: Kennedy, Rehnquist, Stevens, Ginsburg, Breyer. Dissent: O'Connor, Scalia, Souter, Thomas. Holding: In making Medicare provider reimbursement determinations, the Secretary of HHS is not required to follow generally accepted accounting principles.

Tome v. United States 115 S.Ct. 696 (1995). Opinion: Kennedy, Stevens, Scalia, Souter, Ginsburg. Dissent: Breyer, Rehnquist, O'Connor, Thomas. Holding: Federal Rule of Evidence 801(d)(1)(B), which declares that a prior out-of-court statement by a witness "is not hearsay" if it is consistent with the witness' testimony and is used to rebut a charge of "recent fabrication or improper influence or motive," permits the introduction of such out-of-court statements only if such statements were made before the alleged fabrication or improper influence or motive originated.

U.S. Term Limits Inc. v. Thornton 115 S.Ct. 1842 (1995). Opinion: Stevens, Kennedy, Souter, Ginsburg, Breyer. Dissent: Thomas, Rehnquist, O'Connor, Scalia. Holding: An Amendment to the Arkansas Constitution denying ballot access to congressional candidates who have already served three terms in the House of Representatives or two terms in the Senate is invalid as conflicting with the qualifications for office set forth in Article I of the U.S. Constitution (specifying age, duration, of U.S. citizenship, and state inhabitancy requirements.)

United States v. Lopez 115 S.Ct. 1624 (1995). Opinion: Rehnquist, O'Connor, Scalia, Kennedy, Thomas. Dissent: Stevens, Souter, Breyer, Ginsburg. Holding: The Gun Free School Zones Act of 1990, which makes it a criminal offense to knowingly possess a firearm within a school zone, exceeds congressional power under the Commerce Clause.

Mr. SPECTER. I noticed the arrival of our very distinguished colleague, Senator ROBERT BYRD, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank my very distinguished colelague, the senior Senator from Pennsylvania, Mr. SPECTER, for yielding to me and for allowing me to be a cosponsor of the legislation which he has just been discussing before the Senate. I am proud to be one of his colleagues. I have great admiration for Senator SPECTER and admiration for his knowledge of the law. He has had long and varied experiences. I admire him for that experience.

Senator SPECTER is a good lawyer. If I wanted a lawyer to plead my case to the Supreme Court, I think I would like ARLEN SPECTER. If I were President of the United States—of course, I guess that will never become a reality—I would consider him for Attorney General, even though he is on the other side of the aisle. He calls the shots like they are.

I am pleased to join with my distinguished colleague in introducing the legislation. Our proposal is aimed at helping the Senate to fulfill its constitutional duty by directing the Judiciary Committee to establish a pool of the best and the brightest Supreme Court candidates for the President's consideration whenever there is a vacancy on the Court—the best and the brightest.

I personally do not promote the idea that we must make diversity a criterion. I have no problem with diversity, as long as the chosen ones are chosen because of their merit—their merit. That is what we seek to do here. We want the best and the brightest—not because they are Republicans, or not because they are Democrats, necessarily, but because they are the best and the brightest.

As anyone who has ever read the Constitution knows, one of the most important differences between the Senate and the House of Representatives is the Senate's constitutional duty to advise and consent on Presidential nominations. Specifically, that power which is contained in article II, section 2, stipulates that the President, "by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law."

While it may be true that the Senate has traditionally given a President great leeway in choosing his executive branch subordinates, especially those in Cabinet and sub-Cabinet positions, such deference on the part of the Senate has generally not applied to judicial nominations, particularly Supreme Court nominations. On the contrary, the Senate has historically exercised great caution to ensure that it carries out its responsibility, a responsibility that is a fundamental element of the separation of powers established in the Constitution.

While we have been very diligent in granting our consent, I believe, as does Senator SPECTER, that the Senate has been less than energized with respect to the offering of its advice. The Constitution refers to the "Advice and Consent."

It doesn't just refer to the word "consent," nor does it put the word "consent" in front of the word "advise." It uses the phrase "advise and consent of the Senate." Too often, as the American people are acutely aware, nominations to the High Court have become embroiled in special interest battles. All too often, the qualifications of a nominee have been aside as outside forces—interest groups and so on—have sought to use a nomination as a means of furthering their particular ideological agenda. That is not what the Supreme Court is for. Too often, the eventual loser in the process is not just the individual who has been nominated, but also the Court and its integrity, and also, more than that even, the people of the United States—the whole people, not just some particular interest group, but all of the people.

Mr. President, in an era when the nine life-tenured Justices who sit on our highest Court routinely decide questions that go to the very heart of life, liberty, and the pursuit of happiness, we cannot afford to have anything less than the most highly qualified individuals serving on that Court.

While I do not mean to disparage any of the current Justices, the fact remains that, more and more, nominees

are being selected for reasons that go beyond their qualifications, that go beyond their abilities, that go beyond their dedication, their reverence for and dedication to the Constitution. Accordingly, Senator SPECTER has come to the conclusion—and he has allowed me to join him—that the best way to resolve this problem and the best way for the Senate to undertake its advice responsibility is to direct the Judiciary Committee, after consultation with the finest legal minds in our country, to establish a panel of potential nominees that would be made available to the President—this President, or any other President. In so doing, it is our hope that we can begin to depoliticize the nomination process and, in turn, help restore to the High Court the esteem, much of which has been lost over the past few years.

In closing, I again want to thank Senator SPECTER for his thoughtfulness, for his vision, as we have worked on the resolution. I know that he shares my concern that the Senate has not only this responsibility, but it has a duty, a constitutional duty, to ensure that the highest Court in the land is comprised of the best and the brightest talent that our Nation has to offer. I hope that others will join us in this effort.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleague, Senator BYRD, for those comments about the substance of the resolution. When Senator BYRD joins on an issue of constitutional import, there is great weight. I thank him on a personal level for his very kind comments about me. When he started to talk about an appointment of ARLEN SPECTER if Senator BYRD were President, I was about to start a rumor on "Byrd for President." I still might. If it was the Attorney General job, I am not so sure, but if it had been the Supreme Court he was talking about, I might have had a little more motivation on that.

In the case of Raines versus Byrd, where Senator BYRD challenged the line-item veto, in which a curious decision of the Supreme Court said that Senator BYRD, Senator HATFIELD, Senator MOYNIHAN, and Senator LEVIN didn't have standing, that goes to show you we need more advice from the Senate in anticipation. When Senator BYRD said he might have asked me to argue the case, I have argued three cases in the Supreme Court—most recently, in March of 1994, on the Base Closing Commission. It was the fastest 30 minutes of my life, to appear before the Supreme Court, and 7 of those sitting nine Justices had appeared before the Senate Judiciary Committee. I noted a certain tenor of questions from the Court, similar to the ones, I had asked when they appeared as nominees for the Supreme Court. Although, I was not successful in that case, the Court being reluctant to upset 300 base closings, the Harvard Law Review published a detailed critique of the case and found that my position was right on the separation of powers. That was just a word or two on a parenthetical expression.

Mr. President, I am going to revise my approach a little bit and at this time formally offer this resolution on behalf of Senator BYRD and myself on the advise and consent function. I realize that it cannot be acted on in this session, but it will be a guidepost for revision after consultation with our colleagues.

I again thank my colleague, Senator BYRD, and I yield the floor.

SENATE RESOLUTION 147—RELATIVE TO AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS, AND REPRESENTATION

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 147

Whereas, in the case of First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al., C.A. No. 93-1309 (JHG/PJA), pending in the United States District Court for the District of Columbia, the plaintiff has requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations, and the production of documents of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, employees, committees, and subcommittees, of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al., except concerning matters for which a privilege should be asserted, and the chairman and ranking minority member of the Committee on Foreign Relations, acting jointly, are authorized to produce records of the Committee relating to the investigation of the Subcommittee on Terrorism, Narcotics, and International Operations into the Bank of Credit and Commerce, International.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum, the Committee on Foreign Relations, and any present or former Member or employee of the Senate, in connection with First American Corp., et al. v. Sheikh Zayed Bin Sultan Al-Nahyan, et al.

AMENDMENTS SUBMITTED

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

CRAIG AMENDMENTS NOS. 1603–1608

(Ordered to lie on the table.)

Mr. CRAIG submitted six amendments intended to be proposed by him to the bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements; as follows:

AMENDMENT NO. 1603

On page 41, between lines 16 and 17, insert the following:

(d) ADDITIONAL LIMITATIONS ON APPLICATION OF TRADE AGREEMENT APPROVAL PROCEDURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by section 3(b)(3), shall not apply to any provision in an implementing bill that has the purpose or effect of, or permits a decision-making process (including the creation of, or delegation of authority to, any international or private body) that may result in, limiting or transferring the jurisdiction or authority of a Federal court.

(2) PROCEDURES FOR CONSIDERING AMENDMENTS.—Debate on all amendments to a provision in an implementing bill described in paragraph (1) (including debate on any debatable motions and appeals in connection therewith) shall be limited to 5 hours in the Senate and 5 hours in the House of Representatives. Such time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees. No amendment that is not germane to the implementing bill shall be in order.

AMENDMENT NO. 1604

At the appropriate place, insert the following:

SEC. . IMPORTATION OF FIREARMS.

(a) IN GENERAL.—Section 925(d) of title 18, United States Code, is amended to read as follows:

"(d)(1) Within 30 days after the Secretary receives an application therefor, the Secretary shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

"(A) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

"(B) is an unserviceable firearm, other than a machine gun as defined in section 5845(b) of the Internal Revenue Code of 1986 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

"(C) is not—

"(i) a firearm (as defined in section 5845(a) of the Internal Revenue Code of 1986); or

"(ii) subject to the prohibition of section 922(v) of this title, and if the Secretary has denied an application to import a firearm

pursuant to this subparagraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

"(D) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

"(2) Within 30 days after the Secretary receives an application therefor, the Secretary shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.".

(b) CONFORMING AMENDMENT.—Section 922(r) of such title is amended by striking "925(d)(3)" and inserting "925(d)(1)(C)".

AMENDMENT NO. 1605

On page 31, between lines 3 and 4, insert the following:

(d) LIMITATIONS ON TRADE AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the President shall not enter into any treaty or other international agreement that, in whole or in part, has the purpose or effect of transferring the jurisdiction or authority of a Federal court to decide cases under United States law.

(2) LIMITS ON USE OF APPROVAL PROCEDURES.—Notwithstanding any other provision of law, the trade agreement approval procedures in this section shall not apply to any trade agreement or bill to implement any trade agreement that has the purpose or effect of transferring the jurisdiction or authority of a Federal court to decide cases under United States law.

AMENDMENT NO. 1606

On page 41, between lines 16 and 17, insert the following:

(d) ADDITIONAL LIMITATIONS ON APPLICATION OF TRADE AGREEMENT APPROVAL PROCEDURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by section 3(b)(3), shall not apply to any provision in an implementing bill that is a domestic revenue provision. An amendment to a domestic revenue provision shall be in order if the amendment meets the requirements of paragraph (4).

(2) DOMESTIC REVENUE PROVISION.—For purposes of this subsection, the term "domestic revenue provision" means a provision in an implementing bill that increases revenues for the fiscal years covered by the implementing bill in order to comply with the Balanced Budget and Emergency Deficit Control Act of 1985 and a majority of the revenues raised by the provision would be paid by a United States person.

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen;

(B) a partnership, corporation, or other legal entity organized under the laws of the United States; and

(C) a partnership, corporation, or other legal entity that is organized under the laws of a foreign country and is controlled by entities described in subparagraph (B) or United States citizens, or both.

(4) REQUIREMENTS FOR AMENDMENT.—It shall not be in order in the House of Representatives or the Senate to consider any amendment to a domestic revenue provision in an implementing bill that would have the effect of reducing any specific revenues below the level of such revenues provided in the implementing bill for such fiscal years, unless such amendment makes at least an equivalent reduction in other specific budget outlays, an equivalent increase in other specific Federal revenues, an equivalent increase or reduction in another provision of the implementing bill, or an equivalent combination thereof for such fiscal years. For purposes of this paragraph, the levels of budget outlays and Federal revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate or of the House of Representatives, as the case may be.

(5) PROCEDURES FOR CONSIDERING AMENDMENTS.—Debate on all amendments to domestic revenue provisions in an implementing bill (including debate on any debatable motions and appeals in connection therewith) shall be limited to 5 hours in the Senate and 5 hours in the House of Representatives. Such time shall be equally divided between, and controlled by, the majority leader and the minority leader, or their designees. No amendment that is not germane to the implementing bill shall be in order.

AMENDMENT NO. 1607

On page 26, between lines 18 and 19, insert the following:

(4) LIMITATIONS ON PROVISIONS COVERED BY TRADE AGREEMENT APPROVAL PROCEDURES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by paragraph (3), shall not apply to any provision in an implementing bill that is an extraneous provision and an amendment to an extraneous provision shall be in order.

(B) EXTRANEOUS PROVISION.—For purposes of this paragraph, the term "extraneous provision" means a provision in an implementing bill that—

(i) is not necessary to implement a trade agreement;

(ii) does not otherwise relate to the implementation or enforcement of a trade agreement; or

(iii) is not necessary in order to comply with the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 1608

On page 48, strike line 3 and insert the following:

SEC. 10. JOINT UNITED STATES-CANADA COMMISSION ON AGRICULTURAL COMMODITIES.

(A) ESTABLISHMENT.—There is established a Joint United States—Canada Commission on Agricultural Commodities to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of agricultural commodities, with particular emphasis on—

(1) fair and open market access and competition for all agricultural commodities especially—

(A) cattle and beef;

(B) wheat and feed grains;

(C) potatoes; and

(D) timber and forest products;

(2) transportation differences; and

(3) market-distorting direct and indirect subsidies.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 5 members representing the United States including—

(i) 2 members appointed by the Majority Leader of the Senate;

(ii) 2 members appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 5 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, and other members.

(3) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 1 year after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to the production, processing, and sale of agricultural commodities.

SEC. 11. DEFINITIONS.

THE AMTRAK REFORM AND ACCOUNTABILITY ACT OF 1997

HUTCHISON (AND OTHERS) AMENDMENT NO. 1609

Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. MCCAIN, Mr. JEFFORDS, and Mr. SANTORUM) proposed an amendment to the bill (S. 738) to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Amtrak Reform and Accountability Act of 1997".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of sections.
Sec. 2. Findings.
TITLE I—REFORMS
Subtitle A—Operational Reforms
Sec. 101. Basic system.
Sec. 102. Mail, express, and auto-ferry transportation.
Sec. 103. Route and service criteria.
Sec. 104. Additional qualifying routes.
Sec. 105. Transportation requested by States, authorities, and other persons.
Sec. 106. Amtrak commuter.
Sec. 107. Through service in conjunction with intercity bus operations.
Sec. 108. Rail and motor carrier passenger service.
Sec. 109. Passenger choice.
Sec. 110. Application of certain laws.
Subtitle B—Procurement
Sec. 121. Contracting out.
Subtitle C—Employee Protection Reforms
Sec. 141. Railway Labor Act Procedures.
Sec. 142. Service discontinuance.

Subtitle D—Use of Railroad Facilities
Sec. 161. Liability limitation.
Sec. 162. Retention of facilities.
TITLE II—FISCAL ACCOUNTABILITY
Sec. 201. Amtrak financial goals.
Sec. 202. Independent assessment.
Sec. 203. Amtrak Reform Council.
Sec. 204. Sunset trigger.
Sec. 205. Senate procedure for consideration of restructuring and liquidation plans.
Sec. 206. Access to records and accounts.
Sec. 207. Officers' pay.
Sec. 208. Exemption from taxes.
Sec. 209. Limitation on use of tax refund.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Authorization of appropriations.
TITLE IV—MISCELLANEOUS
Sec. 401. Status and applicable laws.
Sec. 402. Waste disposal.
Sec. 403. Assistance for upgrading facilities.
Sec. 404. Demonstration of new technology.
Sec. 405. Program master plan for Boston-New York main line.
Sec. 406. Americans with Disabilities Act of 1990.
Sec. 407. Definitions.
Sec. 408. Northeast Corridor cost dispute.
Sec. 409. Inspector General Act of 1978 amendment.
Sec. 410. Interstate rail compacts.
Sec. 411. Composition of Amtrak board of directors.
Sec. 412. Educational participation.
Sec. 413. Report to Congress on Amtrak bankruptcy.
Sec. 414. Amtrak to notify Congress of lobbying relationships.

SEC. 2. FINDINGS.

The Congress finds that—

(1) intercity rail passenger service is an essential component of a national intermodal passenger transportation system;

(2) Amtrak is facing a financial crisis, with growing and substantial debt obligations severely limiting its ability to cover operating costs and jeopardizing its long-term viability;

(3) immediate action is required to improve Amtrak's financial condition if Amtrak is to survive;

(4) all of Amtrak's stakeholders, including labor, management, and the Federal government, must participate in efforts to reduce Amtrak's costs and increase its revenues;

(5) additional flexibility is needed to allow Amtrak to operate in a businesslike manner in order to manage costs and maximize revenues;

(6) Amtrak should ensure that new management flexibility produces cost savings without compromising safety;

(7) Amtrak's management should be held accountable to ensure that all investment by the Federal Government and State governments is used effectively to improve the quality of service and the long-term financial health of Amtrak;

(8) Amtrak and its employees should proceed quickly with proposals to modify collective bargaining agreements to make more efficient use of manpower and to realize cost savings which are necessary to reduce Federal financial assistance;

(9) Amtrak and intercity bus service providers should work cooperatively and develop coordinated intermodal relationships promoting seamless transportation services which enhance travel options and increase operating efficiencies;

(10) Amtrak's Strategic Business Plan calls for the establishment of a dedicated source of capital funding for Amtrak in order to ensure that Amtrak will be able to fulfill the goals of maintaining—

(A) a national passenger rail system; and

(B) that system without Federal operating assistance; and

(11) Federal financial assistance to cover operating losses incurred by Amtrak should be eliminated by the year 2002.

TITLE I—REFORMS

SUBTITLE A—OPERATIONAL REFORMS

SEC. 101. BASIC SYSTEM.

(a) OPERATION OF BASIC SYSTEM.—Section 24701 is amended to read as follows:

"§ 24701. Operation of basic system

"Amtrak shall provide intercity rail passenger transportation within the basic system. Amtrak shall strive to operate as a national rail passenger transportation system which provides access to all areas of the country and ties together existing and emergent regional rail passenger corridors and other intermodal passenger service.".

(b) IMPROVING RAIL PASSENGER TRANSPORTATION.—Section 24702 and the item relating thereto in the table of sections for chapter 247 are repealed.

(c) DISCONTINUANCE.—Section 24706 is amended—

(1) by striking "90 days" and inserting "180 days" in subsection (a)(1);

(2) by striking "24707(a) or (b) of this title," in subsection (a)(1) and inserting "or discontinuing service over a route,";

(3) by inserting "or assume" after "agree to share" in subsection (a)(1); and

(4) by striking "section 24707(a) or (b) of this title" in subsections (a)(2) and (b)(1) and inserting "paragraph (1)".

(d) COST AND PERFORMANCE REVIEW.—Section 24707 and the item relating thereto in the table of sections for chapter 247 are repealed.

(e) SPECIAL COMMUTER TRANSPORTATION.—Section 24708 and the item relating thereto in the table of sections for chapter 247 are repealed.

(f) CONFORMING AMENDMENT.—Section 24312(a)(1) is amended by striking ", 24710(a),".

SEC. 102. MAIL, EXPRESS, AND AUTO-FERRY TRANSPORTATION.

(a) REPEAL.—Section 24306 is amended—

(1) by striking the last sentence of subsection (a); and

(2) by striking subsection (b) and inserting the following:

"(b) AUTHORITY OF OTHERS TO PROVIDE AUTO-FERRY TRANSPORTATION.—State and local laws and regulations that impair the provision of auto-ferry transportation do not apply to Amtrak or a rail carrier providing auto-ferry transportation. A rail carrier may not refuse to participate with Amtrak in providing auto-ferry transportation because a State or local law or regulation makes the transportation unlawful.".

SEC. 103. ROUTE AND SERVICE CRITERIA.

Section 24703 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 104. ADDITIONAL QUALIFYING ROUTES.

Section 24705 and the item relating thereto in the table of sections for chapter 247 are repealed.

SEC. 105. TRANSPORTATION REQUESTED BY STATES, AUTHORITIES, AND OTHER PERSONS.

Section 24101(c)(2) is amended by inserting ", separately or in combination," after "and the private sector".

SEC. 106. AMTRAK COMMUTER.

(a) REPEAL OF CHAPTER 245.—Chapter 245 and the item relating thereto in the table of chapters for subtitle V of such title, are repealed.

(b) CONFORMING AMENDMENT.—Section 24301(f) is amended to read as follows:

"(f) TAX EXEMPTION FOR CERTAIN COMMUTER AUTHORITIES.—A commuter authority that was eligible to make a contract with Amtrak Commuter to provide commuter rail passenger transportation but which decided to provide its own rail passenger transportation beginning January 1, 1983, is exempt, effective October 1, 1981, from paying a tax or fee to the same extent Amtrak is exempt.".

(c) TRACKAGE RIGHTS NOT AFFECTED.—The repeal of chapter 245 of title 49, United States Code, by subsection (a) of this section is without prejudice to the retention of trackage rights over property owned or leased by commuter authorities.

SEC. 107. THROUGH SERVICE IN CONJUNCTION WITH INTERCITY BUS OPERATIONS.

(a) IN GENERAL.—Section 24305(a) is amended by adding at the end the following new paragraph:

"(3)(A) Except as provided in subsection (d)(2), Amtrak may enter into a contract with a motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes only—

"(i) if the motor carrier is not a public recipient of governmental assistance, as such term is defined in section 13902(b)(8)(A) of this title, other than a recipient of funds under section 5311 of this title;

"(ii) for passengers who have had prior movement by rail or will have subsequent movement by rail; and

"(iii) if the buses, when used in the provision of such transportation, are used exclusively for the transportation of passengers described in clause (ii).

"(B) Subparagraph (A) shall not apply to transportation funded predominantly by a State or local government, or to ticket selling agreements.".

(b) POLICY STATEMENT.—Section 24305(d) is amended by adding at the end the following new paragraph:

"(3) Congress encourages Amtrak and motor common carriers of passengers to use the authority conferred in section 11342(a) of this title for the purpose of providing improved service to the public and economy of operation.".

SEC. 108. RAIL AND MOTOR CARRIER PASSENGER SERVICE.

(a) IN GENERAL.—Notwithstanding any other provision of law (other than section 24305(a) of title 49, United States Code), Amtrak and motor carriers of passengers are authorized—

(1) to combine or package their respective services and facilities to the public as a means of increasing revenues; and

(2) to coordinate schedules, routes, rates, reservations, and ticketing to provide for enhanced intermodal surface transportation.

(b) REVIEW.—The authority granted by subsection (a) is subject to review by the Surface Transportation Board and may be modified or revoked by the Board if modification or revocation is in the public interest.

SEC. 109. PASSENGER CHOICE.

Federal employees are authorized to travel on Amtrak for official business where total travel cost from office to office is competitive on a total trip or time basis.

SEC. 110. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION OF FOIA.—Section 24301(e) is amended by adding at the end thereof the following: "Section 552 of title 5, United States Code, applies to Amtrak for any fiscal year in which Amtrak receives a Federal subsidy.".

(b) APPLICATION OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT.—Section 303B(m) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(m)) applies to a proposal in the possession or control of Amtrak.

SUBTITLE B—PROCUREMENT

SEC. 121. CONTRACTING OUT.

(a) REPEAL OF BAN ON CONTRACTING OUT.—Section 24312 of title 49, United States Code, is amended—

(1) by striking subsection (b);

(2) by striking "(1)" in subsection (a); and

(3) by striking "(2)" in subsection (a) and inserting "(b) WAGE RATES.—".

(b) AMENDMENT OF EXISTING COLLECTIVE BARGAINING AGREEMENT.—

(1) CONTRACTING OUT.—Any collective bargaining agreement entered into between Amtrak and an organization representing its employees before the date of enactment of this Act is deemed amended to include the language of section 24312(b) of title 49, United States Code, as that section existed on the day before the effective date of the amendments made by subsection (a).

(2) ENFORCEABILITY OF AMENDMENT.—The amendment to any such collective bargaining agreement deemed to be made by paragraph (1) of this subsection is binding on all parties to the agreement and has the same effect as if arrived at by agreement of the parties under the Railway Labor Act.

(c) CONTRACTING-OUT ISSUES TO BE INCLUDED IN NEGOTIATIONS.—Proposals on the subject matter of contracting out work, other than work related to food and beverage service, which results in the layoff of an Amtrak employee—

(1) shall be included in negotiations under section 6 of the Railway Labor Act, 45 U.S.C. 156, between Amtrak and an organization representing Amtrak employees, which shall be commenced by—

(A) the date on which labor agreements under negotiation on the date of enactment of this Act may be re-opened; or

(B) November 1, 1999,

whichever is earlier;

(2) may, at the mutual election of Amtrak and an organization representing Amtrak employees, be included in any negotiation in progress under section 6 of the Railway Labor Act, 45 U.S.C. 156, on the date of enactment of this Act; and

(3) may not be included in any negotiation in progress under section 6 of the Railway Labor Act, 45 U.S.C. 156, on the date of enactment of this Act, unless both Amtrak and the organization representing Amtrak employees agree to include it in the negotiation.

No contract between Amtrak and an organization representing Amtrak employees, that is under negotiation on the date of enactment of this Act, may contain a moratorium that extends more than 5 years from the date of expiration of the last moratorium.

(d) NO INFERENCE.—The amendment made by subsection (a) is without prejudice to the power of Amtrak to contract out the provision of food and beverage services on board Amtrak trains or to contract out work not resulting in the layoff of Amtrak employees.

SUBTITLE C—EMPLOYEE PROTECTION REFORMS

SEC. 141. RAILWAY LABOR ACT PROCEDURES.

(a) NOTICES.—Notwithstanding any arrangement in effect before the date of the enactment of this Act, notices under section 6 of the Railway Labor Act (45 U.S.C. 156) with respect to all issues relating to employee protective arrangements and severance benefits which are applicable to employees of Amtrak, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973, shall be deemed served and effective on the date which is 45 days after the date of the enactment of this Act. Amtrak, and each affected labor organization representing Amtrak employees, shall promptly supply specific information and proposals with respect to each such notice.

(b) NATIONAL MEDIATION BOARD EFFORTS.—Except as provided in subsection (c), the National Mediation Board shall complete all efforts, with respect to the dispute described in subsection (a), under section 5 of the Railway Labor Act (45 U.S.C. 155) not later than 120 days after the date of the enactment of this Act.

(c) RAILWAY LABOR ACT ARBITRATION.—The parties to the dispute described in subsection (a) may agree to submit the dispute to arbitration under section 7 of the Railway Labor Act (45 U.S.C. 157), and any award resulting therefrom shall be retroactive to the date which is 120 days after the date of the enactment of this Act.

(d) DISPUTE RESOLUTION.—

(1) With respect to the dispute described in subsection (a) which

(A) is unresolved as of the date which is 120 days after the date of the enactment of this Act; and

(B) is not submitted to arbitration as described in subsection (c), Amtrak shall, and the labor organization parties to such dispute shall, within 127 days after the date of the enactment of this Act, each select an individual from the entire roster of arbitrators maintained by the National Mediation Board. Within 134 days after the date of the enactment of this Act, the individuals selected under the preceding sentence shall jointly select an individual from such roster to make recommendations with respect to such dispute under this subsection. If the National Mediation Board is not informed of the selection under the preceding sentence 134 days after the date of enactment of this Act, the Board will immediately select such individual.

(2) No individual shall be selected under paragraph (1) who is pecuniarily or otherwise interested in any organization of employees or any railroad or who is selected pursuant to section 121(e) of this Act.

(3) The compensation of individuals selected under paragraph (1) shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of such individuals as if such individuals were members of a board created under such section 10.

(4) If the parties to a dispute described in subsection (a) fail to reach agreement within 150 days after the date of the enactment of this Act, the individual selected under paragraph (1) with respect to such dispute shall made recommendations to the parties proposing contract terms to resolve the dispute.

(5) If the parties to a dispute described in subsection (a) fail to reach agreement, no change shall be made by either of the parties in the conditions out of which the dispute arose for 30 days after recommendations are made under paragraph (4).

(6) Section 10 of the Railway Labor Act (45 U.S.C. 160) shall not apply to a dispute described in subsection (a).

(e) NO PRECEDENT FOR FREIGHT.—Nothing in this Act, or in any amendment made by this Act, shall affect the level of protection provided to freight railroad employees and mass transportation employees as it existed on the day before the date of enactment of this Act.

SEC. 142. SERVICE DISCONTINUANCE.

(a) REPEAL.—Section 24706(c) of title 49, United States Code, is repealed.

(b) EXISTING CONTRACTS.—Any provision of a contract entered into before the date of the enactment of this Act between Amtrak and a labor organization representing Amtrak employees relating to employee protective arrangements and severance benefits applicable to employees of Amtrak is extinguished, including all provisions of Appendix C–2 to the National Railroad Passenger Corporation Agreement, signed July 5, 1973.

(c) SPECIAL EFFECTIVE DATE.—Subsections (a) and (b) of this section shall take effect 180 days after the date of the enactment of this Act.

(d) NONAPPLICATION OF BANKRUPTCY LAW PROVISION.—Section 1172(c) of title 11, United States Code, shall not apply to Amtrak and its employees.

SUBTITLE D—USE OF RAILROAD FACILITIES

SEC. 161. LIABILITY LIMITATION.

(A) IN GENERAL.—Chapter 281 is amended by adding at the end the following new section:

"§ 28103. Limitations on rail passenger transportation liability

"(a) LIMITATIONS.—(1) Notwithstanding any other statutory or common law or public policy, or the nature of the conduct giving rise to damages or liability, in a claim for personal injury to a passenger, death of a passenger, or damage to property of a passenger arising from or in connection with the provision of rail passenger transportation, or from or in connection with any rail passenger transportation operations or rail passenger transportation use of right-of-way or facilities owned, leased, or maintained by any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State, punitive damages, to the extent permitted by applicable State law, may be awarded in connection with any such claim only if the plaintiff establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct carried out by the defendant with a conscious, flagrant indifference to the rights and safety of others. If, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, this paragraph shall not apply.

(2) The aggregate allowable awards to all rail passengers, against all defendants, for all claims, including claims for punitive damages, arising from a single accident or incident, shall not exceed $200,000,000.

"(b) CONTRACTUAL OBLIGATIONS.—A provider of rail passenger transportation may enter into contracts that allocate financial responsibility for claims.

"(c) MANDATORY COVERAGE.—Amtrak shall maintain a total minimum liability coverage through insurance and self-insurance of at least $200,000,000.

"(d) EFFECT ON OTHER LAWS.—This section shall not affect the damages that may be recovered under the Act of April 27, 1908 (45 U.S.C. 51 et seq.; popularly known as the 'Federal Employers' Liability Act) or under any workers compensation Act.

"(e) DEFINITION.—For purposes of this season—

"(1) the term 'claim' means a claim made—

"(A) against Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any States; or

"(B) against an officer, employee, affiliate engaged in railroad operations, or agent, of Amtrak, any high-speed railroad authority or operator, any commuter authority or operator, any rail carrier, or any State;

"(2) the term 'punitive damages' means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future; and

"(3) the term 'rail carrier' includes a person providing excursion, scenic, or museum train service, and an owner or operator of a privately owned rail passenger car.".

"(b) CONFORMING AMENDMENT.—The table of sections for chapter 281 is amended by adding at the end the following new item:

"28103. Limitations on rail passenger transportation liability.".

SEC. 162. RETENTION OF FACILITIES.

Section 24309(b) is amended by inserting "or on January 1, 1997," after "1979,".

TITLE II—FISCAL ACCOUNTABILITY

SEC. 201. AMTRAK FINANCIAL GOALS.

Section 24101(d) is amended by adding at the end thereof the following: "Amtrak shall prepare a financial plan to operate within the funding levels authorized by section 24104 of this chapter, including budgetary goals for fiscal years 1998 through 2002. Commencing no later than the fiscal year following the fifth anniversary of the Amtrak Reform and Accountability Act of 1997, Amtrak shall operate without Federal operating grant funds appropriated for its benefit.".

SEC. 202. INDEPENDENT ASSESSMENT.

(a) INITIATION.—Not later than 15 days after the date of enactment of this Act, the Secretary of Transportation shall contract with an entity independent of Amtrak and not in any contractual relationship with Amtrak and of the Department of Transportation to conduct a complete independent assessment of the financial requirements of Amtrak through fiscal year 2002. The entity shall have demonstrated knowledge about railroad industry accounting requirements, including the uniqueness of the industry and of Surface Transportation Board accounting requirements. The Department of Transportation, Office of Inspector General, shall approve the entity's statement of work and the award and shall oversee the contract. In carrying out its responsibilities under the preceding sentence, the Inspector General's Office shall perform such overview and validation or verification of data as may be necessary to assure that the assessment conducted under this subsection meets the requirements of this section.

(b) ASSESSMENT CRITERIA.—The Secretary and Amtrak shall provide to the independent entity estimates of the financial requirements of Amtrak for the period described above, using as a base the fiscal year 1997 appropriation levels established by the Congress. The independent assessment shall be based on an objective analysis of Amtrak's funding needs.

(c) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including Amtrak's—

(1) cost allocation process and procedures;

(2) expenses related to intercity rail passenger service, commuter service, and any other service Amtrak provides;

(3) Strategic Business Plan, including Amtrak's projected expenses, capital needs, ridership, and revenue forecasts; and

(4) Amtrak's assets and liabilities.

For purposes of paragraph (3), in the capital needs part of its Strategic Business Plan Amtrak shall distinguish between that portion of the capital required for the Northeast corridor and that required outside the Northeast corridor, and shall include rolling stock requirements, including capital leases, "state of good repair" requirements, and infrastructure improvements.

(d) BIDDING PRACTICES.—

(1) STUDY.—The independent assessment also shall determine whether, and to what extent, Amtrak has performed each year during the period from 1992 through 1996 services under contract at amounts less than the cost to Amtrak of performing such services with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation. For purposes of this clause, the cost to Amtrak of performing services shall be determined using generally accepted accounting principles for contracting. If identified, such contracts shall be detailed in the report of the independent assessment, as well as the methodology for preparation of bids to reflect Amtrak's actual cost of performance.

(2) REFORM.—If the independent assessment performed under this subparagraph reveals that Amtrak has performed services under contract for an amount less than the cost to Amtrak of performing such services, with respect to any activity other than the provision of intercity rail passenger transportation, or mail or express transportation, then Amtrak shall revise its methodology for preparation of bids to reflect its cost of performance.

(d) DEADLINE.—The independent assessment shall be completed not later than 180 days after the contract is awarded, and shall be submitted to the Council established under section 203, the Secretary of Transportation, the Committee on Commerce, Science, and Transportation of the United States Senate, and the Committee on Transportation and Infrastructure of the United States House of Representatives.

SEC. 203. AMTRAK REFORM COUNCIL.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Amtrak Reform Council.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 11 members, as follows:

(A) The Secretary of Transportation.

(B) Two individuals appointed by the President, of which—

(1) one shall be a representative of a rail labor organization; and

(ii) one shall be a representative of rail management.

(C) Three individuals appointed by the Majority Leader of the United States Senate.

(D) One individual appointed by the Minority Leader of the United States Senate.

(E) Three individuals appointed by the Speaker of the United States House of Representatives.

(F) One individual appointed by the Minority Leader of the United States House of Representatives.

(2) APPOINTMENT CRITERIA.—

(A) TIME FOR INITIAL APPOINTMENTS.—Appointments under paragraph (1) shall be made within 30 days after the date of enactment of this Act.

(B) EXPERTISE.—Individuals appointed under subparagraphs (C) through (F) of paragraph (1)—

(i) may not be employees of the United States;

(ii) may not be board members of employees of Amtrak;

(iii) may not be representatives of rail labor organizations or rail management; and

(iv) shall have technical qualifications, professional standing, and demonstrated expertise in the field of corporate management, finance, rail or other transportation operations, labor, economics, or the law, or other areas of expertise relevant to the Council.

(3) TERM.—Members shall serve for terms of 5 years. If a vacancy occurs other than by the expiration of a term, the individual appointed to fill the vacancy shall be appointed in the same manner as, and shall serve only for the unexpired portion of the term for which, that individual's predecessor was appointed.

(4) CHAIRMAN.—The Council shall elect a chairman from among its membership within 15 days after the earlier of—

(A) the date on which all members of the Council have been appointed under paragraph (2)(A); or

(B) 45 days after the date of enactment of this Act.

(4) MAJORITY REQUIRED FOR ACTION.—A majority of the members of the Council present and voting is required for the Council to take action. No person shall be elected chairman of the Council who receives fewer than 5 votes.

(c) ADMINISTRATIVE SUPPORT.—The Secretary of Transportation shall provide such administrative support to the Council as it needs in order to carry out its duties under this section.

(d) TRAVEL EXPENSES.—Each member of the Council shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5, United States Code.

(e) MEETINGS.—Each meeting of the Council, other than a meeting at which proprietary information is to be discussed, shall be open to the public.

(f) ACCESS TO INFORMATION.—Amtrak shall make available to the Council all information the Council requires to carry out its duties under this section. The Council shall establish appropriate procedures to ensure against the public disclosure of any information obtained under this subsection that is a trade secret or commercial or financial information that is privileged or confidential.

(g) DUTIES.—

(1) EVALUATION AND RECOMMENDATION.—The Council—

(A) shall evaluate Amtrak's performance; and

(B) make recommendations to Amtrak for achieving further cost containment and productivity improvements, and financial reforms.

(2) SPECIFIC CONSIDERATIONS.—In making its evaluation and recommendations under paragraph (1), the Council shall take into consideration all relevant performance factors, including—

(A) Amtrak's operation as a national passenger rail system which provides access to all regions of the country and ties together existing and emerging rail passenger corridors;

(B) appropriate methods for adoption of uniform cost and accounting procedures throughout the Amtrak system, based on generally accepted accounting principles; and

(C) management efficiencies and revenue enhancements, including savings achieved through labor and contracting negotiations.

(3) MONITOR WORK-RULE SAVINGS.—If, after January 1, 1997, Amtrak enters into an agreement involving work-rules intended to achieve savings with an organization representing Amtrak employees, then Amtrak shall report quarterly to the Council—

(A) the savings realized as a result of the agreement; and

(B) how the savings are allocated.

(h) ANNUAL REPORT.—Each year before the fifth anniversary of the date of enactment of this Act, the Council shall submit to the Congress a report that includes an assessment of Amtrak's progress on the resolution or status of productivity issues; and makes recommendations for improvements and for any changes in law it believes to be necessary or appropriate.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Council such sums as may be necessary to enable the Council to carry out its duties.

SEC. 204. SUNSET TRIGGER.

(a) IN GENERAL.—If at any time more than 2 years after the date of enactment of this Act and implementation of the financial plan referred to in section 201 the Amtrak Reform Council finds that—

(1) Amtrak's business performance will prevent it from meeting the financial goals set forth in section 201; or

(2) Amtrak will require operating grant funds after the fifth anniversary of the date of enactment of this Act, then

the Council shall immediately notify the President, the Committee on Commerce, Science, and Transportation of the United States Senate; and the Committee on Transportation and Infrastructure of the United States House of Representatives.

(b) FACTORS CONSIDERED.—In making a finding under subsection (a), the Council shall take into account—

(1) Amtrak's performance;

(2) the findings of the independent assessment conducted under section 202;

(3) the level of Federal funds made available for carrying out the financial plan referred to in section 201; and

(4) Acts of God, national emergencies, and other events beyond the reasonable control of Amtrak.

(c) ACTION PLAN.—Within 90 days after the Council makes a finding under subsection (a)—

(1) it shall develop and submit to the Congress an action plan for a restructured and rationalized national intercity rail passenger system; and

(2) Amtrak shall develop and submit to the Congress an action plan for the complete liquidation of Amtrak, after having the plan reviewed by the Inspector General of the Department of Transportation and the General Accounting Office for accuracy and reasonableness.

SEC. 205. SENATE PROCEDURE FOR CONSIDERATION OF RESTRUCTURING AND LIQUIDATION PLANS.

(a) IN GENERAL.—If, within 90 days (not counting any day on which either House is not in session) after a restructuring plan is submitted to the House of Representatives and the Senate by the Amtrak Reform Council under section 204 of the Amtrak Reform and Accountability Act of 1997, an implementing Act with respect to a restructuring plan (without regard to whether it is the plan submitted) has not been passed by the Congress, then a liquidation disapproval resolution shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The liquidation disapproval resolution shall be held at the desk at the request of the Presiding Officer.

(b) CONSIDERATION IN THE SENATE.—

(1) REFERRAL AND REPORTING.—A liquidation disapproval resolution introduced in the Senate shall be placed directly and immediately on the Calendar.

(2) IMPLEMENTING RESOLUTION FROM HOUSE.—When the Senate receives from the House of Representatives a liquidation disapproval resolution, the resolution shall not be referred to committee and shall be placed on the Calendar.

(3) *Consideration of single liquidation disapproval resolution.*—After the Senate has proceeded to the consideration of a liquidation disapproval resolution under this subsection, then no other liquidation disapproval resolution originating in that same House shall be subject to the procedures set forth in this subsection.

(4) AMENDMENTS.—No amendment to the resolution is in order except an amendment that is relevant to liquidation of Amtrak. Consideration of the resolution for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of a liquidation disapproval resolution under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

(6) LIMIT ON CONSIDERATION.—

(A) After no more than 20 hours of consideration of a liquidation disapproval resolution, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

(B) The time for debate on the liquidation disapproval resolution shall be equally divided between the Majority Leader and the Minority Leader or their designees.

(7) DEBATE OF AMENDMENTS.—Debate on any amendment to a liquidation disapproval resolution shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

(8) NO MOTION TO RECOMMIT.—A motion to recommit a liquidation disapproval resolution shall not be in order.

(9) DISPOSITION OF SENATE RESOLUTION.—If the Senate has read for the third time a liquidation disapproval resolution that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of a liquidation disapproval resolution for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate liquidation disapproval resolution, agree to the Senate amendment, and vote on final disposition of the House liquidation disapproval resolution, all without any intervening action or debate.

(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on a liquidation disapproval resolution shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

(c) CONSIDERATION IN CONFERENCE.—

(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to a liquidation disapproval resolution passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

(2) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on a liquidation disapproval resolution shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

(d) DEFINITIONS.—For purposes of this section—

(1) LIQUIDATION DISAPPROVAL RESOLUTION.—The term "liquidation disapproval resolution" means only a resolution of either House of Congress which is introduced as provided in subsection (a) with respect to the liquidation of Amtrak.

(2) RESTRUCTURING PLAN.—The term "restructuring plan" means a plan to provide for a restructured and rationalized national intercity rail passenger transportation system.

(e) RULES OF SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a liquidation disapproval resolution; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

SEC. 206. ACCESS TO RECORDS AND ACCOUNTS.

Section 24315 is amended by adding at the end the following new subsection:

"(h) ACCESS TO RECORDS AND ACCOUNTS.—A State shall have access to Amtrak's records, accounts, and other necessary documents used to determine the amount of any payment to Amtrak required of the State.".

SEC. 207. OFFICERS' PAY.

Section 24303(b) is amended by adding at the end the following: "The preceding sentence shall not apply for any fiscal year for which no Federal assistance is provided to Amtrak.".

SEC. 208. EXEMPTION FROM TAXES.

(a) IN GENERAL.—Subjection (1) of section 24301 is amended—

(1) by striking so much of paragraph (1) as precedes "exempt" and inserting the following:

"(1) IN GENERAL.—Amtrak, a rail carrier subsidiary of Amtrak, and any passenger or other customer of Amtrak or such subsidiary, are";

(2) by striking "tax or fee imposed" in paragraph (1) and all that follows through "levied on it" and inserting "tax, fee, head charge, or other charge, imposed or levied by a State, political subdivision, or local taxing

authority on Amtrak, a rail carrier subsidiary of Amtrak, or on persons traveling in intercity rail passenger transportation or on mail or express transportation provided by Amtrak or such a subsidiary, or on the carriage of such persons, mail, or express, or on the sale of any such transportation, or on the gross receipts derived therefrom";

(3) by striking the last sentence of paragraph (1);

(4) by striking "(2) The" in paragraph (2) and inserting "(3) JURISDICTION OF UNITED STATES DISTRICT COURTS.—The"; and

(5) by inserting after paragraph (1) the following:

"(2) PHASE-IN OF EXEMPTION FOR CERTAIN EXISTING TAXES AND FEES.—

"(a) YEARS BEFORE 2000.—Notwithstanding paragraph (1), Amtrak is exempt from a tax or fee referred to in paragraph (1) that Amtrak was required to pay as of September 10, 1982, during calendar years 1997 through 1999, only to the extent specified in the following table:

PHASE-IN OF EXEMPTION

Year of assessment	Percentage of exemption
1997	40
1998	60
1999	80
2000 and later years	100

"(B) TAXES ASSESSED AFTER MARCH, 1999.—Amtrak shall be exempt from any tax or fee referred to in subparagraph (A) that is assessed on or after April 1, 1999.".

(b) EFFECTIVE DATE.—the amendments made by subsection (a) do not apply to sales taxes imposed on intrastate travel as of the date of enactment of this Act.

SEC. 209. LIMITATION ON USE OF TAX REFUND.

(a) IN GENERAL.—Amtrak may not use any amount received under section 977 of the Taxpayer Relief Act of 1997—

(1) for any purpose other than the financing of qualified expenses (as that term is defined in section 977(e)(1) of that Act; or

(2) to offset other amounts used for any purpose other than the financing of such expenses.

(b) REPORT BY ARC.—The Amtrak Reform Council shall report quarterly to the Congress on the use of amounts received by Amtrak under section 977 of the Taxpayer Relief Act of 1997.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Section 24104(a) is amended to read as follows:

"(a) IN GENERAL.—there are authorized to be appropriated to the Secretary of Transportation—

"(1) $1,138,000,000 for fiscal year 1998;

"(2) $1,058,000,000 for fiscal year 1999;

"(3) $1,023,000,000 for fiscal year 2000;

"(4) $989,000,000 for fiscal year 2001; and

"(5) $955,000,000 for fiscal year 2002,

for the benefit of Amtrak for capital expenditures under chapters 243 and 247 of this title, operating expenses, and payments described in subsection (c)(1)(A) through (C). In fiscal years following the fifth anniversary of the enactment of the Amtrak Reform and Accountability Act of 1997 no funds authorized for Amtrak shall be used for operating expenses other than those prescribed for tax liabilities under section 3221 of the Internal Revenue Code of 1986 that are more than the amount needed for benefits of individuals who retire from Amtrak and for their beneficiaries.".

TITLE IV—MISCELLANEOUS

SEC. 401. STATUS AND APPLICABLE LAWS.

Section 24301 is amended—

(1) by striking "rail carrier under section 10102" in subsection (a)(1) and inserting "railroad carrier under section 20102(2) and chapters 261 and 281"; and

(2) by amending subsection (c) to read as follows:

"(c) APPLICATION OF SUBTITLE IV.—Subtitle IV of this title shall not apply to Amtrak, except for sections 11301, 11322(a), 11502, and 11706. Notwithstanding the preceding sentence, Amtrak shall continue to be considered an employer under the Railroad Retirement Act of 1974, the Railroad Unemployment Insurance Act, and the Railroad Retirement Tax Act.".

SEC. 402. WASTE DISPOSAL.

Section 24301(m)(1)(A) is amended by striking "1996" and inserting "2001".

SEC. 403. ASSISTANCE FOR UPGRADING FACILITIES.

Section 24310 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 404. DEMONSTRATION OF NEW TECHNOLOGY.

Section 24314 and the item relating thereto in the table of sections for chapter 243 are repealed.

SEC. 405. PROGRAM MASTER PLAN FOR BOSTON-NEW YORK MAIN LINE.

(a) REPEAL.—Section 24903 is repealed and the table of sections for chapter 249 is amended by striking the item relating to that section.

(b) CONFORMING AMENDMENTS.—

(1) Section 24902 is amended by striking subsections (a), (c), and (d) and redesignating subsection (b) as subsection (a) and subsections (e) through (m) as subsections (b) through (j), respectively.

(2) Section 24904(a)(8) is amended by striking "the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2)" and inserting "a high-speed rail passenger transportation area".

SEC. 406. AMERICANS WITH DISABILITIES ACT OF 1990.

(a) APPLICATION TO AMTRAK.—

(1) ACCESS IMPROVEMENTS AT CERTAIN SHARED STATIONS.—Amtrak is responsible for its share, if any, of the costs of accessibility improvements at any station jointly used by Amtrak and a commuter authority.

(2) CERTAIN REQUIREMENTS NOT TO APPLY UNTIL 1998.—Amtrak shall not be subject to any requirement under subsection (a)(1), (a)(3), or (e)(2) of section 242 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162) until January 1, 1998.

(b) CONFORMING AMENDMENT.—Section 24307 is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 407. DEFINITIONS.

Section 24102 is amended—

(1) by striking paragraphs (2) and (11);

(2) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively; and

(3) by inserting ", including a unit of State or local government," after "means a person" in paragraph (7), as so redesignated.

SEC. 408. NORTHEAST CORRIDOR COST DISPUTE.

Section 1163 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1111) is repealed.

SEC. 409. INSPECTOR GENERAL ACT OF 1978 AMENDMENT.

(a) AMENDMENT.—

(1) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Amtrak,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect in the first fiscal year for which Amtrak receives no Federal subsidy.

(b) AMTRAK NOT FEDERAL ENTITY.—Amtrak shall not be considered a Federal entity for purposes of the Inspector General Act of 1978. The preceding sentence shall apply for any fiscal year for which Amtrak receives no Federal subsidy.

(c) FEDERAL SUBSIDY—

(1) ASSESSMENT.—In any fiscal year for which Amtrak requests Federal assistance, the Inspector General of the Department of Transportation shall review Amtrak's operations and conduct an assessment similar to the assessment required by section 202(a). The Inspector General shall report the results of the review and assessment to—

(A) the President of Amtrak;

(B) the Secretary of Transportation;

(C) the United States Senate Committee on Appropriations;

(D) the United States Senate Committee on Commerce, Science, and Transportation;

(E) the United States House of Representatives Committee on Appropriations;

(F) the United States House of Representatives Committee on Transportation and Infrastructure.

(2) REPORT.—The report shall be submitted, to the extent practicable, before any such committee reports legislation authorizing or appropriating funds for Amtrak for capital acquisition, development, or operating expenses.

(3) SPECIAL EFFECTIVE DATE.—This subsection takes effect 1 year after the date of enactment of this Act.

SEC. 410. INTERSTATE RAIL COMPACTS.

(a) CONSENT TO COMPACTS.—Congress grants consent to States with an interest in a specific form, route, or corridor of intercity passenger rail service (including high speed rail service) to enter into interstate compacts to promote the provision of the service, including—

(1) retaining an existing service or commencing a news service;

(2) assembling rights-of-way; and

(3) performing capital improvements, including—

(A) the construction and rehabilitation of maintenance facilities;

(B) the purchase of locomotives; and

(C) operational improvements, including communications, signals, and other systems.

(b) FINANCING.—An interstate compact established by States under subsection (a) may provide that, in order to carry out the compact, the States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for intercity passenger rail service (except funds made available for the National Railroad Passenger Corporation);

(3) on such terms and conditions as the States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law.

SEC. 411. COMPOSITION OF AMTRAK BOARD OF DIRECTORS.

Section 24302(a) is amended—

(1) by striking "3" in paragraph (1)(C) and inserting "4";

(2) by striking clauses (i) and (ii) of paragraph (1)(C) and inserting the following:

"(i) one individual selected as a representative of rail labor in consultation with affected labor organizations.

"(ii) one chief executive officer of a State, and one chief executive officer of a municipality, selected from among the chief executive officers of States and municipalities

with an interest in rail transportation, each of whom may select an individual to act as the officer's representative at board meetings.";

(4) striking subparagraphs (D) and (E) of paragraph (1);

(5) inserting after subparagraph (C) the following:

"(D) 3 individuals appointed by the President of the United States, as follows:

"(i) one individual selected as a representative of a commuter authority, (as defined in section 102 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 702) that provides its own commuter rail passenger transportation or makes a contract with an operator, in consultation with affected commuter authorities.

"(ii) one individual with technical expertise in finance and accounting principles.

"(iii) one individual selected as a representative of the general public."; and

(6) by striking paragraph (6) and inserting the following:

"(6) The Secretary may be represented at a meeting of the Board by his designate.".

SEC. 412. EDUCATIONAL PARTICIPATION.

Amtrak shall participate in educational efforts with elementary and secondary schools to inform students on the advantages of rail travel and the need for rail safety.

SEC. 413. REPORT TO CONGRESS ON AMTRAK BANKRUPTCY.

Within 120 days after the date of enactment of this Act, the Comptroller General shall submit a report identifying financial and other issues associated with an Amtrak bankruptcy to the United States Senate Committee on Commerce, Science, and Transportation and to the United States House of Representatives Committee on Transportation and Infrastructure. The report shall include an analysis of the implications of such a bankruptcy on the Federal government, Amtrak's creditors, and the Railroad Retirement System.

SEC. 414. AMTRAK TO NOTIFY CONGRESS OF LOBBYING RELATIONSHIPS.

If, at any time, during a fiscal year in which Amtrak receives Federal assistance, Amtrak enters into a consulting contract or similar arrangement, or a contract for lobbying, with a lobbying firm, an individual who is a lobbyist, or who is affiliated with a lobbying firm, as those terms are defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), Amtrak shall notify the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Transportation and Infrastructure of—

(1) the name of the individual or firm involved;

(2) the purpose of the contract or arrangement; and

(3) the amount and nature of Amtrak's financial obligation under the contract.

This section applies only to contracts, renewals or extensions of contracts, or arrangements entered into after the date of the enactment of this Act.

THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

HARKIN AMENDMENT NO. 1610

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1269, supra; as follows:

On page 4, between lines 21 and 22, insert the following:

(3) CHILD LABOR.—The principal negotiating objectives of the United States regarding child labor are to further promote adequate and effective protection against exploitative child labor by—

(A) seeking the enactment and effective enforcement by foreign countries of laws that—

(i) recognize and adequately protect against the effects of exploitative child labor; and

(ii) provide protection against unfair competition; and

(B) providing for strong enforcement of laws against exploitative child labor through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

THE BURLEY IRRIGATION DISTRICT CONVEYANCE ACT OF 1997

CRAIG AMENDMENT NO. 1611

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill (S. 538) to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; as follows:

Paragraph 1(c)(1) of the Committee amendment is modified to read as follows:

"(1) TRANSFER.—(A) Subject to subparagraphs (B) and (C), the Secretary shall transfer to Burley, through an agreement among Burley, the Minidoka Irrigation district, and the Secretary, in accordance with and subject to law of the State of Idaho, all natural flow, waste, seepage, return flow, and groundwater rights held in the name of the United States—

(1) for the benefit of the Minidoka Project or specifically for the Burley Irrigation District; and

(2) that are for use on lands within the Burley Irrigation District; and

(3) which are set forth in contracts between the United States and Burley or in the decree of June 20, 1913 of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the case of *Twin Falls Canal Company* v. *Charles N. Foster, et al.*, and commonly referred to as the "Foster decree".

"(B) Any rights that are presently held for the benefit of lands within the Minidoka Irrigation District and the Burley Irrigation District shall be allocated in such manner so as to neither enlarge nor diminish the respective rights of either district in such water rights as described in contracts between Burley and the United States.

"(C) The transfer of water rights in accordance with this paragraph shall not impair the integrated operation of the Minidoka Project, affect any other adjudicated rights, or result in any adverse impact on any other project water user."

THE SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

GRASSLEY AMENDMENT NO. 1612

Mr. LOTT (for Mr. GRASSLEY) proposed an amendment to the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Savings Are Vital to Everyone's Retirement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.

(2) Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.

(3) A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.

(b) PURPOSE.—It is the purpose of this Act—

(1) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(2) to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and

(3) to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

"SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

"(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

"(c) INFORMATION TO BE MADE AVAILABLE.—The information to be made available by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

"(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, the characteristics and operation of the different retirement savings vehicles, including the steps to establish each such vehicle, and

"(2) information regarding matters relevant to establishing retirement income savings, such as—

"(A) the forms of retirement income savings,

"(B) the concept of compound interest,

"(C) the importance of commencing savings early in life,

"(D) savings principles,

"(E) the importance of prudence and diversification in investing,

"(F) the importance of the timing of investments, and

"(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

"(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a permanent site on the Internet concerning retirement income savings. The site shall contain at least the following information:

"(1) a means for individuals to calculate their estimated retirement savings needs, based on their retirement income goal as a percentage of their preretirement income;

"(2) a description in simple terms of the common types of retirement income savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and interest rate projections, and a directory of resources of more descriptive information;

"(3) materials explaining to employers in simple terms, the characteristics and operation of the different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986, including the steps to establish each such arrangement;

"(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies in consultation with such Department, to promote retirement income savings by workers and employers; and

"(5) links to other sites maintained on the Internet by governmental agencies and nonprofit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing.

"(e) COORDINATION.—The Secretary shall coordinate the outreach program under this section with similar efforts undertaken by other public and private entities.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

"Sec. 515. Delinquent contributions.

"Sec. 516. Outreach to promote retirement income savings.".

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974, as amended by section 3 of this Act, is amended by adding at the end the following new section:

"NATIONAL SUMMIT ON RETIREMENT SAVINGS

"SEC. 517. (a) AUTHORITY TO CALL SUMMIT.—Not later than July 15, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House, to be co-hosted by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 on or after September 1 of each year involved. Such a National Summit shall—

"(1) advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(2) facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(3) develop recommendations for additional research, reforms, and actions in the field of private pensions and individual retirement savings; and

"(4) disseminate the report of, and information obtained by, the National Summit and exhibit materials and works of the National Summit.

"(b) PLANNING AND DIRECTION.—The National Summit shall be planned and conducted under the direction of the Secretary, in consultation with, and with the assistance of, the heads of such other Federal departments and agencies as the President may designate. Such assistance may include the assignment of personnel. The Secretary shall, in planning and conducting the National Summit, consult with the congressional leaders specified in subsection (e)(2). The Secretary shall also, in carrying out the Secretary's duties under this subsection, consult and coordinate with at least one organization made up of private sector businesses and associations partnered with Government entities to promote long-term financial security in retirement through savings.

"(c) PURPOSE OF NATIONAL SUMMIT.—The purpose of the National Summit shall be—

"(1) to increase the public awareness of the value of personal savings for retirement;

"(2) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(3) to facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(4) to identify the problems workers have in setting aside adequate savings for retirement;

"(5) to identify the barriers which employers, especially small employers, face in assisting their workers in accumulating retirement savings;

"(6) to examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

"(7) to examine the impact and effectiveness of government programs at the Federal, State, and local levels to educate the public about, and to encourage, retirement income savings;

"(8) to develop such specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting private pensions and individual retirement savings; and

"(9) to develop recommendations for the coordination of Federal, State, and local retirement income savings initiatives among the Federal, State, and local levels of government and for the coordination of such initiatives.

"(d) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employer-based retirement savings and shall not include issues relating to the old-age, survivors, and disability insurance program under title II of the Social Security Act.

"(e) NATIONAL SUMMIT PARTICIPANTS.—

"(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together—

"(A) professionals and other individuals working in the fields of employee benefits and retirement savings;

"(B) Members of Congress and officials in the executive branch;

"(C) representatives of State and local governments;

"(D) representatives of private sector institutions, including individual employers, concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

"(E) representatives of the general public.

"(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their designees:

"(A) the Speaker and the Minority Leader of the House of Representatives;

"(B) the Majority Leader and the Minority Leader of the Senate;

"(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

"(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

"(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate;

"(F) the Chairman and ranking Member of the Subcommittees on Labor, Health and Human Services, and Education of the Senate and House of Representatives; and

"(G) the parties referred to in subsection (b).

"(3) ADDITIONAL PARTICIPANTS.—

"(A) IN GENERAL.—There shall be not more than 200 additional participants. Of such additional participants—

"(i) one-half shall be appointed by the President, in consultation with the elected leaders of the President's party in Congress (either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and either the Majority Leader or the Minority Leader of the Senate; and

"(ii) one-half shall be appointed by the elected leaders of Congress of the party to which the President does not belong (one-half of that allotment to be appointed by either the Speaker of the House of Representatives or the Minority Leader of the House of Representatives, and one-half of that allotment to be appointed by either the Majority Leader or the Minority Leader of the Senate).

"(B) APPOINTMENT REQUIREMENTS.—The additional participants described in subparagraph (A) shall be—

"(i) appointed not later than January 31, 1998;

"(ii) selected without regard to political affiliation or past partisan activity; and

"(iii) representative of the diversity of thought in the fields of employee benefits and retirement income savings.

"(4) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

"(f) NATIONAL SUMMIT ADMINISTRATION.—

"(1) ADMINISTRATION.—In administering this section, the Secretary shall—

"(A) request the cooperation and assistance of such other Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

"(B) furnish all reasonable assistance to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

"(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

"(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

"(E) appoint and fix the pay of such additional personnel as may be necessary to carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—

"(A) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(B);

"(B) the agenda prepared under paragraph (1)(C) for the National Summit is published in the Federal Register; and

"(C) the personnel appointed under paragraph (1)(E) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(3) NONAPPLICATION OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the National Summit.

"(g) REPORT.—The Secretary shall prepare a report describing the activities of the National Summit and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than 90 days after the date on which the National Summit is adjourned.

"(h) DEFINITION.—For purposes of this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(2) AUTHORIZATION TO ACCEPT PRIVATE CONTRIBUTIONS.—In order to facilitate the National Summit as a public-private partnership, the Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit.

"(j) FINANCIAL OBLIGATION FOR FISCAL YEAR 1998.—The financial obligation for the Department of Labor for fiscal year 1998 shall not exceed the lesser of—

"(1) one-half of the costs of the National Summit; or

"(2) $250,000.

The private sector organization described in subsection (b) and contracted with by the Secretary shall be obligated for the balance of the cost of the National Summit.

"(k) CONTRACTS.—The Secretary may enter into contracts to carry out the Secretary's responsibilities under this section. The Secretary shall enter into a contract on a sole-source basis to ensure the timely completion of the National Summit in fiscal year 1998.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 3 of this Act, is amended by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings.".

NOTICE OF HEARING CANCELLATION

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THOMAS. Mr. President, I would like to announce for the public that the oversight field hearing that has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources, to take place Saturday, November 15, 1997 in Homestead, Florida, has been postponed until further notice.

For further information, please contact Jim O'Toole of the Committee staff at (202) 224-5161.

AUTHORITY FOR COMMITTEE TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, November 7, 1997, to hold a business meeting.

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

ADDITIONAL STATEMENTS

FAST-TRACK TRADE LEGISLATION

• Mr. MCCAIN. Mr. President, during the debate over the North American Free Trade Agreement, I quoted President Thomas Jefferson who wrote, in 1785, to his fellow Virginian, James Monroe: "I would say to every nation on earth, by treaty, your people shall trade freely with us, and ours with you."

In that same spirit, the 103d Congress of the United States passed the North American Free Trade Agreement and the nations of Canada, the United States, and Mexico began to open their borders. The resulting rising tide has already begun to lift the economic well-being of all Americans.

We now begin a similar debate over the President's request for fast-track trade negotiating authority. This gives me another opportunity to emphasize my commitment to free and open trade and pledge that I will work hard to enact the President's request. I am pleased that the proposal coming from the Finance Committee has attracted such broad bipartisan support.

My colleagues need to understand how important fast track is. Fast track provides that Congress will consider trade agreements within mandatory deadlines, with limited debate and without amendment. Its power has been held by every President for over 20 years, both Republicans and Democrats.

In his book, "American Trade Politics," Professor I.M. Destler, noted that fast track rose from Congress' natural inclination to shift responsibility for negotiating liberal trade agreements to the President while still maintaining its constitutional authority over foreign commerce.

By delegating responsibility to the executive and by helping fashion a system that protected legislators from one-sided restrictive pressures, Congress made it possible for successive presidents to maintain and expand the liberal trade order.

In other words, the fast-track mechanism is the result of years of practical experience by our predecessors. And from it, the United States has been a leader in opening markets throughout the world. Implementation of the Uruguay round, establishment of the World Trade Organization, and unification of the markets of NAFTA countries are just a few of the success stories arising from the grant of fast-track authority to the President.

Unfortunately, far too many Americans have been misled into believing that free trade agreements are bad for the working men and women of our country. A late July NBC News/Wall Street Journal poll which simply asked if you would support fast track to negotiate more free trade agreements, a full 61 percent said "No." But these figures are beginning to change.

For too long, those who would build walls around our borders have pointed to the isolated cases of job disruptions to argue that trade only means job loss. Nothing could be further from the truth.

Trade Representative Charlene Barshefsky testified recently how in our booming economy more than 11 million Americans now work in jobs supported by exports and that these jobs pay 13 to 16 percent above the national average wage. Exports have increased dramatically across the country with 47 of 50 States registering significant export growth over the last 4 years.

Exports from California are up 45 percent, Michigan—68 percent, Illinois—64 percent, Ohio—42 percent, Texas—40 percent, Nebraska—54 percent, North Dakota—76 percent, and Montana—52 percent. Exports from Florida, Rhode Island, Louisiana, and West Virginia have increased more than 30 percent. States from New York to Utah also have posted double digit increases.

Instead of the giant sucking sound warned by many opponents of free

trade, one of the first consequences of NAFTA was the swift relocation of some auto plants from Mexico to the United States.

In my home State, increased trade has resulted in an enormous growth in exports and increased wealth for Arizona families. We exported goods totaling $10.5 billion in 1996, up 93 percent from 1992. Total exports from Arizona to NAFTA countries alone increased by 52 percent between 1993 and 1996. Even exports to the European Union, which is not a member of NAFTA, increased 54 percent during this period.

These increases would be meaningless but for one important economic truth: exports mean jobs. Today, the unemployment rate is at one of the lowest points in the last 20 years. An article in the Wall Street Journal about job growth in the St. Louis area and around the Nation stated:

. . . here . . ., it is evident that, with a buoyant economy slashing unemployment to a quarter-century low and U.S. exports booming, Mr. Clinton will surely win by the time the issue is resolved this fall . . .

The article goes on:

In the St. Louis area alone, more than 1,200 companies are now exporting, up from 600 five years ago . . .

. . . as more companies flourish by exporting, a silent majority favoring more trade is forming in much of the country. One recent poll found 78% of respondents favoring expanded trade "on a reciprocal basis."

Without fast track legislation, we have missed a number of opportunities to be involved in trade agreements throughout the world. The Southern Cone Common Market, known as MERCOSUR, is expanding to set up a regional trade bloc that will not include the United States. The Government of Chile has already concluded trade agreements with Canada and Mexico. In Asia, ASEAN is setting up a free trade area without United States' participation. The EU has begun to set up agreements in the Western Hemisphere, and is currently negotiating trade agreements with Chile and Mexico.

Despite these missed opportunities, the United States can still continue its pre-eminent leadership role on the world economic stage. We need to complete the negotiations on Chile's accession to NAFTA, to begin building the Free Trade Area for the Americas, and to pursue the long-term commitment to eliminate barriers to trade with other Asia Pacific nations in the Asia Pacific economic cooperation forum. Some Members of Congress have even proposed negotiating free trade agreements with other trading partners, such as the European Union or Sub-Saharan African countries.

The Clinton administration has noted that future multilateral negotiations may also require congressional implementation. For example, negotiations to further liberalize trade in services and agriculture and to establish new rules for subsidies are likely to begin by the year 2000. Moreover, the United States and other governments have expressed interest in pursuing multilateral negotiations on issues related to labor and environmental standards, competition policy, and rules for foreign investment. The success of these negotiations will hinge on the President's fast track authority.

Finally, I think that it is important to recognize the message being sent by the recent decline in the world's stock markets, Those who argue that we should only look inward and forgo opportunities to open markets around the world fail to recognize that we are now moving toward a single world economy. Dramatic market declines in Hong Kong are felt on Wall Street, in South America, and in Europe. It is important that we not listen to the siren song of protectionism at this moment in history. Instead, our Nation must signal its support of free trade by supporting fast-track legislation. Fast track will promote open trade and create wealth around our planet. The benefits are obvious.

The editorial pages of American newspapers have almost uniformly called for swift enactment of fast track. These newspapers observed long ago that delicate negotiations with foreign leaders go nowhere when these negotiations must first be approved by 535 congressional Secretaries of State.

The Christian, Science Monitor states:

There should be no doubt that much of the growing U.S. and world prosperity in the past two decades—indeed in the past half century—is a result of global trade expansion . . . President Clinton should press ahead decisively now. Benefits outweigh drawbacks. History is on his side.

The Washington Post says:

Economies that are open to trade and foreign investment grow more quickly and lift their populations out of poverty more quickly than economies that are closed.

The Journal of Commerce says:

. . . the real issue is the unwieldy nature of negotiating with each member of Congress, a situation that would encourage foreign trading partners to hold back their best offers knowing Congress could second-guess the deal later, leading to delays and weaker trade policy.

Mr. Clinton should directly and honestly address the fears of average Americans and use the bully pulpit to explain how global competition ultimately improves the U.S. competitive position. Only then will Americans better understand why their smart, innovative companies and hard-working people stand to benefit globally from open markets and fast-track authority.

The Arizona Daily News-Sun correctly argues:

. . . enterprise free of the bureaucratic costs of trade "quotas" and tariffs only raise the cost of doing business for American businesses selling to foreign markets and result in higher prices to consumers. Capitalism is not a zero-sum game.

And, finally, USA Today states:

Congressional dithering over trade agreements is the kiss of death. Let the president negotiate.

I could not agree more.

The commonsense perception of the negative consequences of high tariffs was well understood by Americans who engaged in the great tariff debates of the last century. It was understood by many of our Founding Fathers, by committed free traders in the 19th century, and by supporters of free trade today who argue persistently that tariffs are unfair taxes on an already overtaxed public and an impediment to prosperity.

There are, of course, other arguments at stake that transcend partisan economic values. Under the benefits of NAFTA, Mexico has moved dramatically away from statism, protectionism, and the reflexively anti-American, anticapitalist left wing policies that have kept Mexico so firmly rooted in the Third World. Had we rejected NAFTA and denied Mexico the benefits of enlightened engagement with the world, we may very well have provoked a return to those policies which are so inimical to our own interests.

I have long argued that free trade agreements help promote democratic freedoms in countries around the world. Support for free trade, as exemplified by vote for fast-track authority, is another way to help ensure that many, many people are able to live in a free and prospering environment.

In conclusion, I urge my colleagues not to reject this golden opportunity to solidify the global free trade regime that we have created. Instead of heeding the cries of protectionism and throwing our country down a path of eventual economic ruin, we should vote to continue prosperity from Wall Street to Main Street America.●

THE HAWAII HOUSING AUTHORITY

● Mr. INOUYE. Mr. President, the Public Housing Management Assessment Program was established under the National Affordable Housing Act of 1990 to ensure that public housing functions as a well-managed enterprise on a uniform, nationwide basis. The PHMAP was designed to institute a system of accountability that would help the U.S. Department of Housing and Urban Development monitor and evaluate management operations of housing authorities nationwide. PHMAP scores are based on ranking in seven areas: vacancy rate and unit turnaround time, modernization, rents uncollected, work orders, inspection of units and systems, financial management, resident services, and community building.

The Hawaii Housing Authority is ranked the 29th largest authority of 4,000 housing authorities in the country. Last month, HUD announced that the HHA received a 92.5 score and high-performer status for its management

program under PHMAP. This enables the State of Hawaii to continue to receive its share of Federal funding, and allows HHA maximum flexibility in using those Federal funds.

I would like to congratulate Hawaii Gov. Benjamin J. Cayetano, Ms. Sharon R. Yamada, executive director of the Hawaii Housing Authority, and the extraordinary staff of the HHA for this outstanding achievement. I proudly commend the staff of HHA for their dedication, hard work, and detailed attention to serving their housing customers. •

PUBLICATION OF THE SWISS BANKS' DORMANT ACCOUNT LIST

• Mr. D'AMATO. Mr. President, I rise today briefly to discuss the publication of the latest list of dormant accounts in Swiss banks.

On October 29, 1997, the Swiss Bankers Association published its second list of dormant accounts. The list contains some 3,700 names of account holders that have not been heard from since May 9, 1945, the conclusion of the Second World War. This is the second time the Swiss Bankers Association has published such a list, the first time being on July 23, 1997. On that occasion, a great number of names appeared on that list that had proven to be either Nazis or those that were unable to obtain their accounts despite repeated attempts to do so.

The latest list, contains the names of Johann Rohani and Anna Rohanny, of Amsterdam. Yesterday afternoon, I heard from the Rohany's daughter, Susan Unger, who informed my staff that these people were her parents. She went on to say that her mother had tried and been turned down in 1968 trying to claim the funds which were hers. Moreover, as late as October 1, of this year, she tried to claim the account and was turned down. Yet, when one looks at the latest list, it is inescapable that these are the same names. Apparently, the accounting firm looking for the accounts failed to check her parents' names on the then-pending lists. This is terribly unfortunate. Mrs. Unger has tried and tried to obtain funds that were legitimately hers and yet, she and her mother have been denied.

What is even more bothersome is the fact that while the accounting firm turned her down 1 month ago, and that her parents' names appear on the new list, how many others I wonder, are in the same situation. How many have been turned down, with looking for names appearing on the first list, when they might well have appeared on this new list? We would have a better idea if the second list had been published in full like the first list. This one was not, it was only available on the Internet, through a search mechanism, not a full printout of the names, making it immensely more difficult, if not impossible to find names, if you do not see all of them.

Mr. President, the Swiss banks have a long way to go before they can regain the respectability they once had. Continued indifference to cases such as this are very unfortunate. I wish for the sake of the claimants they would come to their senses and do what is right. One can only hope.•

CHILD CARE

• Mr. SARBANES. Mr. President, on October 23, 1997, President Clinton convened the first ever White House Conference on Child Care. This important summit examined one of the most critical issues facing American families today, the need for safe, affordable, quality child care. I rise today to commend the President for working to focus public attention on this very important matter, and to urge the Senate to move quickly to address the critical issues facing us with regard to our children's future.

Mr. President, it has long been my view that our children are our greatest national resource and must number among our country's highest priorities. Nationwide, nearly 10 million preschool children spend a part of their day in child care, and there are many more school-age children who spend portions of their afternoons under the supervision of someone other than a parent when the school day ends. These children need care that will enable them to learn and grow, while keeping them safe, healthy, and happy.

There can be no disagreement that high quality child care and early childhood development services are absolutely essential to the well-being of our children and our families. In fact, recent research findings in early brain development indicate that much of children's growth and future emotional health is determined by early learning and care. This research emphasizes the urgent need for well-trained reliable child care-givers for even the youngest of children, and underscores the importance of continued Federal support for child care programs. Whether these programs are called child care, early childhood development, or early childhood education they all must provide the nurturing and stimulation children need to develop fully, to enter school ready to learn, and to grow into capable and responsible adults.

While quality of care is the most important consideration for parents choosing a child care provider for their families, many parents must take into consideration the high cost of child care in this country. According to the 1995 Census, middle class families earning approximately $36,000 a year spend 12 percent of their annual income in child care expenses, and families earning $15,000 or less a year pay approximately 25 percent of their household income on care for their children. For these parents child care is an enormous financial burden.

In my own State of Maryland, many parents are struggling to hold jobs and at the same time provide quality care for their children. While the State of Maryland is a leader in day care financing, in 1994, there were approximately 4,000 children on the waiting list for child care assistance. Many of these children's parents must daily live with the fear that their child care situation is inadequate or that their carefully patched together child care arrangements will fall apart. We can—and we must—do better.

The Federal Government has a crucial responsibility to support and protect society's youngest members. As a nation we must work to empower low-income parents so that they may meet their children's needs by providing access to affordable, quality child care. As a member of the Senate, I have cosponsored previous legislation to address these pressing issues including the Act for Better Child Care Services which led to the authorization of the Child Care and Development Block Grant, and I have continued to work with my colleagues to ensure that Federal investments in the care and development of young children yield concrete results.

The White House Child Care Conference has provided us with a strong foundation on which to build and expand our Nation's child care programs, and has already begun to yield tangible results. Proposals resulting from the White House conference include the creation of a national child care provider scholarship fund to improve training, education, and compensation for child care providers, and a National Crime Prevention and Privacy Compact to increase the efficiency and effectiveness of background checks on child care providers. These proposals are useful first steps to bolster Federal child care programs, and to address issues of quality, accessibility, and affordability of reliable child care.

Mr. President, it is imperative to remember that children represent the future of this Nation. Unless we provide those generations to come with the knowledge and skills needed to function successfully in an increasingly complex world, we not only imperil the futures of our children—we imperil the future of our Nation. We must continue to invest in the future of our children by renewing our commitment to quality child care, and I urge my colleagues to join me in this effort. •

RECOGNITION OF BEVERLY CATHCARD

• Mr. BOND. Mr. President, on Tuesday, November 18, 1997, Beverly Cathcard will be honored at the American Royal Event in Kansas City, MO,

in recognition of her lifelong devotion to the equine community throughout the State of Missouri.

Beverly's Hidden Valley Stables have been the beginning of several area equestrians who have ridden for enjoyment or for the love of the sport and competition. Her horses have won such prestigious races as the Morgan Grand National Horse Show, the American Royal, UPHA Chapter Five Horse Show and many other local, regional, and national level events. She has been in charge of the children's horse show at the American Royal and has served on the State and local boards of directors for the Missouri Horse Shows Association and the Longview Horse Park Board as well as many others.

Beverly represents the kind of spirit, honor, and integrity that belong in the equestrian community. November 18 will be a great occasion for the American Royal and I join them in paying tribute to Beverly Cathcard. •

COACH EDDIE ROBINSON: A TRUE AMERICAN HERO

• Mr. BREAUX. Mr. President, the conclusion of the 1998 football season will mark the end of the most extraordinary and successful coaching career in college football history. Eddie Robinson of Grambling State University, in my home State of Louisiana, will retire as that school's head coach after 56 amazing years in that position. Coach Robinson enters retirement at the pinnacle of his profession, holding the record as the most successful college football coach in history with an impressive 408 victories and only 162 losses to his credit.

Fifty-six years ago, when Coach Robinson came to what was then Louisiana Negro Normal, the school's formative football program rested entirely on his shoulders. Unlike college coaches of today, who are often awarded large contracts and lucrative television deals, Coach Robinson had to build his program from the ground up—literally. During prep basketball games, the new coach sold hamburgers so that he could afford to rent a bulldozer that could clear a field on which his team could practice and play. Once, he persuaded the members of his team to pick cotton so that a farmer's son, who happened to be the school's top running back, could join the team.

In subsequent years, Coach Robinson built Grambling football into one of the most successful and well-known football programs in the Nation. Today, Coach Robinson and his Grambling Tigers are household names across the country. Throughout the National Football League, the team that Eddie built is known as one of the best proving grounds for the NFL stars of the future. More than 300 of his players have gone on to careers in professional football.

In 1971 alone, 43 former Grambling players were in NFL training camps. Four of his players—Willie Brown, Willie Davis, Charlie Joiner, and Buck Buchanan—are members of the Pro Football Hall of Fame. And another former player, Doug Williams, became the first black quarterback to win a Super Bowl.

Mr. President, these are some of the accomplishments of Coach Robinson's extraordinary career. But they don't tell the whole story of the amazing life of this son of a former sharecropper. That is because it is Coach Robinson's example off the football field that has proved just as inspirational.

As a devoted husband and father and an exemplary citizen, Eddie Robinson symbolizes what is best about our country. As those of us who know him can attest, he is the very embodiment of the values of integrity, dignity, loyalty, humility, dedication, and excellence that most Americans still wish for their children. In a day and time when heroes are few and far between, I suggest that the young people of America look no further than Grambling State University for a true American hero named Eddie Robinson—a hero not only because of his success on the football field, but because of his winning attitude toward life and the extraordinary content of his character.

I know that I speak for every Member of this body when I congratulate Coach Robinson for his many outstanding accomplishments on and off the football field. We wish him and his family every success and happiness in this new and exciting phase of their lives. •

THE "SAVER" BILL

• Mr. GRASSLEY. Mr. President, I ask that a letter from the Society for Human Resource Management in support of the SAVER bill be printed in the RECORD.

The letter follows:

SOCIETY FOR HUMAN RESOURCE MANAGEMENT,
Alexandria, VA, November 6, 1997.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the Society for Human Resource Management, SHRM, I am writing to enthusiastically endorse the Savings Are Vital for Everyone's Retirement (SAVER) Act, which recently passed the U.S. House of Representatives under suspension of the rules. This bipartisan legislation may be considered on the Senate floor very soon. SHRM is the leading voice of the human resource profession, representing the interests of more than 89,000 professional and student members from around the world.

Today most individuals are able to retire in a fashion that meets their needs. On average, workers retire earlier and live longer than in the past. However, a number of trends in the economy and workplace suggest that it will become increasingly difficult for American workers to meet their needs for adequate retirement income. The U.S. population is aging rapidly and the elderly live longer. The retirement of the baby boom generation will impose severe pressure on Social Security, Medicare and Medicaid. It is clear that a coordinated strategy is needed.

That is why this legislation is so critical. This legislation directs the Department of Labor to maintain an ongoing education and outreach program to the public to educate America about the need to save more. The SAVER Act also convenes a National Summit on Retirement Savings to be held by April 15, 1998 and every four years thereafter. The summit would bring together experts from the employee benefits and retirement arena, and give lawmakers access to the research and recommendations of experts so that America can meet the challenges ahead. This bipartisan legislation should be actively supported by all members of the Senate.

Thank you for your consideration of this key legislation. SHRM looks forward to working with the full Senate to see this legislation passed in 1997.

Sincerely,

DEANNA R. GELAK,
Director, Governmental Affairs.•

RECOGNITION OF REVEREND WALTER J. KEISKER

• Mr. BOND. Mr. President, I stand before you today to recognize a tremendous individual who has exemplified citizenship, character, and service to humanity throughout his life, Reverend Walter J. Keisker.

This special servant of God and man was bestowed an honorary degree of doctor of divinity in 1993 by Concordia Seminary in St. Louis for 70 years of faithful service. In accepting the honor Reverend Keisker stated, "There are others more deserving of the degree, but I am humbly grateful for it." Anyone ever associated with Reverend Keisker will acknowledge the humbleness of this special gentleman, but they will know the unique spirit and tenacity that brought about a rich lifetime of accomplishments. Whether it was the Boy Scouts, Ministerial Alliance, Chamber of Commerce, Historical Society, or one of his many other activities, Reverend Keisker was totally dedicated, an enduring example of service, integrity, faithfulness, and love in the best spirit of American citizenship.

On November 12, 1997, the Lutheran Family and Children Services [LFCS] of southeast Missouri will host the Second Annual Walter J. Keisker dinner. I commend LFCS for the foresightedness in choosing Reverend Keisker to lead the LFCS mission. I can think of no better example to inspire others to assist in building family life. •

TRIBUTE TO COMMANDER CARLISLE WILLIS BUZZELL

• Mr. MCCAIN. Mr. President, 100 years ago, Mark Twain wrote, "Let us endeavor so to live that when we come to die even the undertaker will be sorry." Although I cannot speak for the undertaker, I believe I accurately represent

all of Carlisle Willis Buzzell's friends, family members, and fellow aviators in saying that this country, and the Navy which serves it proudly, lost an invaluable asset when Carl peacefully passed away last July. Mr. President, I rise today to humbly commemorate a man whom I am proud to have known, in a time and place far removed from the Senate floor from which I speak today.

After a 3-month stint in the Army, Carl wisely joined the U.S. Navy in 1946, first as a petty officer, then as a midshipman at that boat school on the Severn River, better known as the Naval Academy to all who have not had the privilege of climbing Herndon at the end of plebe summer and celebrating June Week before graduation. Carl proceeded on to a distinguished career as a naval aviator, with tours of duty both stateside and in the Mediterranean, Pacific, and Atlantic theaters.

I had the honor of flying with Carl when we were stationed together on the U.S.S. *Forrestal* (CVA–59), a carrier better known for the vicious fire which consumed its flight deck than for the raw heroism of the thousands on board who labored to save the vessel, and themselves, from the flames. As head of the *Forrestal's* Combat Information Center, Carl was likely better positioned to evaluate and respond to the crisis than I, who held the dubious distinction of being the lucky pilot whose A–4E was hit by a Zuni rocket on the flight deck, thereby igniting the inferno.

Carl went on to serve on the staff of the Naval War College, where he helped pioneer the latest in interactive computer technologies at the Center for War Gaming. This capped the Commander's 28-year naval career, following which he managed General Electric's turbojet engine programs and was responsible for maintaining the operational readiness of its engines in support of Navy aircraft.

As indicated by his private-sector work on turbojet engines for F/A–18 and F–14B/D fleet fighter aircraft, Carl's loyalties to the Navy were not diminished by his retirement from the service. Indeed, he reaffirmed his commitment to his aviation roots through active membership on the boards of the Boston chapters of the Naval Academy Alumni Association, the New England Advisory Committee of Business Executives for National Security, and the Patriots Squadron of the Association of Naval Aviation.

Mr. President, as a Naval Academy graduate and former naval aviator myself, I must concede that my respect for the service and professionalism of my friend Carl may be partially accountable to the parallels between his naval career and my own, although his subsequent decision to enter the private sector perhaps demonstrated more foresight than my own choice to enter politics and make my living at public expense.

But do not take my word as evidence of Carl's exemplary service to his country. The World War II Victory Medal, the National Defense Service Medal, the United Nations Service Medal, the Navy Occupation Service Medal, the Korean Service Medal, the Korean Presidential Unit Citation, and the Vietnam Service Medal, all of which were awarded to Commander Buzzell during his naval career, stand as proof positive of his dedication to the core values that distinguish our servicemembers to the same degree today as when Carl enlisted in 1946, 1 year after victory in a most terrible war had confirmed the resilience of our ideals and the promise of the American Century.

Mr. President, Carl Buzzell lived a life whose end deeply saddens all of us who know of his loyal service to this Nation. May his legacy long stand in testament to the virtues of a life dedicated to honor, country, and family.•

RECOGNITION OF GIRL SCOUT GOLD AWARD RECIPIENTS

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize Hilary A. Holmes of Girl Scout Troop 7756. Hilary is an outstanding young woman who has received the Girl Scout Gold Award from the Nyoda Girl Scout Council in Huron, SD. The Girl Scout Gold Award is the highest achievement award in U.S. Girl Scouting. This award exemplifies her outstanding feats in the areas of leadership, community service, career planning, and personal development.

Hilary is one of just 20,000 Gold Award recipients since the creation of the program in 1980. In order to receive this award, Hilary completed the many Gold Award requirements. She earned three interest project patches: the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge. Also, she created and executed a Girl Scout Gold Award project which included service to area flood victims.

Mr. President, I feel Hilary deserves public recognition for her tremendous service to her community and her country. I offer my congratulations to her for her hard work and effort in reaching this milestone.•

STRAIGHT-A STUDENTS

• Mr. ABRAHAM. Mr. President, I would like to take this opportunity to congratulate 4th grader Dallas Julianna Smolarek, 2d grader Candice Vaughn Smolarek, and kindergartener Brandon Tyler Smolarek for their outstanding academic success in the recent school year. All three students have received straight-A report cards and are on their way to success in school and all their personal endeavors.

We all agree over the importance of a good education, and I am pleased to see such fine young students maintaining a strong desire to perform to the best of their abilities. No doubt a role model for their classmates, Dallas, Candice, and Brandon have assumed academic leadership paralleled by few others. On behalf of the U.S. Senate, congratulations to them and best wishes for their future success.•

RETIREMENT OF PAUL W. JOHNSON AS CHIEF OF THE NATURAL RESOURCES CONSERVATION SERVICE OF THE DEPARTMENT OF AGRICULTURE

• Mr. HARKIN. Mr. President, this week marks the end of Iowa native Paul Johnson's remarkable 4-year tenure as Chief of the Natural Resources Conservation Service at the Department of Agriculture. As a long-time farmer and conservationist, Paul brought to NRCS a bold vision of private lands as a national resource to be managed in harmony with the environment.

During the past 4 years, Paul guided his agency through a major reorganization, from the Soil Conservation Service to the Natural Resources Conservation Service, and has shaped the agency's programs and policies to reflect this new emphasis on the conservation of all natural resources. Paul's leadership has inspired a new commitment to conservation both within USDA and across the country.

Paul's influence was obvious in the development of the landmark conservation title of the 1996 Farm Bill, which included among many important provisions the new Environmental Quality Incentives Program and the Wildlife Habitat Incentives Program. The creation and implementation of these programs under Paul's direction are hallmarks of the energy, creativity, and commitment that he brought to NRCS, and of the legacy he leaves behind.

The agency's eloquent publication, "A Geography of Hope," is a visionary statement of the NRCS mission and testimony to Paul's farm roots and passion for the land. For 23 years on his farm in Decorah, IA, Paul has raised corn, hay, and Christmas trees, and had a dairy herd and sheep.

In our home State Paul is highly regarded as an architect of environmental legislation. As a representative in the Iowa General Assembly from 1984 to 1990, he authored the Iowa Groundwater Protection Act, the Iowa Resource Enhancement and Protection Program, the Iowa Energy Efficiency Act and the Iowa Integrated Farm Management Program. For his leadership in the State he was named conservation legislator of the year by several organizations in Iowa and was named to the Iowa Conservation Hall of Fame by the Wildlife Society.

Paul holds B.S. and M.S. degrees in forestry from the University of Michigan, where he also pursued doctoral studies in forestry. He taught forestry in Ghana for two years, and has been visiting professor of environmental policy at Luther College. Paul worked for the USDA Forest Service in the Pacific Northwest and also has studied and consulted on forestry, agriculture, environment, and energy issues in Honduras, Costa Rica, Sweden, and the former Soviet Union.

Paul served on the Board of Agriculture of the National Academy of Sciences from 1988 to 1994, where he was involved in major studies in agriculture, forestry, and conservation. He also has served as an assistant commissioner for his local soil conservation district.

Paul brings both a global perspective and a local sensibility to conservation. While I am sorry to see him leave NRCS, I look forward to his return to Iowa, where he will continue to enrich our State. I would like to extend congratulations on a job well done, and wish Paul and his wife Pat the best on their return home.•

TRIBUTE TO SOUTHWEST MISSOURI STATE UNIVERSITY

• Mr. BOND. Mr. President, I stand before you today to pay tribute to a truly outstanding university in my home State of Missouri, Southwest Missouri State University [SMSU]. SMSU was one of 135 schools in 42 States selected to the John Templeton Foundation Honor Roll, a designation recognizing colleges and universities that emphasize character building as an integral part of the college experience.

Being the only public institution in Missouri to earn the 1997–98 honor roll distinction, SMSU is also one of the eight State-funded schools to receive the award nationwide. Schools competing for the honor roll were judged on 5 criteria and out of 2,208 4-year accredited undergraduate institutions only the top few were chosen. One of the categories where SMSU stood out was in community service. During the 1996–97 school year the SMSU campus, including the faculty and students, volunteered more than 69,500 hours.

It is an honor for the entire State of Missouri to have a university like SMSU, whose service and character-building programs have earned it this distinguished award. I commend SMSU's President, Dr. John Keiser, for his commitment to excellence and hope for continued success in the future.•

CENTENNIAL CELEBRATION OF THE CHESTER-WALLINGFORD CHAPTER OF THE AMERICAN RED CROSS

• Mr. SANTORUM. Mr. President, I rise today to recognize the Chester-Wallingford Chapter of the American Red Cross. The third oldest Red Cross chapter in the United States, this organization will, in 1998, celebrate 100 years of continuous service to the community.

With 400 volunteers and 4 staff members, the Chester-Wallingford Chapter carries out the Red Cross's mission of "providing relief to victims of disasters and helping people prevent, prepare for, and respond to emergencies." Following disasters, the Red Cross supplies victims with groceries, clothing, temporary housing, transportation, and medicine. Blood drives are another important initiative. Every 2 seconds, somebody needs a blood transfusion. The Chester-Wallingford chapter proudly helps satisfy this need by providing thousands of gallons of blood to area hospitals. As members of our Nation's Armed Forces serve overseas, the Red Cross facilitates communication between the soldiers and their families. Other public services provided by this organization include first aid, CPR, and swimming lessons.

The Chester-Wallingford Chapter has helped soldiers and veterans of WWI, WWII, Korea, Vietnam, and Desert Storm in times of need. The Red Cross has provided financial assistance to servicemen and servicewomen for emergency travel, health needs, and in some cases, burial assistance. Likewise, dedicated workers and volunteers have helped many veterans settle benefit claims. Finally, the Chester-Wallingford Chapter has provided numerous supportive services to patients in VA hospitals.

Mr. President, I commend the Chester-Wallingford Chapter of the American Red Cross for its commitment to the people of southeastern Pennsylvania. I ask my colleagues to join me in extending the Senate's best wishes for continued success to the staff and volunteers as they prepare to celebrate the chapter's centennial.•

CAPITAL AREA TRANSPORTATION AUTHORITY GALA

• Mr. ABRAHAM. Mr. President, today, I rise to commemorate the people of the Capital Area Transportation Authority [CATA] on the opening of the new CATA Transportation Center in Lansing, MI. Such an undertaking is the result many individuals in the community having dedicated a great portion of their time and talent toward seeing this idea become a reality. I, along with the citizens of Lansing and the surrounding communities, join in thanks for the work of CATA in offering such a tremendous public transportation service and for the ensuing impact on the quality of life for citizens in the surrounding areas.

I would like to take this opportunity to thank my Senate colleagues for their support of my request for earmarked funding for the CATA Transportation Center. In 1996, our request for $3 million in funding was granted and, in the following year, another earmark for $1.2 million also became a reality.

Mr. President, on behalf of the U.S. Senate, allow me to give a heartfelt thanks to those at CATA for their hard work and dedication toward making the great State of Michigan even greater.•

RECOGNIZING STONE AND THOMAS AS AN OUTSTANDING BUSINESS

• Mr. ROCKEFELLER. Mr. President, I rise today in order to recognize Stone & Thomas, an outstanding business, for its continuous service to its customers and to the State of West Virginia. Stone & Thomas has been known for its commitment to customer service since 1847. That is 16 years longer than West Virginia has been a State.

This year, Stone & Thomas celebrated 150 years in business, and its longevity is a testament to the quality of service and merchandise which they are committed to.

Mr. President, since its founding in 1847 by Jacob Thomas and Elijah Stone, this remarkable business has been owned and operated by five generations of the same family. Currently, Stone & Thomas is run by W.S. Jones, the president, chief executive officer and the great-great-grandson of Elijah Stone. Mr. Jones, like the four generations before him, has continued the creed of outstanding service which Mr. Stone and Mr. Thomas pledged themselves to. Furthermore, Mr. Jones, like those before him, has continued to improve and expand upon an already exceptional business.

All told, Stone & Thomas has employed, and continues to employ, thousands of citizens of West Virginia. They are presently responsible for over 1,500 jobs in my State, as well as several hundred jobs in Ohio, Kentucky, and Virginia. And just this week, Mr. President, they celebrated the opening of another customer-friendly store in Charleston, WV, which is expected to bring work to 70 more West Virginians.

Mr. President, Stone & Thomas has accomplished so much during its 150 years in business. Because of its diligent efforts to satisfy the customer it has grown to become West Virginia's largest independent retailer, as well as one of the top 100 in the Nation.

Because of their outstanding commitment to customer service; because of their longstanding record as a fair, honest, and friendly business; and because of their superior contributions to the economies of West Virginia and three other States, I pay special tribute to Stone & Thomas.•

TRIBUTE TO MISSOURI TASK FORCE ONE

• Mr. BOND. Mr. President, I rise to congratulate the members of Missouri Task Force One, which this year achieved Federal designation as an FEMA Urban Search and Rescue Task Force, and in October received the Memorandum of Understanding that places them in deployable status.

What a great team. They don't call Missouri the "Show Me" State for nothing. Missouri Task Force One began as 1 of more than 150 applicants. They coordinated, cajoled, planned, "recruited"—a euphemism for the arm-twisting for which they've become famous—begged, borrowed, purchased, trained, and triumphed. What was only a dream 5 years ago became a reality this year.

This team, its members and equipment underwent a rigorous evaluation including a full-blown, onsite inspection from technical experts in search and rescue. They scored the highest in the Nation, and clobbered the competition. I know this may be a sore subject with some of my colleagues in the Senate, but the numbers do not lie.

Missouri Task Force One was head and shoulders above the next-highest applicant for new teams and scored ahead of already-designated teams as well. This is one of the most exciting, dedicated groups of volunteers I have ever seen. They earned this designation in every category evaluated, from the quality of the team members to their excellent equipment.

The country won when Missouri Task Force One achieved their designation. Some of us have learned the very hard way that disasters can happen any time, anywhere. I rest easier knowing that the Midwest now has access to the Federal search and rescue teams once concentrated on the east and west coasts. I am honored to have the privilege of getting to know some of the members of Missouri Task Force One, who take the time from their "day jobs" and their families to train, take risks, pack, unpack, and train some more; for a nightmare we all hope will never happen but for which we must be prepared.•

TROY COMMUNITY COALITION

• Mr. ABRAHAM. Mr. President, today I rise to pay tribute and express my heartfelt thanks to those who have made the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse such a successful program. The hard work and dedication of the coalition's staff and volunteers was recently recognized by the Community Anti-Drug Coalitions of America "Best Coalition" designation. This award recognizes drug abuse prevention organizations which have strong programs, substantive results, and community support.

The Troy Community Coalition is a non-profit organization dedicated to improving the quality of life for all who live or work in Troy. This goal has been successfully met through the countless ways in which they have encouraged individuals to lead lives free from the abuse of alcohol and drugs.

Mr. President, on behalf of the U.S. Senate, I would like to thank the Troy Community Coalition for the hard work and effort they have put into making the great State of Michigan even greater. •

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David W. Carle:									
United States	Dollar				986.35				986.35
Norway	Kroner	4,867	647.00					4,867	647.00
Total			647.00		986.35				1,633.35

RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition, and Forestry, Oct. 21, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
Russia	Dollar		2,100.00						2,100.00
United States	Dollar				5,803.35				5,803.35
Madelyn Creedon:									
Russia	Dollar		2,100.00						2,100.00
United States	Dollar				5,803.35				5,803.35
Robert Simon:									
Russia	Dollar		2,100.00						2,100.00
United States	Dollar				5,803.35				5,803.35
Gary Glass:									
Russia	Dollar		2,100.00						2,100.00
United States	Dollar				5,803.35				5,803.35
Patrick Von Bargen:									
Russia	Dollar		2,100.00						2,100.00
United States	Dollar				3,647.05				3,647.05
Senator Carl Levin:									
Turkey	Dollar		125.00						125.00
Greece	Dollar		106.54						106.54
Senator Carl Levin:									
Bosnia	Dollar		200.00						200.00
Richard D. DeBobes:									
Switzerland	Dollar		218.00						218.00
United States	Dollar				17.80				17.80

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Turkey	Dollar		125.00						125.00
Greece	Dollar		106.71						106.71
Bosnia	Dollar		200.00						200.00
Total			11,581.25		26,878.25				38,459.50

STROM THURMOND,
Chairman, Committee on Armed Services, Oct. 30, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martin McBroom:									
Germany	Dollar		1,534.00						1,534.00
United States	Dollar				1,123.25				1,123.25
Senator Strom Thurmond:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Robert J. Short:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Richard Quick:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Lawrence Mohr, Jr.:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
John DeCrosta:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
John Miller:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Melinda Koutsoumpas:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
John Gastright:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Jason Rossbach:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Jennifer Shaw:									
China	Dollar		753.00						753.00
Hong Kong	Dollar		788.00						788.00
Senator John McCain:									
United States	Dollar				4,423.10				4,423.10
Turkey	Dollar		128.00						128.00
Senator John McCain:									
Georgia	Dollar		179.00						179.00
Azerbaijan	Dollar		273.00						273.00
Turkmenistan	Dollar		50.00						50.00
Uzbekistan	Dollar		315.00						315.00
Kyrgyzstan	Dollar		98.00						98.00
Kazakstan	Dollar		181.00						181.00
Mongolia	Dollar		200.00						200.00
China	Dollar		397.00						397.00
Total			18,765.00		5,546.35				24,311.35

STROM THURMOND,
Chairman, Committee on Armed Services, Oct. 30, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert C. Cresanti:									
Hong Kong	Dollar	4,750.00	613.54					4,750.00	613.54
United States	Dollar				4,046.45				4,046.45
Patrick A. Mulloy:									
Hong Kong	Dollar	5,700.00	736.24					5,700.00	736.24
United States	Dollar				2,240.35				2,240.45
Total			1,349.78		6,286.90				7,636.68

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Oct. 21, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alice Grant:									
Hong Kong	Dollar	29,429.00	3,822.00					29,429.00	3,822.00
United States	Dollar				1,128.45				1,128.45
Jon Rosenwasser:									
Hong Kong	Dollar	29,429.00	3,822.00					29,429.00	3,822.00
United States	Dollar				1,128.45				1,128.45
Total			7,644.00		2,256.90				9,900.90

PETE V. DOMENICI,
Chairman, Committee on the Budget, Oct. 24, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Garman:									
Germany	Mark	2,380.17	1,300.00					2,380.17	1,300.00
United States	Dollar		1,001.25						1,001.25
Total			2,301.25						2,301.25

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Oct. 10, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1996

Name and country	Name of currency	Per diem [1]		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amy Dunathan:									
United States	Dollar		28.15		2,096.95				2,125.10
Singapore	Dollar	2,070.89	1,478.15	49.00	34.96			2,119.89	1,513.11
Jeremy Preiss:									
United States	Dollar		23.68		2,086.95				2,110.63
Singapore	Dollar	2,035.44	1,452.85	15.00	10.70			2,050.44	1,463.55
James Jochum:									
United States	Dollar		2.04		709.00				711.04
Singapore	Dollar	1,280.39	913.91	32.50	23.20			1,312.89	937.11
Erik Autor:									
United States	Dollar				3,429.35				3,429.35
Singapore	Dollar	1,886.04	1,346.21	40.70	29.05			1,926.74	1,375.26
Linda Menghetti:									
United States	Dollar		103.06		2,728.95				2,832.01
Singapore	Dollar	1,499.87	1,070.57	25.40	18.13			1,525.27	1,088.70
China	Yuan	12,026.32	1,450.70	140.00	16.89	50.00	6.03	12,216.32	1,473.62
Deborah Lamb:									
United States	Dollar		75.69		2,710.95				2,786.64
Singapore	Dollar	1,391.27	993.05	50.40	35.97			1,441.67	1,029.02
China	Yuan	10,793.44	1,310.98	140.00	16.89			10,933.44	1,327.87
Daniel Bob:									
United States	Dollar		103.65		2,860.85				2,964.50
Indonesia	Rupiah	1,238,600	533.19	25,000	10.76			1,263,600	543.95
Malaysia	Ringgit	625.10	247.56	10.00	3.96			635.10	251.52
Philippines	Peso	12,596.17	479.56	30.00	1.14			12,626.17	480.70
Senator Charles E. Grassley:									
Hong Kong	Dollar	2,869.67	394.00					2,869.67	394.00
Singapore	Dollar	1,147.41	819.00					1,147.41	819.00
China	Yuan	6,242.37	753.00					6,242.37	753.00
United States	Dollar				1,048.95				1,048.95
Total	Dollar		13,579.00		17,873.60		6.03		31,458.63

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Nov. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997

Name and country	Name of currency	Per diem [1]		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel Bob:									
Canada	Dollar	1,293.75	958.33	15.00	11.11			1,308.75	969.44
United States	Dollar				666.00				666.00
Senator William V. Roth, Jr.:									
Canada	Dollar	361.18	267.54	10.00	7.41			371.18	274.95
United States	Dollar				1,062.70				1,062.70
Daniel Bob:									
Japan	Yen	201,473	1,627.54					201,473	1,627.54

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1997—Continued

Name and country	Name of currency	Per diem [1]		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
United States	Dollar				2,916.95				2,916.95
Senator William V. Roth, Jr.:									
Japan	Yen	78,713	635.86					78,713	635.86
United States	Dollar				47.10				47.10
Senator John D. Rockefeller:									
Taiwan	Dollar	22,842	846.00					22,842	846.00
Japan	Yen	188,945	1,643.00					188,945	1,643.00
United States	Dollar				7,139.95				7,139.95
R. Lane Bailey:									
Taiwan	Dollar	22,842	846.00					22,842	846.00
Japan	Yen	188,945	1,643.00					188,945	1,643.00
United States	Dollar				4,040.95				4,040.95
Total			8,467.27		15,892.17				24,359.44

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Nov. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem [1]		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel Bob:									
United States	Dollar		49.76		1,191.95				1,241.71
Hong Kong	Dollar	3,211.60	414.72	270	34.87			3,481.60	449.59
Daniel Bob:									
United States	Dollar		12.97		1,094.45				1,107.42
Korea	Won	449,095	496.79	9,000	9.96			458,095	506.75
Total			974.24		2,331.23				3,305.47

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, Nov. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph Biden:									
United States	Dollar				1,473.00				1,473.00
Germany	Mark		395.51						395.51
United States	Dollar				1,398.50				1,398.50
Marshall Billingslea:									
Norway	Dollar		1,458.00						1,458.00
United States	Dollar				990.25				990.25
Ellen Bork:									
Japan	Yen	140,000	1,209.00					140,000	1,209.00
South Korea	Won	1,038,090	1,156.00					1,038,090	1,156.00
China	Yuan	12,000	1,450.00					12,000	1,450.00
United States	Dollar				4,705.35				4,705.35
Peter Cleveland:									
Georgia	Dollar		133.33						133.33
Armenia	Dollar		133.33						133.33
Azerbaijan	Dollar		133.33						133.33
Turkmenistan	Dollar		133.33						133.33
Tajikstan	Dollar		133.33						133.33
Uzbekistan	Dollar		133.33						133.33
Kyrgyzstan	Dollar		133.33						133.33
Kazakstan	Dollar		133.33						133.33
Ukraine	Dollar		133.33						133.33
United States	Dollar				3,372.25				3,372.25
Michael Haltzel:									
Bosnia	Dollar		695.00						695.00
United States	Dollar				2,811.06				2,811.06
Frank Januzzi:									
Japan	Yen	140,000	1,209.00					140,000	1,209.00
South Korea	Won	1,030,000	1,148.00					1,030,000	1,148.00
China	Yuan	12,000	1,450.00					12,000	1,450.00
United States	Dollar				5,266.15				5,266.15
Edward Levine:									
China	Yuan		953.00						953.00
United States	Dollar				4,364.00				4,364.00
Christopher Madison:									
Bosnia	Dollar		580.00						580.00
United States	Dollar				1,168.30				1,168.30
Patti McNerney:									
Germany	Mark	2,084.37	1,138.44					2,084.37	1,138.44
United States	Dollar				3,560.25				3,560.25
Michael Miller:									
Ghana	Cedi	970,200	666.00					970,200	666.00
Ivory Coast	Dollar		162.00						162.00
Senegal	Dollar		984.00						984.00
Mali	Dollar		672.00				700.00		1,372.00
Uganda	Dollar		906.75						906.75

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				5,683.25				5,683.25
Ken Peel:									
Germany	Mark	2,854.37	1,559.00					2,854.37	1,559.00
United States	Dollar				2,649.00				2,649.00
Senator Chuck Robb:									
Georgia	Dollar		133.33						133.33
Armenia	Dollar		133.33						133.33
Azerbaijan	Dollar		133.33						133.33
Turkmenistan	Dollar		133.33						133.33
Tajikstan	Dollar		133.33						133.33
Uzbekistan	Dollar		133.33						133.33
Kyrgyzstan	Dollar		133.33						133.33
Kazakstan	Dollar		133.33						133.33
Ukraine	Dollar		133.33						133.33
United States	Dollar				3,372.25				3,372.25
Linda Rotblatt:									
Ghana	Cedi	485	666.00					485	666.00
Ivory Coast	Dollar		424.00						424.00
Senegal	Dollar		484.00						484.00
Mali	Franc	2,688	672.00				700.00		1,372.00
United States	Dollar				5,683.25				5,683.25
Dan Shapiro:									
China	Dollar		350.00						350.00
United States	Dollar				4,309.45				4,309.45
Chris Walker:									
Chana	Cedi	970,200	666.00					970,200	666.00
Ivory Coast	Dollar		162.00						162.00
Senegal	Dollar		984.00						984.00
Mali	Dollar		672.00				700.00		1,372.00
Chris Walker:									
United States	Dollar				4,923.00				4,923.00
Michael Westphal:									
Ghana	Cedi	970,200	666.00					970,200	666.00
Ivory Coast	Dollar		162.00						162.00
Senegal	Dollar		984.00						984.00
Mali	Dollar		672.00				700.00		1,372.00
Uganda	Dollar		906.75						906.75
United States	Dollar				5,683.25				5,683.25
Total			28,662.39		61,412.56		2,800.00		92,874.95

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 31, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kim Hamlett:									
England	Pound	1,264.8	2,010.00		650.33			1,264.8	2,660.33
Terence Lynch:									
Czech Republic	Dollar		802.00						802.00
France	Franc	6,776.0	1,120.00	1,330	221.67			8,106.0	1,341.67
England	Pound	843.2	1,340.00					843.2	1,340.00
United States	Dollar				2,257.95				2,257.95
Total			5,272.00		3,129.95				8,401.95

ARLEN SPECTER,
Chairman, Committee on Veterans' Affairs, Oct. 17, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem [1]		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Don Mitchell			1,854.25		4,631.45				6,485.70
Alfred Cumming			2,816.25		4,631.45				7,447.70
Don Stone			1,917.00		6,617.95				8,534.95
Randy Schieber			2,057.00		6,617.95				8,674.95
Peter Flory			3,693.66		5,227.45				8,921.11
Emily Francona			2,408.00		5,757.45				8,165.75
George K. Johnson			1,232.00		4,828.65				6,060.65
Senator Pat Roberts			192.00						192.00
Peter Dorn			1,800.00		3,173.65				4,973.65
Alan McCurry			1,800.00		3,717.65				5,517.65
Andrew Johnson			642.24		3,717.65				4,359.89
Melvin Dubee			1,838.00		4,806.55				6,644.55
Ken Myers			2,715.50		3,639.55				6,355.05
Senator Richard Lugar			1,995.50		3,639.55				5,635.05
Taylor Lawrence			2,100.00		1,935.55				4,035.55
Senator Richard Shelby			2,100.00		1,935.55		306.72		4,342.27
Peter Dorn			1,302.00						1,302.00
Taylor Lawrence			4,490.66		4,888.88				9,379.54
Senator Richard Shelby			3,037.48		3,734.15				6,771.63
Kathleen Casey			4,490.66		5,667.88				10,158.54
Senator J. Robert Kerrey			816.00		5,529.75		513.10		6,858.85

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997—Continued

Name and country	Name of currency	Per diem [1]		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Christopher Straub			674.00		4,698.05				5,372.05
Arthur Grant			964.00		4,698.05				5,662.05
Patrick Hanback			1,972.25		4,631.45				6,603.70
Joan Grimson			1,815.00		4,861.25				6,676.25
Total			50,723.45		103,587.81		819.82		155,131.08

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD C. SHELBY,
Chairman, Select Committee on Intelligence, Oct. 31, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert Hand:									
United States	Dollar				2,326.65				2,326.65
Albania	Dollar		479.00		48.00				527.00
Switzerland	Dollar		227.00						227.00
United States	Dollar				930.45				930.45
Austria	Dollar		368.00						368.00
Croatia	Dollar		76.00						76.00
Bosnia-Herzegovina	Dollar		1,661.00						1,661.00
Croatia	Dollar		76.00						76.00
Janice Helwig:									
Austria	Dollar				585.00				585.00
Albania	Dollar		1,292.00						1,292.00
Austria	Dollar		13,447.00						13,447.00
Croatia	Dollar		76.00						76.00
Bosnia-Herzegovina	Dollar		1,511.00						1,511.00
Croatia	Dollar		76.00						76.00
Christopher Smith:									
United States	Dollar				4,273.95				4,273.95
United Kingdom	Dollar		974.45		125.70				1,100.15
Total			20,263.45		8,289.75				28,553.20

ALFONSE D'AMATO,
Chairman, Commission on Security and Cooperation in Europe,
Sept. 25, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND DEMOCRATIC LEADERS FROM JUNE 27 TO JULY 2, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Frank Murkowski:									
Hong Kong	Dollar	21,582.53	2,787.00					21,582.53	2,787.00
Senator Charles Robb:									
Hong Kong	Dollar	22,777.25	2,939.00					22,777.25	2,939.00
Senator Dianne Feinstein:									
Hong Kong	Dollar	22,777.25	2,939.00					22,777.25	2,939.00
Senator Craig Thomas:									
Hong Kong	Dollar	22,777.25	2,939.00					22,777.25	2,939.00
Deanna Tanner Okun:									
Hong Kong	Dollar	20,948.25	2,703.00					20,948.25	2,703.00
Peter Cleveland:									
Hong Kong	Dollar	20,948.25	2,703.00					20,948.25	2,703.00
Dan Brindle:									
Hong Kong	Dollar	20,948.25	2,703.00					20,948.25	2,703.00
Julia Hart:									
Hong Kong	Dollar	20,948.25	2,703.00					20,948.25	2,703.00
Delegation expenses: [1]									
Hong Kong							17,590.05		17,590.05
Total			22,416.00				17,590.05		40,006.05

[1] Expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT, Majority Leader,
TOM DASCHLE, Democratic Leader,
Oct. 29, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b) FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dot Svendson:									
France	Franc	5,190.70	952.99					5,190.70	952.99

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b) FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			952.99						952.99

TRENT LOTT,
Majority Leader, Oct. 2, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JUNE 28 TO JULY 5, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Trent Lott:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	7,488	208.00					7,488	208.00
Hungary	Forint	91,647	497.00					91,647	497.00
Senator Ernest F. Hollings:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	10,177	283.00					10,177	283.00
Hungary	Forint	80,100	445.00					80,100	445.00
Senator Dan Coats:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Senator Joseph I. Lieberman:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	8,388	233.00					8,388	233.00
Hungary	Forint	124,380	691.00					124,380	691.00
United States	Dollar				1,895.95				1,895.95
Senator Mike DeWine:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	6624	184.00					6624	184.00
Hungary	Forint	81,540	453.13					81,540	453.13
Senator Bill Frist:									
Scotland	Pound	544.48	332.00					544.48	332.00
England	Pound	541.20	330.00					541.20	330.00
Belgium	Franc	9,540	265.00					9,540	265.00
Hungary	Forint	84,360	456.00					84,360	456.00
United States	Dollar				2,493.00				2,493.00
Senator Chuck Hagel:									
Scotland	Pound	534.64	326.00					534.64	326.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	9,000	250.00					9,000	250.00
Hungary	Forint	91,647	497.00					91,647	497.00
United States	Dollar				2,911.00				2,911.00
Gary Sisco:									
Scotland	Pound	1,229.12	736.00					1,229.00	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	8,316	231.00					8,316	231.00
Hungary	Forint	91,647	497.00					91,647	497.00
Lloyd J. Ogilvie:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	7,164	199.00					7,164	199.00
Hungary	Forint	91,647	497.00					91,647	497.00
Steve Benza:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	8,388	233.00					8,388	233.00
Hungary	Forint	78,660	437.00					78,660	437.00
Susan Irby:									
Scotland	Pound	1,195.72	716.00					1,195.72	716.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	8,748	243.00					8,748	243.00
Hungary	Forint	77,760	432.00					77,760	432.00
Sam B. King III:									
Scotland	Pound	1,212.42	726.00					1,212.42	726.00
England	Pound	576.15	345.00					576.15	345.00
Belgium	Franc	8,748	243.00					8,748	243.00
Hungary	Forint	86,580	481.00					86,580	481.00
Randy Scheunemann:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	8,748	243.00					8,748	243.00
Hungary	Forint	76,860	427.00					76,860	427.00
Sally Walsh:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	5,678	340.00					5,678	340.00
Belgium	Franc	8,388	233.00					8,388	233.00
Hungary	Forint	80,460	447.00					80,460	447.00
Eric Womble:									
Scotland	Pound	1,229.12	736.00					1,229.12	736.00
England	Pound	601.20	360.00					601.20	360.00
Belgium	Franc	10,177	283.00					10,177	283.00
Hungary	Forint	77,580	431.00					77,580	431.00
Delegation expenses: [1]									
Scotland							12,015.52		12,015.52
England							12,517.46		12,517.46
Belgium							4,936.95		4,936.95
Hungary							7,358.31		7,358.31
Bosnia-Herzegovina							3,144.62		3,144.62

Total			25,550.13		7,299.95		39,972.86		72,822.94

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TRENT LOTT,
Majority Leader, Oct. 15, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert C. Smith:									
Russia	Dollar		909.00						909.00
Poland	Dollar		88.00						88.00
Czech Republic	Dollar		464.00						464.00
Dino L. Carluccio:									
Russia	Dollar		927.00						927.00
Poland	Dollar		183.50						183.50
Czech Republic	Dollar		464.00						464.00
Senator Tim Hutchinson:									
Poland	Zloty	1,476.48	455.00					1,476.48	455.00
Randy Scheunemann:									
Turkey	Dollar		812.00						812.00
Georgia	Dollar		338.00						338.00
Azerbaijan	Dollar		324.00						324.00
Turkmenistan	Dollar		241.00						241.00
Uzbekistan	Dollar		612.00						612.00
Krgystan	Dollar		212.00						212.00
Kazahstan	Dollar		255.00						255.00
Mongolia	Dollar		303.00						303.00
China	Dollar		424.00						424.00
United States	Dollar				2,629.95				2,629.95
Total			7,011.50		2,629.95				9,641.45

TRENT LOTT,
Majority Leader, Oct. 15, 1997.

MARINE CORPS—LAW ENFORCEMENT FOUNDATION

• Mr. LEAHY. Mr. President, I rise to pay tribute to a small organization whose existence shows that a few determined individuals can make a difference. I am referring to the Marine Corps—Law Enforcement Foundation, which was formed in February 1995 by five former Marines who decided over lunch one day to help the children of Marines and Federal law enforcement employees.

Less than 3 years after forming, this organization has given away nearly $1.5 million to more than 150 children. The group focuses on the educational and special needs of children who have no where else to turn. They have paid for a hearing aid for a young son of a Marine whose insurance did not cover it. They provided a wheelchair to a ninth grader injured playing football. They gave $250,000 to children whose parents were Federal employees killed or injured in the 1995 Oklahoma City bombing.

Mr. President, I know several of the founding members of this foundation personally, and I want to say that I was not surprised to hear about the success of their collaboration. As Edmund Burke once said, "Great men are the guideposts and landmarks in the state." We can all learn something from them.

I ask that an article from the Newark Star Ledger about the foundation be printed in the RECORD.

The article follows:

FOUNDATION FORMED BY 5 EX-MARINES OFFERS HELP, AND HOPE, AMID PAIN

(By Pat Milton)

NEW YORK.—Two years ago, the sky crashed down on Marine fighter pilot Peter Harmon.

His wife, Shay, was driving with their 5-month-old son when another driver, allegedly drunk and speeding in Pompano Beach, Fla., hit them head on. The car burst into a fireball.

Shay managed to push the child out a window before she died. The infant, George, burned over 33 percent of his body, was given only a 5 percent chance to live. But he pulled through, a scarred survivor.

Peter Harmon, who had been on a Marine Reserves training mission at the time of the accident, almost immediately received a $10,000 check from a group he'd never heard of: the Marine Corps-Law Enforcement Foundation.

"They are awesome," says Harmon, who believes the money gave his son "a big head start."

The foundation was formed in February 1995 by five former marines who decided over lunch one day to help pay for the education and special needs of children of Marines and federal law enforcement employees.

So far, the group has given away nearly $1.5 million to more than 150 children.

"Just because you take your uniform off, doesn't mean you end service to your country," said one of the five founders, Richard Torykian, a Vietnam veteran and senior vice president at the international investment firm Lazard Freres in New York.

He said the foundation depends entirely on private and corporate donations.

It provides at least $10,000 for schooling children up to 19 years old who have a parent killed in the line of duty. The parent must have worked for the FBI; Drug Enforcement Administration; Secret Service; Customs; Marshals Service; Alcohol, Tobacco and Firearms; or Immigration and Naturalization Service.

SCHOLARSHIPS PROVIDED

The group also gives scholarships to Marine Corps children who lose a parent or are in financial need. And it helps cover medical needs.

This week, a $10,000 check was sent to the widow of Marine Capt. Robert Straw a day after she gave birth to their second child, Seth Robert. Straw was killed two months ago in a helicopter crash outside Dallas.

"My husband and I had high expectations for our children's education," Mindi Straw said by telephone from her home in Jacksonville, N.C. "This money is going to make our wishes come true."

The foundation also sent her $10,000 shortly after the crash for the couple's other child, Molli, 3.

It recently paid for a hearing aid for the son of an active duty Marine whose insurance did not cover it, and provided an $800 wheelchair to a ninth grader injured playing football.

"How are you going to get to college when you can't even get down the hallway of your high school?" said Peter Haas, a retired stockbroker who is president of the foundation, based in Mountain Lakes, N.J.

The other three founders are James K. Kallstrom, head of the New York FBI; attorney Patrick McGahn, Jr.; and Steve Wallace, who owns an investment firm in Los Angeles.

The foundation has more than 900 members, who help identify worthy cases and sometimes hold fund-raisers.

The largest donation, $250,000, was given to children whose parents were federal employees killed or injured in the 1995 Oklahoma City bombing. A big chunk of that contribution, $72,000, was donated by schoolchildren from the Blue Springs District in Kansas City, Mo., who held dozens of fund-raisers. Haas, surprised by the size of the donation, carried the mostly $1 and $5 bills back to New York in laundry bags and shopping bags.

He was stopped at the Kansas City airport by security guards who he thought must be

suspicious of his swelling bags of cash. In fact, they wanted to give him $500 they had collected.

Harmon, now a Federal Express pilot, lives in New Hampshire and is attending the trial in Florida this month of the man charged with manslaughter in his wife's death.

He said little George, who he calls "G-man," has a painful life of operations and skin graftings ahead, but still liberally dispenses hugs and kisses.

"To someone who sees him the first time, he may not look so good on the outside, but he is smiling on the inside," Harmon said. "He's tough, he's a fighter, just like a Marine."•

TRIBUTE TO THE NATION'S LONGSHORE WORKERS

• Mr. KENNEDY. Mr. President, the recent dispute between the Federal Maritime Commission and Japanese cargo vessel owners over the operation of Japan's docks has given Congress and the country a new lesson in the important role of United States longshore workers. Day in and day out, away from the limelight, they work long hours under back-breaking conditions. In so many ways, these hard-working men and women symbolize the American work ethic. A recent article in the Wall Street Journal compared the productivity of American longshore workers favorably with that of their Japanese counterparts. The article noted that "American dockworkers will unload 24 hours a day, taking 30% less time for about half the price." The recent trade dispute has helped these workers obtain the recognition they deserve for their invaluable work in keeping commerce moving at our nation's ports.

According to recent figures, 1.7 tons of cargo a year are handled by longshore workers in the United States, with a value of nearly $900 billion.

As the Senate debates important questions of international trade and fair competition, I welcome this opportunity to pay tribute to these skillful, tireless, and courageous workers who do so much to support the Nation's economy and our trade with other countries. U.S. longshore workers across the Nation deserve America's gratitude—they have certainly earned it.•

REFINANCING BOND FINANCED SECTION 8 HOUSING PROPERTIES

• Mr. MACK. Mr. President, I rise to address a matter regarding the refinancing of section 8 assisted properties whose bonds are financed with a financial adjustment factor [FAF]. In order to save section 8 housing assistance payment funds, the Congress through the enactment of the McKinney Homeless Assistance Act encouraged owners of FAF properties to refund their bonds with lower interest rates. The recaptured section 8 savings were equally shared between the bond issuing housing agency and HUD and the housing agencies were required to use their share of the savings for affordable housing purposes. In the recently enacted VA, HUD appropriations legislation, a provision was included to encourage owners to refinance their properties by providing the owners a 15-percent share of the savings.

It has come to my attention that there may be some question as to whether the fiscal year 1998 VA, HUD appropriations act would allow an owner or an issuer to refinance a FAF property which was previously refinanced. We reviewed this matter while developing the amendments to this version of S. 562. However, upon review of the appropriations language, it appears unnecessary to include statutory language to clarify this matter. I would like to ask Senator BOND, the chairman of the VA, HUD Appropriations Subcommittee, if he could confirm my interpretation of this issue.

Mr. BOND. I thank the Senator for raising this issue. It is the intent of the appropriations legislation to allow a second refinancing to save section 8 funds. I am hopeful that owners working in cooperation with the bond issuers will voluntarily refinance their FAF properties, where existing laws and bond documents permit. Owners and bond issuers will hopefully take advantage of the historically low interest rates and refinance their properties.

Mr. MACK. I thank my colleague for his assistance in this matter.•

RECOGNIZING THE 50TH WEDDING ANNIVERSARY OF JULIAN AND LILLIAN WALLACE

• Mr. REID. Mr. President, I rise today to pay tribute to two Nevadans whose lives serve as an inspiration not only to all Nevadans but to this Nation and to this distinguished body. Fifteen years ago, Julian and Lillian Wallace founded an advocacy group in Las Vegas called Seniors United. Their mission was to tap into the unmined and undiscovered potential of Nevada's small but growing senior population and ensure that Nevada retirees were informed and had a voice in the political process on all levels of government. Each month for the past 15 years they have put together a informative newsletter and a monthly briefing for Nevada seniors. They stood as some of my strongest allies in the fight to stop the unfair source tax which allowed States to go after the pension incomes of former residents. As Nevada has grown and changed and the number of seniors and retirees has increased, Seniors United has become one of the most formidable groups in the State. Lillian and Julian's success with Seniors United comes from a simple idea— empowerment. They believe that an informed democracy is a powerful democracy. They never hesitate to hold their elected officials feet to the fire and demonstrate on a daily basis that an active and involved citizenry is definitely not a function of age. Perhaps their greatest assets are those attributes which have helped them stay married for 50 years: compassion, patience, love, and loyalty. On January 17, 1998, Lillian and Julian Wallace will celebrate their 50th wedding anniversary. I ask all my colleagues to join with me today to recognize these two Nevadans for their dedication and devotion not only to their marriage but also to making this country better for all citizens.•

SUPPORT OF FAST-TRACK REAUTHORIZATION

• Mr. LUGAR. Mr. President, I would like to voice my support for the pending fast-track reauthorization legislation. As chairman of the Senate Committee on Agriculture, Nutrition and Forestry, I would like to begin by stressing the importance of fast track to U.S. agriculture. In 1996, agricultural exports reached a record $60 billion, but import barriers, export subsidies, and state trading enterprises continue to distort world commodity markets. These distortions put America's farmers and agribusiness operators at a disadvantage. We must reduce these trade barriers and allow our industry to freely supply the world's markets.

I ask that a letter in support of fast track from all living Secretaries of Agriculture, dating from President Kennedy's administration, be printed in the RECORD.

Last year, my State of Indiana exported goods totaling $12.1 billion and these exports directly supported 66,000 Hoosier jobs. Current estimates indicate Indiana will achieve a record $13 billion in exports this year. Indiana's exports grew by an extraordinary 75 percent between 1992 and 1996. Since 1993, exports by Indianapolis firms increased 53 percent, South Bend's exports are up by 175 percent and Muncie's export growth leapt 114 percent. Therre Haute firms saw their exports rise 277 percent, the second highest rate of increase in the Nation. Indiana was the eighth largest agricultural exporter in 1996 with over $2 billion in exports. Because export related jobs pay on average more than nonexport related jobs, it is easy to conclude that exporting is a vital component to Indiana's robust economy.

The United States must continue to be the leader in knocking down tariff and nontariff trade barriers. This bill is critical to advancing trade liberalization and opening markets for all sectors. Approving fast track is the first step in achieving these goals.

Mr. President, I ask that a letter from President Clinton regarding a proposed congressional oversight group be inserted in the RECORD. I agree with the President that more can be done regarding strengthening the current congressional advisory group. Specifically, for each new trade negotiation the administration would consult with and update a specific congressional oversight group for that particular round of negotiations. The group would provide advice to the U.S. Trade Representative and be charged with general oversight. Second, the U.S. Trade Representative would work with congressional leaders, within 60 days of enactment, to develop guidelines for interaction between Congress and the administration on trade negotiations. The guidelines would address such issues as the timing of written and oral briefings regarding U.S. objectives, the status of the negotiations, the role of the group during actual negotiations, and access to information obtained during negotiations. The United States must be well prepared for the next round of World Trade Organization talks on agriculture in 1999 and the establishment of a congressional oversight group would be a positive beginning for this process.

Since 1974, Congress has granted every President fast-track negotiating authority. America's economic future increasingly lies with our ability to sell our goods and services around the globe. Without fast track, the United States will be sidelined in future trade negotiations. Since the creation of the General Agreement on Tariffs and Trade [GATT] in 1947, the United States has been the leader in knocking down trade barriers and opening up markets. As we prepare to celebrate the 50th anniversary of the GATT, the United States can either be engaged and play an active role in further trade liberalization or allow our competitors to stake claim to a larger portion of world markets.

The letters follow:

NOVEMBER 3, 1997.

Hon. RICHARD LUGAR,
Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

Hon. TOM HARKIN,
Ranking member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

Hon. BOB SMITH,
Chairman, Committee on Agriculture, U.S. House of Representatives, Washington, DC.

Hon. CHARLES STENHOLM,
Ranking member, Committee on Agriculture, U.S. House of Representatives, Washington, DC.

DEAR GENTLEMEN: The U.S. food and agricultural system is one of the nation's greatest success stories. American agriculture competitively produces, handles, processes, services, trades and transports food and fiber that the world wants to buy. Agricultural trade has contributed significantly to U.S. farm income, created jobs and strengthened American economic and political interests. For those reasons, agricultural trade has been a top priority for every administration in recent memory.

Having served as the Secretaries of Agriculture to Presidents of both political parties, we have witnessed how U.S. agriculture has benefited from trade liberalization made possible by previous fast-track authorities. With the implementation of NAFTA and GATT, U.S. agricultural exports surged another $20 billion in value, hitting an all-time high of $60.3 billion in 1996. U.S. agriculture also has enjoyed a consistent trade surplus, which last year climbed to $27 billion.

Our food and agricultural system now is poised to make additional export gains from upcoming trade negotiations. Many developing countries are experiencing economic growth which means rising incomes for their citizens. Food demand is expanding as people upgrade their diets. These consumers will need to rely to a greater degree than ever on world markets, but there is no guarantee that agricultural products grown in the United States may reach them. To assure that, we need to make additional progress lowering trade barriers, eliminating unfair trading practices and constraining domestic subsidies that distort trade.

Fast track is the key to unlocking those opportunities. It is the avenue for our negotiators to level the playing field for U.S. farmers and processors to compete. The authorities it conveys can and should be used to help resolve outstanding trade disputes and strengthen the rules of international commerce. Moreover, it should be used as it was in the past—to exercise U.S. leadership in trade.

American agriculture needs to be at the table for the 199 agriculture talks in the World Trade Organization to continue the progress made in the Uruguay Round. In addition, we need to be active in upcoming bilateral negotiations with countries like Chile and for the regional Free Trade Agreement of the Americas and the Asia Pacific Economic Cooperation talks.

Very simply, fast track is critical to American agriculture being able to compete and prosper in the years ahead. That is why more than 60 agricultural organizations have committed themselves to work for fast track, and why we as former Secretaries of Agriculture support them in their effort.

We urge you to do what you can to assure prompt passage of this legislation.

Sincerely,

Orville Freeman, Secretary of Agriculture, Kennedy and Johnson Administrations; Earl L. Butz, Secretary of Agriculture, Nixon and Ford Administrations; John R. Block, Secretary of Agriculture, Reagan Administration; Clayton Yeutter, Secretary of Agriculture, Bush Administration; Clifford Hardin, Secretary of Agriculture, Nixon Administration; Bob Bergland, Secretary of Agriculture, Carter Administration; Richard E. Lyng, Secretary of Agriculture, Reagan Administration; Mike Espy, Clinton Administration.

THE WHITE HOUSE,
Washington, November 5, 1997.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for taking the time to share your ideas with me about advancing fast track legislation. Your perspectives were, as always, welcome and useful.

As you know, I am committed to ensuring close Congressional involvement both in the formulation and implementation of our trade agreements. Appropriately, the Senate and House fast track bills both provide for extensive Congressional participation.

I was intrigued by the idea of establishing an oversight mechanism for trade negotiations similar to the NATO Observers Group. I have since looked into this idea and want to draw your attention to a structure that has been in place for a while that is quite similar to the NATO group. In 1974, Congress established the Congressional Advisers for Trade Policy and Negotiations, a trade policy and negotiations oversight body that remains in place today. This is a bipartisan group of official Congressional advisers, designated by the Leadership, that is accredited to our trade delegations and kept informed on matters affecting trade policy, including ongoing negotiations. I am including with this letter a summary of how the procedure works.

I am fully committed to ensuring that the Congressional trade advisor system works effectively to ensure that Congress is both fully informed and consulted as we develop and implement U.S. trade policy. I am convinced that the Administration benefits significantly when Congress plays an active and continuing role in formulating our trade policies and objectives. For that reason, the Administration bill and both the Senate and House bills, which I support, include specific language designed to enhance the effectiveness of the Congressional trade adviser system.

While the bills pending in the House and Senate seek to reinvigorate the Congressional Advisers mechanism, I believe that more can be done. Therefore, I would propose the inclusion of an additional title in the fast track bill entitled "Congressional Oversight Groups" that would:

a. Establish for each trade negotiation that the Administration notifies to the Congress under fast track, a specific "Congressional Oversight Group" for that negotiation. The group would be selected by the leadership from among the existing congressional trade advisers, and would be tasked with oversight of, and providing advice to the Trade Representative regarding, the negotiation.

b. Instruct the Trade Representative to work with the Senate and House leadership to develop, within 60 days of enactment, guidelines for interaction between the Administration and Congressional Oversight Groups. The guidelines would be structured to ensure a useful and timely flow of information between the Administration and the Congressional Oversight Group, including at an early stage between the Oversight Group and the Trade Representative to discuss the Administration's objectives and the Group's views.

I hope that you will give serious consideration to this proposal. I would welcome any thoughts that you and other Members may have.

Sincerely,

BILL CLINTON.●

CHRISTINA A. SNYDER, JUDICIAL NOMINEE FOR THE U.S. DISTRICT COURT IN THE CENTRAL DISTRICT OF CALIFORNIA

● Mrs. BOXER. Mr. President, the U.S. Senate showed its overwhelming support today for Christina Snyder, one of

the most qualified legal minds to fill a seat on the Federal bench of the Central District of California. My unwavering confidence in Ms. Snyder arises from respect for her background, education and career. I am very pleased she has been confirmed.

Ms. Snyder is a native of the Los Angeles area, having grown up in the Montebello community in East Los Angeles. She studied in the public elementary schools of Montebello and Orange County, and was valedictorian of her high school class. She later studied at the University of California at Los Angeles, before transferring to Pomona College where she earned her undergraduate degree. She earned her law degree at Stanford University.

Mr. President, I am sure you are aware Ms. Snyder's legal background is highly respected throughout the State of California. Ms. Snyder has distinguished herself in the legal community of Los Angeles through more than 20 years of law practice. Ms. Snyder began her career working at the Los Angeles law firm of Wyman, Bautzer, Kuchel and Silbert, where she eventually was made a partner. She later went on to become a law partner at two other Los Angeles law firms. Her nomination and election to the highly regarded American Law Institute in 1993 is further evidence of the respect she commands within the legal profession.

Moreover, Ms. Snyder has demonstrated a strong commitment to community service as one of the founding members of Public Counsel, a public interest law firm of the Los Angeles County and Beverly Hills Bar Associations. She also served as the California State Bar designee on the Board of Directors of the Western Center for Law and Poverty.

Again, I am pleased to speak in favor of Ms. Snyder and feel she is a valuable addition to the Federal bench.•

FUNDS FOR ROAD EXPANSION TO TRANSPORT HAZARDOUS WASTE

• Mrs. HUTCHISON. Mr. President, I ask that the text of a concurrent resolution passed by the Texas Legislature, be printed in the RECORD.

The text of the concurrent resolution follows:

HOUSE CONCURRENT RESOLUTION NO. 202

Whereas, Compliance with international disarmament treaties to curtail the proliferation of nuclear arms and defuse weapons of mass destruction has created new challenges for the United States related to the dismantling and cleanup of nuclear missiles; and

Whereas, The development, production, and disassembling of nuclear weapons produce transuranic waste, a highly radioactive conglomeration of contaminated laboratory gloves, tools, dried sludge, and other substances from testing and production facilities; and

Whereas, To create a safe and environmentally responsible method for permanently disposing of transuranic waste, the United States Department of Energy (DOE) has designed the Waste Isolation Pilot Plant (WIPP) in southern New Mexico that will set the standard for deep geologic disposal of defense-related radioactive waste; and

Whereas, The transuranic waste to be deposited at the WIPP facility will be shipped by truck from all across the country, traveling through many states, including Texas, which is a major thoroughfare for radio active materials coming from South Carolina, Tennessee, Illinois, and Ohio; and

Whereas, While a majority of the proposed route through Texas is on Interstate 20, a segment runs along U.S. Highway 285; this portion of the route, which begins in Pecos, Texas, and continues into New Mexico, is a treacherous and narrow two-lane road; and

Whereas, The State of New Mexico, in a prudent move to protect the public safety of its citizens, has dedicated part of the impact funds received from the DOE for housing the WIPP to widen its section of U.S. 285; this highway is a dangerous and inadequate road that has already been the scene of one accident involving an empty WIPP transport truck; and

Whereas, There are currently no federal funds allocated for the State of Texas to take the same necessary safety precautions by widening the section of U.S. 285 running through our State; the health and safety of United States citizens residing in the Lone Star State is no less important than that of our neighbors to the northwest; now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully request the Congress of the United States to allocate funds for road expansion in Texas along the designated route for transporting hazardous waste to the WIPP project; 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.•

INDEPENDENCE DAY OF LEBANON CELEBRATION

• Mr. ABRAHAM. Mr. President, I rise today in commemoration of the Lebanese Independence Day Celebration hosted by the Consul General of Lebanon and Mrs. Hassan Muslimani. The nation of Lebanon achieved its independence in 1943. A democratic nation, it is a leader in its region. Lebanon was a founding member of the League of Arab States which has done much to further the goals and interests of the region. Globally, Lebanon has also played a great part in the United Nations, a founding member, and also in the drafting of the Universal Declaration of Human Rights. The nation of Lebanon has faced many challenges, but continues to preserve regardless of foreign and regional obstacles.

Lebanese Americans play an important role in the United States as well. I am always proud of this community's efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the Lebanese American community's image and understanding. Recently, the United States' travel ban to Lebanon was lifted, allowing the people of our nations to travel freely. I look forward to future strengthening in ties between the United States and Lebanon.

Again, I would like to wish the greatest of success to the Consul General on his reception, and that it may bring closer our two cultures. Likewise, I am honored to recognize his strong efforts to raise awareness of the Lebanon Independence Day, November 22.•

THE RECOVERY NETWORK

• Mrs. FEINSTEIN. Mr. President, a California company has embarked on an effort that I believe demonstrates how entrepreneurship and public service can go hand in hand.

The Recovery Network is a new nationwide cable television program dedicated to helping people recover from the devastating disease of addiction. This Santa Monica-based network is the first of its kind and the only broadcast network in the world devoted entirely to substance abuse recovery and prevention.

It is estimated that more than 130 million Americans suffer from or are affected by alcoholism, drug abuse, eating disorders, depression, gambling and other addictions. The Recovery Network offers a lifeline of help to millions of those in need offering group recovery sessions, information on 12-step recovery programs, a 24-hour 800-number help line, discussion shows designed for children of alcoholics and parents with drug abuse problems, and information shows on the pharmacological effects of alcohol and other addictive substances. Recovery Network serves not only those in need of help, but also the friends, families, teachers, and professionals seeking guidance and tools to effect change.

Another important part of the Recovery Network is the localized programming effort. "Neighborhood Recovery" enables local community groups to offer their services through cable programming. Organizations like Californians for Drug-Free Youth, and the Miami Coalition for a Safe and Drug-Free Community can reach out to people in their specific area offering information on local meetings and other resources.

I believe this type of public service programming is exactly what Congress envisioned when it passed the Cable Communications Act in 1984, "* * * to provide the widest possible diversity of information sources and service to the public" and "* * * assure that cable systems are responsive to the needs and interest of the local community."

Community cable became a permanent fixture on the American landscape

in 1948. Its purpose was to service remote communities with a master antenna providing a clear television broadcast signal. Three years later, 70 cable systems services 14,000 homes nationally. Since then, cable television has become a vital full-service link to citizens in every city and town in the United States, serving more than 67 million households nationwide.

People suffering from alcohol and drug addiction have found the Recovery Network there to help when they were most in need:

One young couple from Ohio who was traveling and struggling to maintain their sobriety early in recovery happened upon the Recovery Network on their hotel television. They said "* * * we turned you on unknowingly, and it was like an AA meeting right in our hotel room. It really helped us refocus on what is important, and that is AA and staying sober."

An Indiana viewer wrote "I just want to say thank you for the programs and the light at the end of the tunnel that they showed me."

A Michigan man wrote "Thank you for making such a big difference in my life."

A California woman wrote "When I can't make a meeting, I know you're there for me."

Recovery Network has become a leader in delivering effective programming which provides solutions to these problems in the privacy of the home and in offering positive lifestyle choices as an alternative.

The Recovery Network is supported by every major drug abuse prevention and recovery organization in the Nation, including the Community Anti-Drug Coalitions of America, the National Drug Prevention League, National Association of State Alcohol and Drug Abuse Directors and the National Parents Resource Institute for Drug Education.

Mr. President, I am proud that the Recovery Network is a product of the State of California and I wish them much success in their endeavor.•

TRIBUTE TO DONN TIBBETTS, UNION LEADER STATE HOUSE BUREAU CHIEF, ON HIS RETIREMENT

• Mr. SMITH of New Hampshire. New Hampshire's media corps will suffer a great loss in January 1998 when Donn Tibbetts steps down after 25 years as The Union Leader newspaper's Concord, New Hampshire Bureau Chief. Donn is a New Hampshire institution, and will be missed by all of us who call him our friend.

Donn's career in journalism has spanned nearly 50 years—first as a broadcaster and then, since April 3, 1972, as a reporter and columnist for the Loeb newspapers. He has covered the often-colorful politics of the Granite State, writing the well-known "Under the State House Dome" column. As Dean of the State House press corps, he has been a leader in chronicling presidential primaries, state elections, nine governors, and the State Legislature—the largest in the nation. He has traveled to national conventions for the Democrat and Republican parties, interviewed presidents, and even sat down to talk with me on many occasions! My interviews with Donn always left us sharing a laugh—and the resulting stories were always fair, thorough, and forthright, as is always Donn's style.

Donn's knowledge and expertise about New Hampshire politics is second to none. He is the author of "The Closest U.S. Senate Race in History," a book about the hotly contested, historic election for New Hampshire's U.S. Senate seat in 1974 between John Durkin and Louis Wyman—an election that was won by one vote, with a subsequent second election being held the following year.

Donn's accomplishments—from sports disk jockey to television host to political columnist—have brought him many accolades from distinguished individuals across the country. The late William Loeb, frank publisher of the Union Leader, said Donn is "a man of great integrity." Former New Hampshire Governor John Sununu said of Donn: "Nobody is fairer and nobody is more of a credit to their profession than Donn. . ."

Donn is originally from Manchester, and then went on to attend Lasalle Military Academy in Long Island, and the University of New Hampshire. He served 28 years in the military and the reserves with the same honor and distinction he has brought to his career as a journalist. He has been a community and civic leader, as well as a dedicated husband, father and grandfather.

Retirement is a time of reflection, and I know that Donn will spend his retirement years enjoying the memories of his rich and fulfilling career. I have been told that he is leaving for Corpus Christi, Texas the day after he retires, to spend time traveling with his wife, Janie, and visiting his seven grandchildren and twin great-granddaughters.

Donn, I wish you all the best for a wonderful retirement. You are a man of character, commitment and dignity. We will all miss you.•

IMF AND U.S. FINANCIAL ASSISTANCE TO INDONESIA

• Mr. FEINGOLD. Mr. President, I rise today to express my concern about the current financial crisis in Indonesia and the decision of the United States and the international financial community to provide bailout assistance.

As you know, Mr. President, the International Monetary Fund announced on October 31 that it was putting together a $23 billion aid package for Jakarta. This money will allow Indonesia to defend its currency, which has depreciated severely in the last few months. The IMF, the World Bank, the Asian Development Bank, and the Indonesian Government will together provide this $23 billion in financing.

In addition to the IMF package, several countries, including the United States, are offering "second-line" loan guarantees that Indonesia can use if needed. The Administration has guaranteed a $3 billion loan to Indonesia as part of the Treasury Department's exchange stabilization fund. This fund is the same one used to loan $20 billion to Mexico during the peso crisis of 1994 and 1995.

Mr. President, I understand that the Administration hopes the $23 billion IMF financing will be enough for Indonesia to overcome the present crisis and that Jakarta will not need to draw on the $3 billion "second-line" loan from the United States. Nevertheless, American taxpayer money is being put on the line both through the direct loan guarantee and indirectly through the U.S. contributions to the IMF, the World Bank, and the Asian Development Bank.

While there is clearly a need to help avoid a financial collapse in Indonesia that could spill over into other areas of Asia and even to the United States, the United States taxpayer has a right to know what kind of government they are helping to support.

Mr. President, many of Indonesia's present economic problems are the result of rampant corruption and nepotism in the country. Indonesia is ruled by a single man, President Suharto, and his relatives and friends traditionally enjoy many business perks. Using their connections, this group has engaged in highly risky and speculative business deals that have exacerbated the present financial crisis. The Financial Times reports that of the 16 insolvent banks that Indonesia has been forced to close since last week, three are owned by Suharto's children, relatives, or close business associates. The link between the financial crisis and Indonesia's present political system, where power rests in the hands of Suharto's inner circle, is inescapable.

The IMF has placed tough economic conditions on the $23 billion. To qualify for this funding, Indonesia must enact serious financial reforms, dismantle monopolies, and liberalize its trading regime. The IMF has also asked for greater transparency in Indonesia's business and financial markets. But I believe that the IMF and the United States should use the opportunity of this bailout to make all assistance conditional on Indonesia undertaking specific and verifiable measures to ensure that a newly structured system in Indonesia will be free from corruption and graft.

In addition, I strongly feel that Indonesia's need for financial support gives the world community leverage to ask for long-needed political reforms. So long as Indonesia is run by a corrupt elite, its economy will never reach its full potential. The present authoritarian system has bred political instability that will ultimately limit Indonesia's economic potential. I read with alarm about the many riots and hundreds of deaths that occurred in Indonesia during the May elections. This is the result of a system that works largely for the benefit of President Suharto and his family.

Finally, I am concerned about the role of the military in Indonesia, which has sustained a brutal occupation of East Timor for more than 20 years. Press reports indicate that Indonesia maintains more than 20,000 armed troops in East Timor. Just because President Suharto's government has boosted the economy in recent years does not mean it has the right to murder and torture Indonesians and East Timorese. Economic success does not excuse you from answering to your own citizens.

Political tension in Indonesia will only subside after President Suharto initiates real democratic change and, for example, allows all parties to compete equally in the political process. Indonesian authorities try to argue that greater democracy will lead to instability which in turn will impede economic development. But, Mr. President, clearly the problem in Indonesia is not too much democracy, but too little.

Mr. President, I urge the administration to use the influence it has in the IMF and the other international financial institutions to insure that this $23 billion package contains demands for real anti-corruption and political reform measures. At the very least, such conditions must be placed on the $3 billion direct loan the United States has offered.

These issues—of transparency, of human rights, and of good governance—are too important for the United States to ignore as we bail Indonesia out of this mess.●

DELAY OF DR. DAVID SATCHER'S CONFIRMATION AS SURGEON GENERAL AND ASSISTANT SECRETARY FOR HEALTH

● Mr. KENNEDY. Mr. President, I want to express my concern at the delay in the vote on the nomination of David Satcher to be Surgeon General and Assistant Secretary for Health. I understand that some Senators have placed holds on the nomination.

Dr. Satcher is an excellent choice for these positions. He is a respected family doctor, respected scholar, and respected public health leader. For the past 4 years, he has ably led the Centers for Disease Control and Prevention, the agency responsible for protecting the Nation's health and preventing disease, injury, and premature death.

In 1992, under Dr. Satcher's leadership, CDC developed and implemented a very successful childhood immunization initiative. Before the initiative, only a little more than half the Nation's children—55 percent—were immunized. Today, the figure is 78 percent, and vaccine-preventable childhood diseases are now at record lows.

Dr. Satcher has also led CDC efforts to deal more effectively with infectious diseases and food-borne illnesses. We rely heavily on CDC to provide the rapid response needed to combat outbreaks of disease and protect public safety. Under Dr. Satcher, CDC is implementing a new strategy against infectious diseases and a new early warning system to deal with food-borne illnesses.

Prior to his appointment to CDC, Dr. Satcher was president of Meharry Medical College in Nashville, the Nation's largest private historically black institution for educating health care professionals and biomedical researchers. He previously served as professor and chairman of the Department of Community Medicine and Family Practice at the Morehouse School of Medicine in Atlanta. He also has been a faculty member at the UCLA School of Medicine and the King/Drew Medical Center in Los Angeles, and interim dean of the Drew Postgraduate Medical School.

Dr. Satcher's range of skills and experience and his strong commitment to improving public health make him extremely well qualified to be the country's principal official on health care and health policy issues—America's Doctor. He's an excellent choice to be Surgeon General and Assistant Secretary for Health.

Dr. Satcher's nomination has received broad bipartisan support. He's been endorsed by a large number of health provider groups, including the American Medical Association, the American Nurses Association, numerous academic health centers, and public health organizations.

Despite these endorsements, a few detractors have emerged and I want to take a few moments to address their concerns.

Some colleagues have questioned Dr. Satcher's views on abortion. This was not an issue at his confirmation hearing, but some Senators are using the controversial and unconstitutional "Partial-Birth Abortion Ban Act" to attack his credibility.

Dr. Satcher believes—as do most Americans—that abortions should be safe, legal, and rare. His position reflects 25 years of medical experience and is consistent with Supreme Court decisions.

In fact, Dr. Satcher supports a ban on late-term abortions. But he shares President Clinton's view that "if there are risks for severe health consequences for the mother, then the decision [to have an abortion] should not be made by the government, but by the woman in conjunction with her family and physician."

Dr. Satcher's position on this issue is shared by the American College of Obstetricians and Gynecologists, the American Medical Women's Association, the American Nurses Association, and the American Public Health Association.

Some in the Republican leadership have raised this issue in an attempt to defeat an outstanding nominee. Instead of resolving the late-term abortion issue months ago, they would rather play politics with Dr. Satcher's nomination and the lives and health of American women.

The nation faces significant public health challenges. Our national infant mortality rate is at a record low, but it is still higher than that of many countries. Despite recent declines in the teenage birth rate, the U.S rate is still the highest in the industrial world.

Similarly, in the case of childhood immunization, the rate nationwide may be the highest ever, but in many communities, less than half of 2-year-olds are adequately immunized.

The country needs a medical leader whom people can trust to advise them on their health care. For over two years, the Office of Surgeon General has been vacant. It is irresponsible to put partisanship ahead of public health and safety.

Dr. Satcher is an excellent choice to be the Nation's Doctor. I look forward to working closely with him, and I urge the Senate to move expeditiously to approve this nomination, so that we can deal more effectively with the country's important health challenges. I am confident that Dr. Satcher will serve America well. He deserves to be confirmed now, before this session of Congress ends.●

DRUG DIRECTOR USE OF BIDEN DRUG BUDGET CERTIFICATION AUTHORITY

● Mr. BIDEN. Mr. President, I rise to offer some remarks on Drug Director Barry McCaffrey's decision to decertify the Defense Department's proposed antidrug budget for fiscal 1999.

At the outset, let me state that I support General McCaffrey's decision to request that the Defense Department increase its budget request by $140 million for the antidrug initiatives the General identifies: $24 million to boost antidrug task forces on the border to help implement the United States-Mexico Declaration signed by Presidents Clinton and Zedillo in May, 1997; $75 million for enforcement and interdiction to reduce the flow of cocaine out of the Andean Region; $30 million to

boost National Guard drug efforts on the southern border; and $12 million to target drug trafficking criminal activity in the Caribbean.

Even beyond the specifics of this issue, I am greatly heartened by the fact that General McCaffrey has chosen to exercise this important budget-setting authority. I must admit that I have been frustrated that, until General McCaffrey acted, no drug director had ever used this authority—not William Bennett, not Robert Martinez, and not Lee Brown.

Let me also be up-front with my colleagues, one of the reasons I so strongly favor this decision is because I wrote this authority into law. For more than a decade, I debated with the Reagan administration and my colleagues to establish the Office of National Drug Control Policy. One of the reasons my legislation was so bitterly opposed for so long was because I put some real teeth into this legislation. And, of all the teeth, it is this budget authority which is the sharpest of all.

Let me also explain to my colleagues that this so-called Biden Drug Budget Authority not only gives the Drug Director the authority to decertify the drug budget requests of the drug agencies, but it is crystal clear what must happen next. Just read the law: If the Drug Director exercises this authority, "the head of the Department or Agency shall comply with such a request."

It does not get much clearer than that.

To make one more point—now before the Senate we have legislation to reauthorize the Drug Director's office. Yesterday, the Judiciary Committee reported the bipartisan Hatch-Biden reauthorization bill. A bill cosponsored by Senators THURMOND, COVERDELL, DEWINE, and FEINSTEIN.

It is my hope that not only will the full Senate pass this legislation before we adjourn, but also that the leadership of the House reject the unproductive and partisan approach it adopted a few weeks ago and come onboard the bipartisan Hatch-Biden bill.

Nothing puts the need for a Drug Director in starker focus than General McCaffrey's action on the Defense Department drug budget. My colleagues should need no other example—though there are many others—to recognize the importance of having a Drug Director.

I urge my colleagues to support the General's decision on the Defense Department budget, and I urge my colleagues to take the concrete step it is within our power to do—pass the law to keep the Drug Office in place.

NEIGHBORHOOD REINVESTMENT CORPORATION

• Mr. KERRY. Mr. President, decent, and affordable housing in healthy neighborhoods for all Americans remains a national goal and a serious challenge. One federal initiative that is an exemplar of good housing policy and a wise investment is the Neighborhood Reinvestment Corporation. Chartered by Congress in 1978 as a public, nonprofit corporation, the Neighborhood Reinvestment Corporation's purpose is to increase affordable housing and home ownership opportunities while revitalizing low and moderate income neighborhoods that are in decline. That purpose is carried out in partnership with 174 neighborhood based, non-profit organizations in 44 states, the District of Columbia, and Puerto Rico. These organizations bring together neighborhood residents, local governments, and the business community to garner diverse resources to carry out neighborhood resident-generated housing and community development plans.

At least one measure of the effectiveness of the Neighborhood Reinvestment Corporation and its network of local partners is the kind of return gained on the investment. The federal appropriation to the Neighborhood Reinvestment Corporation for fiscal year 1998 was $60,000,000 which leveraged another $500,000,000 in resources for housing and community development.

The Neighborhood Reinvestment Corporation is one of three components of an innovative model of federal-local and public-private partnerships. NeighborWorks® is the network of local non-profit organizations that carry out the development work in neighborhoods. The Neighborhood Reinvestment Corporation provides grants and technical assistance to the NeighborWorks® member organizations, and conducts extensive training for neighborhood residents and local organization staff. The third component is Neighborhood Housing Services of America, a national non-profit secondary market that provides financial services to the NeighborWorks® network.

Neighborhood reinvestment requires holistic thinking and action in multiple directions, but basic to neighborhood stability is housing. Preserving the aging housing stock in urban neighborhoods and maintaining housing affordability are key objectives of the Neighborhood Reinvestment Corporation and the NeighborWorks® network. Helping low and moderate income homeowners obtain financing and qualified contractors to rehabilitate their houses is a staple activity of NeighborWorks® member organizations. Rehabilitating existing homes on behalf of low and moderate income first-time home buyers adds new stakeholders to neighborhoods. Increasing the supply of affordable rental housing helps to further meet the housing needs of neighborhood residents.

Many of the NeighborWorks® member organizations are mutual housing associations, innovative experiments in an alternative form of home ownership that is proving to be very successful. Mutual housing is permanent housing that assures long term affordability and tenure for low and moderate income people in a housing system over which the residents have considerable control. Mutual housing development and units are owned by mutual housing associations. Residents do not directly buy or sell their units, but are represented on the association board of directors. As members of the association and based on their occupancy agreements, the residents in mutual housing are considered in most states to have a personal property ownership interest in the property. Affordability, protection from displacement, democratic participation in the management of the housing, and a resident stake in the sustained health of the neighborhood are all attributes of mutual housing living. Exploring diverse forms of housing, such as mutual housing associations, can help point the way to improving housing affordability for low income people.

A key feature of the success of the Neighborhood Reinvestment Corporation and NeighborWorks® partnership is the training developed and conducted by the Neighborhood Reinvestment Training Institute. Residents, local organization board members, and local organization staff participate in extensive training in leadership development, engagement of residents in neighborhood organizations, conflict resolution, coalition building, organization management, resource development, and much more. This high quality training is replicated in many parts of the country and the lessons learned put to work in local communities.

We are seeing results in communities across the country. In my state of Massachusetts, the Twin Cities Community Development Corporation serves the cities of Fitchburg and Leominster. Terri Murray, the Twin Cities CDC Executive Director, says that "top down" neighborhood revitalization does not succeed and the training is invaluable to building strong resident led organizations. The turnaround they are experiencing in declining neighborhoods like the Cleghorn section of Fitchburg is attributed to a combination of the dedication of neighborhood residents, the marshaling of increased municipal services, and the leveraging of private and public grants and loans including federal HOME funds. Becoming a member of NeighborWorks® and thus a beneficiary of Neighborhood Reinvestment Corporation resources has served to strengthen the capacity of the Twin Cities Community Development Corporation, supporting its housing rehabilitation, home ownership, and small business/micro-enterprise development programs.

The Neighborhood Reinvestment Corporation enjoys bipartisan support in

the Senate. Along with its partners, the NeighborWorks® network, and Neighborhood Housing Services of America, the Neighborhood Reinvestment Corporation is to be commended for its fine work.•

TRIBUTE TO BERNIE WHITEBEAR, WASHINGTON STATE CITIZEN OF THE DECADE

• Mrs. MURRAY. Mr. President, on October 31, 1997 Washington state Governor Gary Locke declared the month of October "Bernie Whitebear Month" and proclaimed Bernie Whitebear as a "Citizen of the Decade". I would like to join the Governor, and the whole state of Washington in paying tribute to Bernie Whitebear for his outstanding contributions to the Seattle metropolitan community, the urban Native American community, the state of Washington, and in fact the entire Pacific Northwest.

For 30 years, Bernie Whitebear has been a voice and representative of the needs and concerns of the urban Indian community in Seattle and surrounding areas. His commitment to the preservation and edification of Native American culture within a diverse urban environment has never wavered. He established the Minority Executive Director's Coalition of King County, participates in the Northwest Asian American Theater's annual community Show-Off, and through his United Indians of All Tribes Foundation, acts as the Executive Director of the Daybreak Star Cultural and Education Center in Discovery Park, a center he established.

In recent years, Bernie has been tireless in his pursuit of his next vision: the People's Lodge. The People's Lodge is the next phase of development for the United Indians of All Tribes Foundation (United Indians) Indian Cultural Center (ICC) which includes the Daybreak Star Center. The United Indians is a well-established organization thanks to Bernie with over 20 years of service in Western Washington. The ICC mission, and Bernie's focus in life, is to improve the social, economic, and cultural well-being of Native Americans living in the metropolitan Seattle area. Bernie and United Indians run a variety of educational, community service, and cultural arts programs serving 4,000 clients and attracting 30,000 visitors a year. The People's Lodge will improve and expand United Indian's desire to preserve and enhance Indian heritage and educate people about Indian cultural diversity. The People's Lodge will include a permanent Hall of Ancestors exhibition, a multiple-use Potlatch House, and an exhibition gallery, the John Kauffman, Jr. Theater, a resource center, and the Sacred Circle of the American Indian Art.

The programs and activities envisioned by Bernie in the People's Lodge will be a great benefit to the greater Seattle community and the citizen's of Western Washington. The People's Lodge will create new jobs, serve as a new venue for sales and performances by artists of all kinds, and help preserve and advance the cultural heritage of Native Americans in this region. It has been my pleasure to work with Bernie in seeking federal support of this project. Bernie has been working diligently to secure an Economic Development Administration grant for the People's Lodge. I urge the EDA to give the grant proposal of United Indians for the People's Lodge their utmost consideration.

Bernie Whitebear is a true leader for Native Americans in Seattle and a genuine asset to our community in the greater Seattle area. I personally appreciate his efforts. It is always a pleasure to see Bernie's warm face and bright smile come into my office. Bernie truly is a Citizen of the Decade.•

HONORING NEW MEXICO MEDAL OF HONOR RECIPIENTS

• Mr. BINGAMAN. Mr. President, Veteran's Day is an appropriate occasion to honor those who have served our Nation so nobly. I'd like to take this occasion to offer special recognition to New Mexico's most distinguished veterans, our living Medal of Honor winners. Col. Robert Scott, who celebrates his 84th birthday this month, is a longtime resident of Santa Fe, NM, who received the Congressional Medal of Honor for his heroic deeds during World War II. Cpl. Hiroshi Miyamura, from Gallup, NM, was honored for his bravery as an infantryman during the Korean war. Second Lt. Raymond Murphy, a resident of Albuquerque, served heroically with the U.S. Marine Corps during that conflict. Sgt. Louis Richard Rocco, also from Albuquerque, celebrating his 59th birthday this month, received the Medal for his courageous deeds as a medic during the Vietnam war. New Mexico and the Nation are proud of these fine men and deeply grateful for their contributions to the freedom enjoyed by all Americans.

Since the birth of our Nation in 1776, 40 million American men and women have bravely sacrificed and served in defense of the freedoms that we enjoy, perhaps even sometimes take for granted. But our freedom isn't free, it was bought and paid for with the sacrifices of more than 1 million of those heroic servicemen and women who gave their lives for God and country. It was our first President who cautioned a young nation that, "If we desire peace, it must be known that we are at all times prepared for war."

Time and again in our 220-year history, our Nation's sons and daughters have been called upon to demonstrate that preparedness. Perhaps in no other war, however, was their resolve more tested than when our Nation struggled within itself during the Civil War. Early in that conflict, Iowa Senator James W. Grimes realized that soldiers needed not only leadership, they needed role models—heroes to look up to and emulate. To accomplish this, he introduced to this body, legislation authorizing a Medal of Honor for sailors and marines who distinguished themselves by their gallantry in action, in order to "promote the efficiency of the navy." Six months after President Lincoln authorized the Navy's Medal of Honor on December 21, 1861, he signed similar legislation introduced by Massachusetts Senator Henry Wilson to establish a Medal of Honor for members of the U.S. Army.

Since it was established by the Senate and authorized by President Lincoln 136 years ago, the Medal of Honor has been awarded to only 3,408 veterans of military service. The "roll call" of heroes includes an 11-year-old Civil War naval cabin boy, an escaped slave, the sons of two Presidents, conscientious objectors, privates and generals, chaplains and medics, and members of the U.S. Senate. These heroes have come from every State in the Union, from all nationalities and ethnic backgrounds, and from all social and economic strata. Three other Medal of Honor winners hail from New Mexico—about whom we are equally proud; Richard Rocco, Raymond Murphy, and Hiroshi Miyamura. Each of these men, and all winners of this coveted award have one thing in common, an action of such remarkable heroism "above and beyond the call of duty at the risk of their own life", that their comrades in arms have called them "heroes."

World War I gave us 119 Medal of Honor heroes, men like Eddie Rickenbacker and Sgt. Alvin York. But when the armistice was signed concluding the "war to end all wars" at the 11th hour of the 11th day of the 11th month in 1918, all America prayed that there would be no need to extend the honor of Medal of Honor recipient to future generations, a distinction that could be achieved only as a result of U.S. involvement in a war.

Sadly, this would not be the case. Since that first "Veterans Day", subsequent tyranny and human rights violations around the world have continued to test the commitment of our Nation's men and women in uniform. In the horror and devastation of the battles to defend freedom and human dignity since World War I, more than 30 million Americans have risked everything. All who served were heroes in their own right, and to each of them we owe our thanks, our thoughts and our prayers this Veterans Day. Of this multitude of patriots, only 811 received the Medal of Honor. So incredible were their acts of courage that only 316 of them survived to wear this highest honor.

It is often said that the youth of our Nation today need real heroes, men and women of patriotism and integrity, examples of sacrifice and service; that they can look up to and emulate. We who are of generations past can lament the loss of great Americans such as Sgt. York, Jimmie Doolittle, Audie Murphy, and other heroes of our childhood. But I am happy to report that today there are still many heroes and heroines in our land, men and women who embody the principles and character that have created and preserved the United States. Among those role models are the millions of veterans that we honor today, and among those veterans of military service are 168 surviving Medal of Honor heroes. Today, as we honor all our Nation's veterans, I would like to pay special homage to our New Mexican Medal of Honor winners.

On November 30, 1913, Robert Sheldon Scott was born here in the Nation's capital. His family later moved to California where Bob Scott attended school before moving again to my own State of New Mexico. Bob Scott answered his Nation's call to duty to serve during World War II.

On June 30, 1943, Gen. Douglas MacArthur and Adm. William Halsey launched "Operation Cartwheel", a bold two-pronged offensive to gain control of Rabul in the Pacific. On the day, Admiral Halsey landed the 43rd Infantry Division on the New Georgia in the Solomon Islands for the purpose of capturing the Japanese-held Munda airstrip. Underestimating the jungles of the island and the tenacity of its Japanese defenders, Halsey expected the campaign to last only 2 weeks. By mid-July the Admiral was forced to land two more divisions on the island, and the attack on the airstrip resumed with new fervor on July 25. More than 1,000 Americans would give up their lives in the effort.

By July 27, the 43d Infantry's 172d Regiment bogged down in front of a salient facing the Munda airstrip. Battle-weary and demoralized from 27 days of bitter fighting, the well-entrenched enemy seemed to have again halted the advance. Two days later, a squad from the 172d's 1st Battalion again assaulted the hill. Young Army Lt. Robert Scott led his men halfway up the hill to a position within 75 yards of the enemy, when the Japanese counterattack stopped them. Enemy soldiers rose from their fortifications firing their rifles and throwing grenades. Their fierce attack threw the exhausted Americans off the hill. Except for Lieutenant Scott.

Ducking behind the blasted remains of a tree stump, the brave lieutenant had an unobstructed view of the enemy bunkers. Despite being twice wounded and once having his rifle shot from his hand, for the next half hour, Lieutenant Scott stood alone on the hill to repulse the enemy. Throwing some 30 grenades, his one-man stand ended the enemy assault and caused them to withdraw. His Medal of Honor citation concludes with the notation that "our troops, inspired to renewed effort by Lieutenant Scott's intrepid stand and incomparable courage, swept across the plateau to capture the hill, and from this strategic position, four days later, captured Munda airstrip."

Of his award, Mr. Scott recently wrote, "I was awarded the Medal of Honor in World War II for deeds one day as a Second Lieutenant infantry platoon leader, deeds that I initiated at least in part from the conviction that I ought to have enough guts to do what I was authorized to order a sergeant or private soldier to try to do."

Today, Bob Scott still lives in the town of his youth, Santa Fe, NM. He is one of four of my State's living Medal of Honor heroes. The ninth oldest of our Nation's living Medal of Honor recipients, on the 30th day of this month, he will celebrate his 84th birthday. Our Governor, the Honorable Gary Johnson, has declared that day to be "Colonel Robert Scott Day" throughout our State.

Other Medal of Honor recipients from New Mexico contributed similar deeds of valor. Corporal Miyamura of Gallup was with Company H holding a defensive position near Taejon-ni, Korea in April 1951. When the enemy began to overrun his position, Corporal Miyamura left his sheltered position and engaged the enemy in hand-to-hand combat, then returned to his position to tend to the wounded. Under attack again, Corporal Miyamura manned two machine-guns to provide covering fire while his squad withdrew. He killed more than 50 enemy soldiers before his ammunition was depleted and he was severely wounded.

Second Lt. Raymond Murphy served as a platoon commander of Company A, 1st Battalion, 5th Marines, 1st Marine Division in action against the enemy west of Panmunjom, Korea. Wounded by artillery fire, Lieutenant Murphy refused medical aid while leading his men up a well-defended hill through a withering barrage of enemy fire. Murphy rescued many of his fallen comrades and returned each time to lead the assault and provide cover for his troops. While all the wounded evacuated and the assaulting units began to disengage, he remained behind with a carbine to cover the movement of friendly forces off the hill. After reaching the base of the hill, he organized a search party and again ascended the slope for a final check on missing Marines, locating and carrying the bodies of a machine-gun crew down the hill. Wounded a second time, he again refused medical assistance until he was certain that all of his men had been safely evacuated.

Sgt. Louis Richard Rocco of Albuquerque served in Vietnam as a medic northeast of Katum. While evacuating wounded comrades, Sergeant Rocco directed fire against the enemy to enable a helicopter to land and assist in the operation. In the battle, the helicopter was disabled by enemy fire and crashed. Sergeant Rocco continued to direct covering fire while personally extracting survivors from the helicopter and carrying them to safety through dense foliage and enemy fire.

It is said, "Poor is the nation that has no heroes or heroines, but beggard is the nation that has and forgets them." On this day, our Nation has set aside to remember our veterans, as I stand before the same body that established the Medal of Honor, I offer this special salute to Col. Robert S. Scott, Cpl. Hiroshi H. Miyamura, 2d Lt. Raymond G. Murphy, and Sgt. Louis Richard Rocco—great citizens of the State of New Mexico and the Nation.•

ASIAN ELEPHANT CONSERVATION ACT

• Mr. GRAHAM. Mr. President, on Wednesday, November 5, the Asian Elephant Conservation Act passed the Senate Environment and Public Works Committee with unanimous support. I am hopeful that this important bill, introduced by Senator JEFFORDS, will ensure that the children of the world will not miss out on these extraordinary mammals.

The Asian Elephant Conservation Act is constructed along the lines of the successful African Elephant Conservation Act. I have been heartened to learn that the African Elephant Act is producing positive results. I am hopeful that the Asian Elephant Conservation Act will likewise support research, conservation, anti-poaching education, and protection of the animals. I feel strongly, however, that no funds allocated by these Acts are spent to promote efforts to resume the ivory trade or to encourage trophy hunting.

According to a 1996 nationwide poll, 84 percent of Americans support efforts to protect elephants, yet I have learned that some of the funds from the African Elephant Conservation Act have gone toward the promotion of elephant trophy hunting. There is ongoing debate about the success and appropriateness of US taxpayer dollars being used to support such activities, and I look forward to learning more about this troublesome issue in the coming months.

For the time being, however, I wish to ask my colleagues for quick support and passage of the Asian Elephant Conservation Act. I am honored to be a cosponsor of the bill, and look forward to finding more ways to protect and conserve endangered species, both in the United States and abroad.•

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, pursuant to Public Law 105–56, and on behalf of the majority leader, announces the appointment of the following individuals as members of the Panel to Review Long-Range Air Power: Samuel A. Adcock, of Virginia, and Merrill A. McPeak, of Oregon.

JOINT REFERRAL OF NOMINATION

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the nomination of Donald J. Barry, of Wisconsin, to be Assistant Secretary for Fish and Wildlife, sent to the Senate by the President on November 7, 1997, be referred jointly to the Committees on Energy and Natural Resources and Environment and Public Works.

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

UNANIMOUS-CONSENT AGREEMENT—House Joint Resolution 101

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate receives House Joint Resolution 101 making continuing appropriations through Sunday, the joint resolution be agreed to and the motion to reconsider be laid upon the table, all without further action or debate.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–32

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 7, 1997, by the President of the United States: South Pacific Regional Environment Programme Agreement (Treaty Document No. 105–32). I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Agreement Establishing the South Pacific Regional Environment Programme, done at Apia on June 16, 1993 ("the Agreement"). The report of the Department of State with respect to the Agreement is attached for the information of the Senate.

The South Pacific Regional Environment Programme (SPREP) has existed for almost 15 years to promote cooperation in the South Pacific region, to protect and improve the South Pacific environment and to ensure sustainable development in that region. Prior to the Agreement, SPREP had the status of an informal institution housed within the South Pacific Commission. When this institutional arrangement began to prove inefficient, the United States and the nations of the region negotiated the Agreement to allow SPREP to become an intergovernmental organization in its own right and enhance its ability to promote cooperation among its members.

The Agreement was concluded in June 1993 and entered into force in August 1995. Nearly every nation—except the United States—that has participated in SPREP and in the negotiation of the Agreement is now party to the Agreement. As a result, SPREP now enjoys a formal institutional status that allows it to deal more effectively with the pressing environmental concerns of the region. The United States and its territories can only participate in its activities as official observers.

The Agreement improves the ability of SPREP to serve the interests of American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam. Its ratification is supported by our territories and will demonstrate continued United States commitment to, and concern for, the South Pacific region.

Under its terms, the Agreement entered into force on August 31, 1995. To date, Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Kiribati, Marshall Islands, Nauru, New Zealand, Niue, Papua New Guinea, Solomon Islands, Tonga, and Western Samoa have become parties to the Agreement.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 7, 1997.*

MEASURE READ THE FIRST TIME—S. 1414

Mr. LOTT. Mr. President, I understand that S. 1414, which was introduced earlier today by Senator MCCAIN, is at the desk. I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1414) to reform and restructure the processes by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, to redress the adverse health effects of tobacco use, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The bill will be read for the second time on the next legislative day.

AMENDING TITLE I OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Mr. LOTT. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 1377, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1612

(Purpose: To amend the Employee Retirement Income Security Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings)

Mr. LOTT. Mr. President, Senator GRASSLEY has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], FOR MR. GRASSLEY, proposes an amendment numbered 1612.

Mr. LOTT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, almost 7 months ago, my colleague and I, Senator JOHN BREAUX, introduced S. 757, legislation identical to H.R. 1377. This legislation—the Savings Are Vital to Everyone's Retirement Act or SAVER is now ready for passage in the Senate and ultimately signature of the President. While it took a little longer than I had hoped—it is still a timely and vital piece of legislation.

When I introduced the bill back in May, I cited some statistics on the dismal level of savings by individuals in this country. I said that only about one-third of American workers had calculated how much they will need to save by retirement in order to maintain their standard of living. I said that workers in the 40's to the early 50's had seen their savings levels drop by 6 percent from 1988 to 1994.

Well, these kinds of numbers are very consistent with new data recently released by the Employee Benefit Research Institute in its annual Retirement Confidence Survey. Slightly more than one-third of the people surveyed in 1997 have even tried to determine how much they need to save by retirement. Only 27 percent of Americans had an idea of what they would need to accumulate in order to retire and maintain their standard of living.

And people are very afraid. A recent poll by USA Today indicated that 49 percent of people are afraid of not having enough money for retirement.

Clearly, people need help in learning how to achieve a secure retirement. The SAVER bill which is now before the Senate, will do that. The SAVER Act will direct the Department of Labor to maintain an ongoing public education campaign about the need to save for retirement. This campaign will include a broad scope of initiatives including public service announcements, covering public meetings, and crating and disseminating educational materials.

Education has proven to be a powerful motivator for people to pay attention to their retirement savings. According to the Retirement Confidence Survey, of those employees who were provided educational programs and materials about the company pension plan, 45 percent said that it led them to begin contributing to the plan. Furthermore, 49 percent said that the educational programs and materials led them to reallocate their money among investment options offered.

The Department of Labor already has a good start on a public education initiative; this legislation will ensure that public education will continue beyond the current administration because this is a problem that will not go away.

The second important piece of this legislation is the creation of a national event—a national summit on retirement savings at the White House. This summit will be a truly bipartisan event—hosted by both the executive and congressional branch. The summit will bring together more than 200 experts in the field of pensions and retirement savings, elected officials, and representatives from the private sector and the public—all with the goal of raising the profile of the importance of saving and identifying barriers to saving and pension formation.

The first national summit will be held in the summer of 1998—just a short time from now. We will be able to get the summit organized due in large part to the groundwork already laid by a very effective group—the American Savings Education Council or ASEC. ASEC is unique in its origins and its mission. Its membership is made up of public and private sector employers financial, educational, and service organizations; and government agencies.

The organization is committed to helping individuals understand what they need to do to prepare for retirement and to encourage savings for the future. ASEC has already made appearances in towns around the country to talk about retirement planning and has distributed a logical choice for a private partner to work with the public sector lead—the Department of Labor—to get the national summit on track for 1998.

I would like to commend Congressmen HARRIS FAWELL and DONALD PAYNE for introducing this legislation in the House. The support they generated was an important part of the successful consideration of this bill. I also want to acknowledge the cosponsors in the Senate—Senator KERRY, Senator KYL, Senator HAGEL, Senator TIM HUTCHINSON, Senator ROBB, Senator COLLINS, and Senator COCHRAN.

Today's workers need to be prepared for retirement—private savings can help minimize the risk that they will spend down their employers's 401(k) or count on more pension benefits than they will actually receive from their employer. Or, help prepare for the costs of medical care through long-term care insurance—that is an expense that worries many of today's retirees and their children. As we prepare for debate over the future of public retirement programs we must not overlook the role that private savings and an employer-based pension will play. The Government should play a role in encouraging individuals to acquire knowledge that will help them achieve a secure standard of living when they are no longer able to work—SAVER is a critical first step in helping people achieve their hopes for retirement.

Mr. LOTT. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 1612) was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 1377), as amended, was read a third time and passed.

CLONE PAGER AUTHORIZATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 166, S. 170.

The PRESIDING OFFICER. The clerk will report the bill.

The legislative clerk read as follows:

A bill (S. 170) to provide for a process to authorize the use of clone pagers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased to sponsor S. 170, the clone Pager authorization Act, and urge its speedy passage. This bill would enable law enforcement officers to gain quicker and easier access to an important investigatory tool, called a clone pager, which has proven invaluable in gathering evidence against gang members, drug traffickers and organized crime members.

I was pleased to have helped improve this bill from the version introduced in the last congress. We included it in the juvenile crime bill, S. 15, that I sponsored along with other Democratic Members on the first day of this session and which the Democratic leader designated among our top legislative priorities.

While pagers are, of course, used legitimately by millions of people, these devices are relied upon by gangsters and drug dealers to carry on their illicit business from roving offices that enable time to commit crimes no matter where they are at any time of day or night. Indeed, pagers are so popular among drug traffickers, these devices are considered a regular tool of the drug trade.

A clone pager is programmed identically to the pager used by a suspected criminal so that it displays the same numbers transmitted to, and displayed on, the suspect's pager. A law enforcement officer using the clone pager is thereby able to receive the identical pager message at the same time as the targeted criminal.

How does this help law enforcement? When a drug dealer moves about town conducting his illicit business, he can keep in constant touch with his criminal associates, including his drug suppliers and customers, by carrying a pager. Contacting the dealer wherever he may be is a simple matter of calling his pager. The drug dealer can then pull up to the nearest public telephone to return the call at the number displayed on his pager. A clone pager, which simultaneously displays the same call-back numbers received by the targeted drug dealer, alerts law enforcement officers to the telephone numbers used by the dealer's suppliers and associates, and through those numbers, their locations.

To determine the telephone numbers of associates called by, or calling to, a criminal suspect's land-line or cellular telephone, law enforcement officers use a pen register or trap and trace device. Yet, when criminals opt to conduct their business using pagers— often times to thwart police surveillance—law enforcement officers must obtain authority under the wiretap law to use

a clone pager. Even though clone pagers reveal essentially the same information about the telephone numbers of associates calling the suspect as do pen register and trap and trace devices, the procedures for wiretap authorization are significantly more complicated and more time—consuming than those to obtain authority for use of pen register and trap and trace devices. The additional procedural hurdles necessary to use clone pagers benefit only the criminal.

This bill would permit law enforcement to use a clone pager based on the same form of court authorization necessary to use a pen register or trap and trace device. In fact, certain of the requirements for wiretap authorization simply make no sense when the investigatory tool being authorized is a clone numeric pager.

Thus, courts confronted with defense motions to suppress evidence derived from clone pagers for failure to comply with wiretap procedures have concluded that certain statutory requirements for wiretaps do not apply. For example, since clone numeric pagers do not reveal the content of any conversation or even whether any conversation actually occurred, courts have found that it is impossible to minimize clone numeric pager interceptions as is required for interceptions of wire, oral or electronic communications. See, e.g., *U.S.* v. *Bautista*, 1992 U.S. App. LEXIS 16829, 7 (4th Cir. 1992); *U.S.* v. *tutino*, 883 F.2d 1125, 1141 (2d Cir. 1989), cert. denied, 493 U.S. 1081 (1990) ("minimization requirements cannot reasonably be applied to clone beepers"); *U.S.* v. *Gambino*, 1995 U.S. Dist. LEXIS 10689, 7 (S.D.N.Y. 1995).

Furthermore, since the numbers captured from clone numeric pagers are usually manually, rather than electronically or mechanically, recorded by law enforcement officers, courts have concluded that the recordation and sealing requirements of the wiretap law have limited utility and refused to suppress for failure to comply with these requirements. *U.S.* v. *Suarez*, 906 F.2d 977, 984 (4th Cir. 1990) *U.S.* v. *Paredes-Moya*, 722 F. Supp. 1402, 1408 (N.D. Tex. 1989).

Instead of providing fodder for defense motions, the time is long overdue for Congress to apply common sense and require law enforcement to follow more appropriate procedures—no more and no less—to obtain authorization to use clone numeric pagers.

This bill would conform the requirements to obtain legal authorization for use of a clone pager to those for use of a pen register or trap and trace device. As one court recognized, "[u]nlike telephone wiretaps, duplicate paging devices reveal only numbers, not the content of conversation. In this way they are similar to pen registers." *U.S.* v. *Tutino*, supra, 883 F.2d at 1141. Specifically, the bill would authorize a Federal court to issue an order authorizing the use of a clone numeric display pager to receive the communications intended for another such pager, upon certification of an attorney for the government or law enforcement officer that the information likely to be obtained is relevant to an ongoing criminal investigation.

This new authority would be limited to clone numeric display pagers, not more sophisticated pagers that transmit and receive written or oral textual messages. The only communications obtained from, and displayed on, clone numeric display pagers are numbers dialed into a telephone for transmission to the suspect's pager—just like the information obtained from a pen register or trap and trace device.

These numbers usually are callback telephone numbers, but may also include other incidental or coded numbers. Such incidental or coded numbers are also captured by pen register or trap and trace devices. The capturing of incidental or coded numbers by pen registers prompted Congress to require in the 1994 Communications Assistance for Law Enforcement Act [CALEA] that technology "reasonably available" be used to restrict the recording or decoding of numbers to the "dialing or signaling information utilized in call processing." 18 U.S.C. §3121(c).

Tone-only paging devices are already completely exempt from the wiretap law, as amended in 1986 by the Electronic Communications Privacy Act [ECPA]. The ECPA extended the protections of Title III of the Omnibus Crime Control and Safe Streets Act of 1968 ("Title III") to unauthorized interceptions of "electronic communications." My main purpose in sponsoring ECPA was, as the Senate Report indicates, "to update and clarify Federal privacy protections and standards in light of dramatic changes in new computer and telecommunications technologies." S. Rep. No. 541, 99th Cong., 2d Sess. 1, reprinted in 1986 U.S. Code Cong. & Admin. News 3555, 3555. Alphanumeric display pagers, which visually display both numbers and letters, and sophisticated tone and voice pagers should, in my view, continue to be subject to the wiretap authorization procedures. The nature of the communication captured by numeric display pagers, however, is so akin to the information obtained by pen register and trap and trace devices, that the procedures and standards for their authorized use by law enforcement should be equalized.

As criminals use technological advances for their own ill purposes, Congress must continue, as we did with ECPA and CALEA, to give law enforcement the reasonable authority it needs to keep up, while protecting legitimate privacy interests. This bill does so, and I support its passage.

Passage of this bill will not mean the end of our work in this area, however. The judicial role in approving the use of pen register and trap and trace devices is severely limited and, in fact, relegates judges to merely a ministerial role. *U.S.* v. *Fregoso*, 60 F.3d 1314, 1320 (8th Cir. 1995); *U.S.* v. *Hallmark*, 911 F.2d 399, 402 (10th cir. 1990); In re Order Authorizing Installation of Pen Reg., 846 F. Supp. 1555, 1558-59 (M.D. Fla. 1994). The court's limited role is to confirm, first, the identity of the applicant and investigating law enforcement agency, and second, certification from the applicant that the information sought is relevant to an ongoing investigation. See 18 U.S.C. §§3121-3127.

Significantly, the judge is not authorized to review, let alone question, the basis for the relevancy determination. If the appropriate certification appears, the judge must authorize the pen register or trap and trace device. This is an anomalous limitation on the judicial role. While relevance to an ongoing criminal investigation remains an appropriate basis for use of a pen register or trap and trace device, Congress should reexamine the limitation on judicial authority to review this determination. This remains unfinished business.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill appear at the appropriate place in the RECORD.

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

The bill (S. 170) was read a third time and passed, as follows:

S. 170

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 "Clone Pager Authorization Act of 1996".

SEC. 2. WIRE AND ELECTRONIC COMMUNICATIONS.

(a) DEFINITIONS.—Section 2510(12) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by adding "or" at the end; and

(3) by adding at the end the following:

"(D) any communication made through a clone pager (as that term is defined in section 3127)."

(b) PROHIBITION.—Section 2511(2)(h) of title 18, United States Code, is amended by striking clause (i) and inserting the following:

"(i) to use a pen register, a trap and trace device, or a clone pager (as those terms are defined for the purposes of chapter 206 (relating to pen registers, trap and trace devices, and clone pagers)); or".

SEC. 3. AMENDMENT OF CHAPTER 206.

Chapter 206 of title 18, United States Code, is amended—

(1) in the chapter heading, by striking "AND TRAP AND TRACE DEVICES" and inserting ", TRAP AND TRACE DEVICES, AND CLONE PAGERS";

(2) in the chapter analysis—

(A) by striking "and trap and trace device" each place that term appears and inserting ", trap and trace device, and clone pager";

(B) by striking "and trap and trace devices" and inserting ", trap and trace devices, and clone pagers"; and

(C) by striking "or a trap and trace device" each place that term appears and inserting ", a trap and trace device, or a clone pager";

(3) in section 3121—

(A) in the section heading, by striking "**and trap and trace device**" and inserting "**, trap and trace device, and clone pager**"; and

(B) by striking "or a trap and trace device" each place that term appears and inserting ", a trap and trace device, or a clone pager";

(4) in section 3122—

(A) in the section heading by striking "**or a trap and trace device**" and inserting "**, a trap and trace device, or a clone pager**";

(B) by striking "or a trap and trace device" each place that term appears and inserting ", a trap and trace device, or a clone pager";

(5) in section 3123—

(A) in the section heading, by striking "**or a trap and trace device**" and inserting "**, a trap and trace device, or a clone pager**";

(B) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Upon an application made under section 3122, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court, or of a clone pager for which the service provider is subject to the jurisdiction of the court, if the court finds that the attorney for the Government or the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.";

(C) in subsection (b)(1)—

(i) in subparagraph (A), by inserting before the semicolon the following: ", or, in the case of a clone pager, the identity, if known, of the person who is the subscriber of the paging device, the communications to which will be intercepted by the clone pager";

(ii) in subparagraph (C), by inserting before the semicolon the following: ", or, in the case of a clone pager, the number of the paging device, communications to which will be intercepted by the clone pager"; and

(iii) in paragraph (2), by striking "or trap and trace device" and inserting ", trap and trace device, or clone pager";

(D) in subsection (c), by striking "or a trap and trace device" and inserting ", a trap and trace device, or a clone pager"; and

(E) in subsection (d)—

(i) in the subsection heading, by striking "OR A TRAP AND TRACE DEVICE" and inserting ", TRAP AND TRACE DEVICE, OR CLONE PAGER"; and

(ii) in paragraph (2), by inserting "or the paging device, the communications to which will be intercepted by the clone pager," after "attached,";

(6) in section 3124—

(A) in the section heading, by striking "**or a trap and trace device**" and inserting "**, a trap and trace device, or a clone pager**";

(B) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(C) by inserting after subsection (b) the following:

"(c) CLONE PAGER.—Upon the request of an attorney for the Government or an officer of a law enforcement agency authorized to acquire and use a clone pager under this chapter, a Federal court may order, in accordance with section 3123(b)(2), a provider of a paging service or other person, to furnish to such investigative or law enforcement officer, all information, facilities, and technical assistance necessary to accomplish the operation and use of the clone pager unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the programming and use is to take place.";

(7) in section 3125—

(A) in the section heading, by striking "**and trap and trace device**" and inserting "**, trap and trace device, and clone pager**";

(B) in subsection (a)—

(i) by striking "or a trap and trace device" and inserting ", a trap and trace device, or a clone pager"; and

(ii) by striking the quotation marks at the end; and

(C) by striking "or trap and trace device" each place that term appears and inserting ", trap and trace device, or clone pager";

(8) in section 3126—

(A) in the section heading, by striking "**and trap and trace devices**" and inserting "**, trap and trace devices, and clone pagers**"; and

(B) by inserting "or clone pagers" after "devices"; and

(9) in section 3127—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following:

"(5) the term 'clone pager' means a numeric display device that receives communications intended for another numeric display paging device;".

FORT BERTHOLD INDIAN RESERVATION ACT OF 1997

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 258, S. 1079.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1079) to permit the leasing of mineral rights, in any case in which the Indian owners of an allotment that is located within the boundaries of the Fort Berthold Indian Reservation and held in trust by the United States have executed leases to more than 50 percent of the mineral estate of that allotment.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. LEASES OF ALLOTTED LANDS OF THE FORT BERTHOLD INDIAN RESERVATION.

(a) IN GENERAL.—

(1) DEFINITIONS.—In this section:

(A) INDIAN LAND.—The term "Indian land" means an undivided interest in a single parcel of land that—

(i) is located within the Fort Berthold Indian Reservation in North Dakota; and

(ii) is held in trust or restricted status by the United States.

(B) INDIVIDUALLY OWNED INDIAN LAND.—The term "individually owned Indian land" means Indian land that is owned by 1 or more individuals.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) EFFECT OF APPROVAL BY SECRETARY OF THE INTERIOR.—

(A) IN GENERAL.—The Secretary may approve any mineral lease or agreement that affects individually owned Indian land, if—

(i) the owners of a majority of the undivided interest in the Indian land that is the subject of the mineral lease or agreement (including any interest covered by a lease or agreement executed by the Secretary under paragraph (3)) consent to the lease or agreement; and

(ii) the Secretary determines that approving the lease or agreement is in the best interest of the Indian owners of the Indian land.

(B) EFFECT OF APPROVAL.—Upon the approval by the Secretary under subparagraph (A), the lease or agreement shall be binding, to the same extent as if all of the Indian owners of the Indian land involved had consented to the lease or agreement, upon—

(i) all owners of the undivided interest in the Indian land subject to the lease or agreement (including any interest owned by an Indian tribe); and

(ii) all other parties to the lease or agreement.

(C) DISTRIBUTION OF PROCEEDS.—The proceeds derived from a lease or agreement that is approved by the Secretary under subparagraph (A) shall be distributed to all owners of the Indian land that is subject to the lease or agreement in accordance with the interest owned by each such owner.

(3) EXECUTION OF LEASE OR AGREEMENT BY SECRETARY.—The Secretary may execute a mineral lease or agreement that affects individually owned Indian land on behalf of an Indian owner if—

(A) that owner is decreased and the heirs to, or devisees of, the interest of the deceased owner have not been determined; or

(B) the heirs or devisees referred to in subparagraph (A) have been determined, but 1 or more of the heirs or devisees cannot be located.

(4) PUBLIC AUCTION OR ADVERTISED SALE NOT REQUIRED.—It shall not be a requirement for the approval or execution of a lease or agreement under this subsection that the lease or agreement be offered for sale through a public auction or advertised sale.

(b) RULE OF CONSTRUCTION.—This Act supersedes the Act of March 3, 1909 (35 Stat. 783, chapter 263; 25 U.S.C. 396) only to the extent provided in subsection (a).

Mr. LOTT. I ask unanimous consent the committee substitute be agreed to; the bill, as amended, be read three times, passed and the motion to reconsider be laid upon the table; and the amendment to the title be agreed to; that any statements relating thereto be printed in the RECORD at the appropriate place as if read.

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

The committee amendment was agreed to.

The bill (S. 1079), as amended, was passed.

The title was amended so as to read:

A bill to permit the mineral leasing of Indian land located within the Fort Berthold Indian Reservation in any case in which there is consent from a majority interest in the parcel of land under consideration for lease.

JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

Mr. LOTT. I ask unanimous consent the Senate now proceed to the consideration of Calendar 89, H.R. 1747.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1747) to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. I want to express my appreciation to Senator DOMENICI for his cooperation in making the adoption of this legislation, which has been pending for quite some time, possible tonight.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

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

The bill (H.R. 1747) was deemed read the third time and passed.

HISPANIC CULTURAL CENTER ACT OF 1997

Mr. LOTT. I ask unanimous consent the Senate now proceed to the consideration of S. 1417 introduced earlier today by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1417) to provide for the design, construction, furnishing and equipping of a center for performing arts within the complex known as the New Mexico Hispanic Cultural Center.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, Hispanics of the Southwest and New Mexico will be celebrating an important milestone next year. 1998 is the 400th anniversary of permanent Hispanic presence in New Mexico. In 1598, Juan de Oñate arrived in New Mexico and founded the second city of the United States, San Gabriel de los Españoles. This was the first permanent Spanish settlement in New Mexico. From New Mexico, Juan de Oñate traveled across the desert to California where he founded San Francisco in 1605.

On the occasion of the 400th anniversary of Spanish presence, New Mexico will be beginning a new era of Spanish pride and cooperation with other cultures. In New Mexico, we are very proud of our cultural relations between the Indian, Spanish, and Anglo people. It is now time to pay special tribute to the Spanish people of New Mexico, the Southwest, and the United States.

In preparing for the 400th anniversary celebrations, the State of New Mexico has invested over $17.7 million toward the establishment of phase I of the New Mexico Hispanic Cultural Center. In addition, the city of Albuquerque has donated 10.9 acres and a historic 22,000-square-foot building. Twelve acres of "bosque" land near the Rio Grande have also been donated by the Middle Rio Grande Conservancy District. Private contributions are also helping to meet the Hispanic Cultural Center goals.

I am asking my colleagues to authorize funding to match these New Mexico contributions. This authorization is to build the critical Hispanic Performing Arts Center at an estimated cost of $17.8 million. I believe the people of New Mexico have done an excellent job in committing their own resources for an art gallery, museum, restaurant, ballroom, amphitheater, research center, literary arts center, and other supportive components.

To showcase the Hispanic culture for all Americans, the Hispanic Performing Arts Center is a vital component. Phase II plans include a 700-seat theater, a stage house, a 300-seat film/video center, a 150-seat black box theater, an art studio building, a culinary art building, and a research and literary arts building. The estimated cost of all phase II components is $26 million. By agreeing to authorize the Hispanic Performing Arts Center, Congress will make a significant contribution toward the phase II plan.

Not counting the land contributions, phase I and phase II design, construction, equipping, and furnishing is estimated to cost slightly more than $40 million. Major infrastructure components are included in both phases. These include an aqueduct, acequia, and pond from the Barelas Drain; parking; a plaza and courtyard, and landscaping.

Phase I is now near the bidding stage. The Hispanic Performing Arts and Film Arts—the three theaters—are estimated to cost $17.8 million, with necessary equipment—construction: $15.9 million; fixed equipment: $1.9 million. The remaining components of phase II are estimated to cost $8 million.

This multifaceted Hispanic Cultural Center is designed to showcase, share, archive, preserve, and enhance the rich Hispanic culture for local, regional, and national audiences. It is designed to be a tourist attraction as well as a great source of local pride.

The Hispanic Cultural Center will be the southernmost facility on a cultural corridor that includes the Rio Grande Nature Center, the Albuquerque Aquarium, Botanical Gardens, and the Rio Grande Zoo. Historic Old Town Albuquerque is at the center of this cultural corridor.

Antoine Predock of Albuquerque and Pedro Marquez of Santa Fe were the original design architects. Mr. Predock is an internationally recognized architect and his design will enhance the attractiveness of the center. To promote the Spanish and Southwestern themes, they have emphasized the inclusion of New Mexico architectural features such as adobe construction—like the existing historic building used as the administrative center—courtyards, portals, cottonwoods for shading, and the irrigation ditches known in New Mexico as "acequias". The site is at the corner of Fourth Street and Bridge Boulevard in Southwest Albuquerque.

Once built, the Hispanic Cultural Center will employ over 100 people. Tourism dollars are expected to increase in this part of Albuquerque, and new ancillary businesses are anticipated to complement and enhance the attractions in the historic Barelas Neighborhood of Albuquerque.

The many forms of art, culture, research, performing arts, culinary arts, literature, and other activities are expected to add important cultural connections to the roots of the local and state Hispanic people. Completion of the Hispanic Performing Arts Center will be the major facility needed to showcase live and filmed Spanish cultural events. A whole new industry of preserving, showcasing, and enhancing pride in Spanish cultural roots is a vital anticipated benefit of this New Mexico-based Hispanic institution.

Visitors are expected from California, New York, Florida, Texas, Wisconsin, Minnesota, and other States with large Hispanic populations. The New Mexico Hispanic Cultural Center and its active Hispanic Performing Arts Center are expected to become nationally known treasures of living Hispanic culture in America.

I believe that authorizing Federal funding for the Hispanic Performing Arts Center will be a significant step toward this budding national treasure in its critical formative stages. I urge my colleagues to support the funding for the Hispanic Performing Arts Center in Albuquerque, NM, in honor of the 400th anniversary of Spanish culture, and in hopes of seeing the preservation and enhancement of this culture flourish into its 500th year.

Mr. LOTT. I ask unanimous consent the bill be deemed read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD

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

The bill (S. 1417) was read the third time and passed, as follows:

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

(a) SHORT TITLE.—This act may be cited as the Hispanic Cultural Center Act of 1997.

SEC. 2. CONSTRUCTION OF A CENTER FOR PERFORMING ARTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development, and cultural expression.

(2) The Hispanic culture in what is now the United States can be traced to 1528 when a Spanish expedition from Cuba to Florida was shipwrecked on the Texas coast.

(3) The Hispanic culture in New Mexico can be traced to 1539 when a Spanish Franciscan Friar, Marcos de Niza, and his guide, Estevanico, traveled into present day New Mexico in search of the fabled city of Cibola and made contact with the people of Zuni.

(4) The Hispanic influence in New Mexico is particularly dominant and a part of daily living for all the citizens of New Mexico, who are a diverse composite of racial, ethnic, and cultural peoples. Don Juan de Oñate and the first New Mexican families established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(5) Based on the 1990 census, there are approximately 650,000 Hispanics in New Mexico, the majority having roots reaching back ten or more generations.

(6) There are an additional 200,000 Hispanics living outside of New Mexico with roots in New Mexico.

(7) The New Mexico Hispanic Cultural Center is a living tribute to the Hispanic experience and will provide all citizens of New Mexico, the Southwestern United States, the entire United States, and around the world, an opportunity to learn about, partake in, and enjoy the unique Hispanic culture, and the New Mexico Hispanic Cultural Center will assure that this 400-year old culture is preserved.

(8) The New Mexico Hispanic Cultural Center will teach, showcase, and share all facets of Hispanic culture, including literature, performing arts, visual arts, culinary arts, and language arts.

(9) The New Mexico Hispanic Cultural Center will promote a better cross-cultural understanding of the Hispanic culture and the contributions of individuals to the society in which we all live.

(10) In 1993, the legislature and Governor of New Mexico created the Hispanic Cultural Division as a division within the Office of Cultural Affairs. One of the principal responsibilities of the Hispanic Cultural Division is to oversee the planning, construction, and operation of the New Mexico Hispanic Cultural Center.

(11) The mission of the New Mexico Hispanic Cultural Center is to create a greater appreciation and understanding of Hispanic culture.

(12) The New Mexico Hispanic Cultural Center will serve as a local, regional, national, and international site for the study and advancement of Hispanic culture, expressing both the rich history and the forward-looking aspirations of Hispanics throughout the world.

(13) The New Mexico Hispanic Cultural Center will be a Hispanic arts and humanities showcase to display the works of national and international artists, and to provide a venue for educators, scholars, artists, children, elders, and the general public.

(14) The New Mexico Hispanic Cultural Center will provide a venue for presenting the historic and contemporary representations and achievements of the Hispanic culture.

(15) The New Mexico Hispanic Cultural Center will sponsor arts and humanities programs, including programs related to visual arts of all forms (including drama, dance, and traditional and contemporary music), research, literary arts, genealogy, oral history, publications, and special events such as, fiestas, culinary arts demonstrations, film video productions, storytelling presentations and education programs.

(16) Phase I of the New Mexico Hispanic Cultural Center complex is scheduled to be completed by August of 1998 and is planned to consist of an art gallery with exhibition space and a museum, administrative offices, a restaurant, a ballroom, a gift shop, an amphitheater, a research and literary arts center, and other components.

(17) Phase II of the New Mexico Hispanic Cultural Center complex is planned to include a performing arts center (containing a 700-seat theater, a stage house, and a 300-seat film/video theater), a 150-seat black box theater, an art studio building, a culinary arts building, and a research and literary arts building.

(18) It is appropriate for the Federal Government to share in the cost of constructing the New Mexico Hispanic Cultural Center because Congress recognizes that the New Mexico Hispanic Cultural Center has the potential to be a premier facility for performing arts and a national repository for Hispanic arts and culture.

(b) DEFINITIONS.—In this section:

(1) CENTER.—The term 'Center' means the Center for Performing Arts, within the complex known as the New Mexico Hispanic Cultural Center, which Center for the Performing Arts is a central facility in Phase II of the New Mexico Hispanic Cultural Center complex.

(2) HISPANIC CULTURAL DIVISION.—The term 'Hispanic Cultural Division' means the Hispanic Cultural Division of the Office of Cultural Affairs of the State of New Mexico.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) CONSTRUCTION OF CENTER.—The Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the design, construction, furnishing, and equipping of the Center for Performing Arts that will be located at a site to be determined by the Hispanic Cultural Division, within the complex known as the New Mexico Hispanic Cultural Center.

(d) GRANT REQUIREMENTS.—

(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Director of the Hispanic Cultural Division—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the New Mexico Hispanic Cultural Center Program document dated January 1996; and

(B) shall exercise due diligence to expeditiously execute, in a period not to exceed 90 days after the date of enactment of this section, the memorandum of understanding under paragraph (2) recognizing that time is of the essence for the construction of the Center because 1998 marks the 400th anniversary of the first permanent Spanish settlement in New Mexico.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Center;

(B) that Antoine Predock, an internationally recognized architect, shall be the supervising architect for the construction of the Center; or any other architect subsequently named by the state.

(C) that the Director of the Hispanic Cultural Division shall award the contract for architectural engineering and design services in accordance with the New Mexico Procurement Code; and

(D) that the contract for the construction of the Center—

(i) shall be awarded pursuant to a competitive bidding process; and

(ii) shall be awarded not later than 3 months after the solicitation for bids for the construction of the Center.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in subsection (c) shall be in cash or in kind fairly evaluated, including plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, construction, furnishing, or equipping of Phase I or Phase II of the New Mexico Hispanic Cultural Center complex prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) $16,410,000 that was appropriated by the New Mexico legislature since January 1, 1993, for the planning, property acquisition, design, construction, furnishing, and equipping of the New Mexico Hispanic Cultural Center complex.

(B) $116,000 that was appropriated by the New Mexico legislature for fiscal year 1995 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(C) $226,000 that was appropriated by the New Mexico legislature for fiscal year 1996 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(D) $442,000 that was appropriated by the New Mexico legislature for fiscal year 1997 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(E) $551,000 that was appropriated by the New Mexico legislature for fiscal year 1998 for the startup and operating expenses of the New Mexico Hispanic Cultural Center.

(F) A 10.9-acre lot with a historic 22,000 square foot building donated by the Mayor and City Council of Albuquerque, New Mexico, to New Mexico for the New Mexico Hispanic Cultural Center.

(G) 12 acres of "Bosque" land adjacent to the New Mexico Hispanic Cultural Center complex for use by the New Mexico Hispanic Cultural Center.

(H) The $30,000 donation by the Sandia National Laboratories and Lockheed Martin Corporation to support the New Mexico Hispanic Cultural Center and the program activities of the New Mexico Hispanic Cultural Center.

(e) USE OF FUNDS FOR DESIGN, CONSTRUCTION, FURNISHING, AND EQUIPMENT.—The funds received under a grant awarded under subsection (c) shall be used only for the design, construction, management, inspection, furnishing, and equipment of the Center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section a total of $17,800,000 for fiscal year 1998 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended.

AUTHORIZING TESTIMONY, PRODUCTION OF DOCUMENTS AND REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. LOTT. I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 147 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 147) to authorize testimony, production of documents, and representation in *First American Corp., et al.* v. *Sheikh Zayed Bin Sultan Al-Nahyan, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the civil case of First American Corporation, et al. versus Sheikh Zayed Bin Sultan Al-Nahyan, et al., pending in the District Court for the District of Columbia, presents claims arising out of the former business relationships between First American Bank and the Bank of Credit and Commerce, International, known as BCCI.

BCCI's business dealings were the subject of extensive hearings by the Subcommittee on Terrorism, Narcotics, and International Operations, of the Committee on Foreign Relations, between 1988 and 1992. Senator JOHN KERRY, who chaired that subcommittee, and former Senator Hank Brown, who was the ranking member, prepared a lengthy report documenting their findings.

The Foreign Relations Committee has received a request for a former counsel to the subcommittee, Jack Blum, to testify in this civil action about responses that the Subcommittee received to its requests for information in the course of its investigation. The Committee believes that it is appropriate to authorize the testimony requested on this subject. This resolution would accordingly authorize Mr. Blum to testify about this subject, but the resolution authorizes no other testimony by any Member or employee.

The committee has also received a request for committee records in connection with this case. In keeping with prior Senate practice, this resolution will not authorize the wholesale production of committee records, but authorizes the chairman and ranking member of the Foreign Relations Committee to produce, on a case-by-case basis, copies of selective committee records from this subcommittee investigation, where a strong basis for the request has been shown and the Senate's privileges permit.

Finally, the resolution authorizes the Senate legal counsel to provide representation in connection with the requests for testimony and documents in this proceeding.

Mr. LOTT. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 147

Whereas, in the case of *First American Corp., et al.* v. *Sheikh Zayed Bin Sultan Al-Nahyan, et al.*, C.A. No. 93-1309 (JHG/PJA), pending in the United States District Court for the District of Columbia, the plaintiff has requested testimony from Jack Blum, a former employee on the staff of the Committee on Foreign Relations, and the production of documents of the Committee on Foreign Relations;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, employees, committees, and subcommittees, of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Jack Blum is authorized to testify in the case of *First American Corp., et al.* v. *Sheikh Zayed Bin Sultan Al-Nahyan, et al.*, except concerning matters for which a privilege should be asserted, and the chairman and ranking minority member of the Committee on Foreign Relations, acting jointly, are authorized to produce records of the Committee relating to the investigation of the Subcommittee on Terrorism, Narcotics, and International Operations into the Bank of Credit and Commerce, International.

SEC. 2. That the Senate Legal Counsel is authorized to represent Jack Blum, the Committee on Foreign Relations, and any present or former Member or employee of the Senate, in connection with *First American Corp., et al.* v. *Sheikh Zayed Bin Sultan Al-Nahyan, et al.*

REGARDING PROLIFERATION OF MISSILE TECHNOLOGY FROM RUSSIA TO IRAN

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 250, Senate Concurrent Resolution 48.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 48) expressing the sense of Congress regarding proliferation of missile technology from Russia to Iran.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution (S. Con. Res. 48) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 48

Whereas there is substantial evidence missile technology and technical advice have been provided from Russia to Iran, in violation of the Missile Technology Control Regime;

Whereas these violations include providing assistance to Iran in developing ballistic missiles, including the transfer of wind tunnel and rocket engine testing equipment;

Whereas these technologies give Iran the capability to deploy a missile of sufficient range to threaten United States military installations in the Middle East and Persian Gulf, as well as the territory of Israel, and our North Atlantic Treaty Organization ally Turkey; and

Whereas President Clinton has raised with Russian President Boris Yeltsin United States concerns about these activities and the Russian response has to date been inadequate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the President should demand that the Government of Russia take concrete actions to stop governmental and nongovernmental entities in the Russian Federation from providing missile technology and technical advice to Iran, in violation of the Missile Technology Control Regime;

(2) if the Russian response is inadequate, the United States should impose sanctions on the responsible Russian entities in accordance with Executive Order 12938 on the Proliferation of Weapons of Mass Destruction, and reassess cooperative activities with Russia;

(3) the threshold under current law allowing for the waiver of the prohibition on the release of foreign assistance to Russia should be raised; and

(4) our European allies should be encouraged to take steps in accordance with their own laws to stop such proliferation.

Mr. KYL. Mr. President, I rise today to thank my colleagues for their support of Senate Concurrent Resolution 48, which was adopted by unanimous consent.

This resolution is important because over the past few months a series of increasingly troubling reports have been

published indicating Russian organizations are continuing to provide missile assistance to Iran. According to these reports, Russia has supplied blueprints and components for the 2,000 kilometer range SS–4 ballistic missile, as well as a wide variety of equipment and material useful in the design and manufacture of ballistic missiles, including special metals, a wind tunnel, and missile design software.

These press accounts are corroborated by an unclassified CIA report to Congress released in June titled, "The Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions," which states that, "Russia supplied a variety of ballistic missile-related goods to foreign countries [in late 1996], especially Iran."

These reports clearly make the point that the assistance provided by Russian organizations is the critical factor which has accelerated the pace of Iran's ballistic missile program and may enable Tehran to complete development of a missile, called the Shahab–3, that will have sufficient range to strike United States forces in the region and Israel in as little as 12 to 18 months. In addition, Iran is also receiving Russian assistance with the development of a second missile, called the Shahab–4, that would have enough range to reach Central Europe and could be deployed in as little as 3 years.

The resolution adopted today expresses the sense of the Congress that the President should demand that the Russian Government take concrete actions to stop governmental and nongovernmental organizations from assisting Iran's missile program. If Russia fails to respond to United States concerns, the resolution calls on the President to impose sanctions on the responsible Russian entities.

This legislation does not require new sanctions, but rather calls on the administration to enforce the substantial amount of existing sanctions law. The fact that the resolution was adopted by unanimous consent in the Senate and passed by an overwhelming vote of 414 to 8 in the House of Representatives sends a clear signal to Russia and the administration that this dangerous trade must stop now.

I am very pleased that from its inception, this resolution has enjoyed bipartisan support; 39 Senators, from both sides of the aisle, cosponsored the measure and I want to thank them for their support and also thank Representative JANE HARMAN who was the principal sponsor of the resolution in the House of Representatives and worked tirelessly on its behalf. It has been a pleasure working with Representative HARMAN over the past few months and I look forward to continuing to work closely with her to address the national security challenges facing our Nation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 7:43 p.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 8:23 p.m., when called to order by the Presiding Officer (Mr. ROBERTS).

Mr. CHAFEE addressed the Chair.

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

SURFACE TRANSPORTATION EXTENSION ACT OF 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 1454, introduced earlier today by Senator BOND, and others.

The PRESIDING OFFICER. The clerk will read the bill.

The assistant legislative clerk read as follows:

A bill (S. 1454) to provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I want to say how much I appreciate the wonderful work on this legislation by Senator BOND, Senator WARNER, Senator BAUCUS, and others. I am pleased to join them in cosponsoring the Surface Transportation Extension Act of 1997.

Seven weeks ago, the Committee on Environment and Public Works unanimously reported out S. 1173, better known as ISTEA II. I am proud of the committee's efforts to come to an agreement on a very difficult piece of legislation. We filed the report at the end of September, and we were prepared to complete action on the bill before the end of the calendar year. Regrettably, a number of unrelated events having nothing to do with ISTEA have prevented us from completing work this year on a 6-year reauthorization bill.

As the prospects have dimmed for the enactment of a 6-year bill this year, it is clear that we cannot go home before taking care of a number of concerns. This past Tuesday, November 4, the Committee on Environment and Public Works Subcommittee on Transportation and Infrastructure held a hearing on which many of these concerns were brought to light. First of all, if Congress does nothing, a number of States will be hard-pressed to survive through the spring on their existing unobligated balances. Second, States are restricted in using their unobligated balances across Federal-aid highway, transit, and safety categories. Third, a number of Federal transportation safety programs, as well as the Federal transit program, have no funds to carry over into this fiscal year. Finally, without any relief, the Federal Highway Administration will be forced to shut down in January, which could result in 3,600 employees being furloughed.

Despite the gloomy reports of what could happen if Congress fails to act, there is a solution. Senators BOND, WARNER, BAUCUS, and I have a measure that addresses the needs of the States, the safety programs, the Federal-aid highway program, and transit. First of all, the bill before us will keep the nation's transportation system up and running until we enact the long-term reauthorization bill. It gives States the flexibility they need to continue transportation planning and construction activities. Each State is guaranteed at least 50 percent of the previous year's spending limitation to spend on any transportation project or program. To keep the States on equal footing, however, no state may spend more than 75 percent of its 1997 spending limitation.

Second, the bill provides states with flexibility to spend their unobligated balances on any highway, safety, or transit program category. To prevent important environmental programs such as the Congestion Mitigation and Air Quality Improvement Program [CMAQ] from being unfairly disadvantaged, however, the Secretary of Transportation would restore the transferred funds back to these programs when the new reauthorization bill is enacted.

Third, the bill provides funding for key ISTEA safety and transit programs. The Motor Carrier Safety Assistance Program, the State and Community Safety Grant Program, the National Driver Register, Operation Lifesaver, and the Alcohol-impaired Driving Countermeasures Program, will continue to run. Also, the Federal transit discretionary and formula programs will receive the funds they need. Fourth, the bill provides funds for the Federal Highway Administration to continue operating and assisting the States with their transportation programs.

Before closing, let me comment on what the bill before us does not do. Unlike the 6-month extension bill that was approved by the House earlier this month, this bill does not provide States with contract authority for 1 year's worth of highway construction.

Our bill gives the States until May 1 of next year to obligate the funds provided in this bill. The trouble with including funds that will not run out until next November is that there will be no pressure to enact permanent ISTEA legislation until that time, right before the 1998 elections. Pushing the decision off until next fall runs the risk of our being without a bill 1 year from now. Moreover, this measure avoids the contentious fight we would have over apportionment formulas and funding categories if we were to take up the House bill.

The bill before us is by no means perfect, but it is the optimal approach to the situation. Our hopes for an ideal outcome were dashed when we were unable to complete work on a 6-year reauthorization bill. This measure keeps the State and Federal transportation programs running, it ensures that no highway contractors are put out of work, and it continues funding for vital safety and transit programs. Most important, it will keep the momentum going to enact a 6-year bill early next year. And it does all of this without a battle over the formulas.

Again, I want to commend Senator BOND for his determination in moving this measure forward. I also want to thank Senators WARNER and BAUCUS for their excellent work. I urge all of my colleagues to join us in supporting this important measure.

Mr. ABRAHAM. Mr. President, I appreciate the hard work done by the Environment and Public Works Committee, and the compromise it represents. However, I believe the proposal sent over by the House in H.R. 2516 represented a superior short-term reauthorization proposal. Hopefully, many of these funding elements may find their way into the final ISTEA reauthorization proposal.

Mr. President, I would simply like to gain assurance from the chairman of the Environment and Public Works Committee that passage of his short-term proposal in no way obligates the Senate or its Members to support of any specific funding level or formula, and that it is simply a stop-gap measure until we can proceed to a final long-term authorization bill.

Mr. CHAFEE. Mr. President, I can definitely assure the Senator from Michigan that passage of this short-term bill in no way implies acceptance of any long-term funding level or formula.

Mr. ABRAHAM. Mr. President, I thank the chairman for his assurances, and look forward to working with him in crafting the follow-on legislation to ISTEA that will sufficiently rectify the onerous position in which donor States, like Michigan, find themselves.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the bill be considered read the third time, and passed, that the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

Mr. LEVIN. Mr. President, reserving the right to object.

I ask unanimous consent that the unanimous-consent request that is pending be amended in order that an amendment of mine, amendment No. 1376, be in order.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, with all due respect to my good friend from Michigan, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Reserving the right to object. I have a further inquiry of my good friend from Montana. Would it be fair to say that the adoption of this short term bill would in no way prejudice efforts later on in the next session of Congress to have consideration of amendments, such as No. 1376, and other formulas which are more equitable to many of our States that have not, in our view, been treated equitably.

Mr. BAUCUS. I say to my friend that this measure about to be passed is formula neutral. It in no way would prejudice the amendment to be offered at a later date by the Senator from Michigan, or other amendments offered by other Senators who wish to accomplish objectives for their States as well.

Mr. WARNER. Mr. President, I think the Senator has made it very clear that he was referring to ISTEA I in 1991, was he not?

Mr. LEVIN. I am not referring to the ISTEA I bill.

Mr. BAUCUS. The Senator is referring to next year.

Mr. LEVIN. I thank the Chair.

Mr. CHAFEE. Mr. President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill (S. 1454) was considered read the third time, and passed, as follows:

S. 1464

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 "Surface Transportation Extension Act of 1997".

SEC. 2. ADVANCE AUTHORIZATIONS.

(a) IN GENERAL.—The Secretary of Transportation (referred to in this Act as the "Secretary") shall apportion funds made available under the amendment made by subsection (d)—

(1) to any State for which the State's unobligated balance, as of October 1, 1997, of Federal-aid highway apportionments subject to any limitation on obligations is less than 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; and

(2) in an amount sufficient to increase the State's unobligated balance, as of October 1, 1997, of apportionments described in paragraph (1) to an amount equal to 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(b) ELIGIBLE USE OF APPORTIONMENTS.—A State may obligate funds apportioned under subsection (a) for any project eligible for assistance under section 133, 149, 402, or 410 of title 23, United States Code, or chapter 311 of title 49, United States Code.

(c) REPAYMENT FROM SURFACE TRANSPORTATION PROGRAM APPORTIONMENT.—The Secretary shall reduce the amount that would, but for this section, be apportioned to a State under section 104(b)(3) of title 23, United States Code, for fiscal year 1998 under a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act by the amount of any authorization of contract authority provided to a State under subsection (a).

(d) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) is amended by adding at the end the following:

"(d) ADVANCE AUTHORIZATIONS.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 2 of the Surface Transportation Extension Act of 1997 $506,273,000 for the period of January 1, 1998, through January 8, 1998.

"(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

"(1) AUTHORIZATION.—Notwithstanding section 157(e) of title 23, United States Code, there shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out section 157 of title 23, United States Code, not to exceed $14,000,000 for the period of January 1, 1998, through January 8, 1998.

"(2) ALLOCATION.—The Secretary shall allocate the amounts authorized under paragraph (1) to each State in the ratio that—

"(A) the amount allocated to the State for fiscal year 1997 under section 157 of that title; bears to

"(B) the amounts allocated to all States for fiscal year 1997 under section 157 of that title.

"(f) CONTRACT AUTHORITY.—Funds authorized under subsections (d) and (e) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.".

(e) LIMITATION ON OBLIGATIONS.—

(1) ALLOCATION OF OBLIGATION AUTHORITY DURING CERTAIN PERIOD.—

(A) IN GENERAL.—Subject to subparagraph (B), after the date of enactment of this Act, the Secretary shall allocate to each State an amount of obligation authority that is—

(i) equal to the greater of—

(I) the State's unobligated balance of Federal-aid highway apportionments subject to any limitation on obligations; or

(II) 50 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program; but

(ii) not greater than 75 percent of the State's total fiscal year 1997 obligation authority for funds apportioned for the Federal-aid highway program.

(B) LIMITATION ON AMOUNT.—The total of all allocations under subparagraph (A) shall not exceed $9,786,275,000.

(C) TIME PERIOD FOR OBLIGATIONS OF FUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), a State shall not obligate any funds for any Federal-aid highway program project after May 1, 1998, until such time as

a multiyear law reauthorizing the Federal-aid highway program has been enacted or July 1, 1998 whichever is earlier.

(ii) REOBLIGATION.—Clause (i) shall not preclude the reobligation of deobligated funds.

(iii) DISTRIBUTION OF REMAINING OBLIGATION AUTHORITY.—Upon enactment of a law described in clause (i), the Secretary shall distribute to each State any remaining amounts of obligation authority for Federal-aid highways and highway safety construction programs by allocation in accordance with section 310(a) of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66; 111 Stat. 1425).

(iv) No contract authority made available to the States prior to July 1, 1998, shall be obligated after such date until such time as a multiyear law reauthorizing the Federal-aid highway program has been enacted.

(f) TREATMENT OF OBLIGATIONS.—Any obligation incurred under this Act, or an amendment made by this Act, shall be considered to be an obligation for Federal-aid highways and highway safety construction programs for fiscal year 1998 for the purposes of the matter under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1998 (Public Law 105-66; 111 Stat. 1425).

(g) FUNDING BASELINE.—Notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907) and the effect of funding provided under this Act or an amendment made by this Act, the baseline prepared by the Congressional Budget Office and the Office of Management and Budget for fiscal years 1998 through 2003 for mandatory contract authority and mandatory outlays for Federal-aid highways and highway safety construction programs shall be the baseline included in the concurrent resolution on the budget for fiscal year 1998.

SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for fiscal year 1998, a State may transfer any funds apportioned to the State for any program under section 104 (including amounts apportioned under section 104(b)(3) or set aside or suballocated under section 133(d)), 144, or 402 of title 23, United States Code, granted to the State for any program under section 410 of that title, or allocated to the State for any program under chapter 311 of title 49, United States Code, that are subject to any limitation on obligations, and that are not obligated, to any other of those programs.

(b) TREATMENT OF TRANSFERRED FUNDS.—Any funds transferred to another program under subsection (a) shall be subject to the provisions of the program to which the funds are transferred, except that funds transferred to the surface transportation program under section 133 of title 23, United States Code, other than paragraphs (1) and (2) of section 133(d) of that title, shall not be subject to section 133(d) of that title.

(c) RESTORATION OF APPORTIONMENTS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act, the Secretary shall restore any funds that a State transferred under subsection (a) for any project not eligible for the funds but for this section to the program category from which the funds were transferred.

(2) PROGRAM CATEGORY RECONCILIATION.—The Secretary may establish procedures under which funds transferred under subsection (a) from a program category for which funds are no longer authorized may be restored to the Federal-aid highway program.

(d) GUIDANCE.—The Secretary may issue guidance for use in carrying out this section.

SEC. 4. ADMINISTRATIVE EXPENSES.

(a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRATION.—

(1) AUTHORITY TO BORROW.—

(A) FROM UNOBLIGATED FUNDS AVAILABLE FOR DISCRETIONARY ALLOCATIONS.—If unobligated balances of funds deducted by the Secretary under section 104(a) of title 23, United States Code, for administrative and research expenses of the Federal-aid highway program are insufficient to pay those expenses for fiscal year 1998, the Secretary may borrow not to exceed $60,000,000 for those expenses from unobligated funds available to the Secretary for discretionary allocations.

(B) REQUIREMENT TO REIMBURSE.—Funds borrowed under subparagraph (A) shall be reimbursed from amounts made available to the Secretary under section 104(a) of title 23, United States Code, as soon as practicable after the date of enactment of a law reauthorizing the Federal-aid highway program enacted after the date of enactment of this Act.

(2) AUTHORIZATION OF CONTRACT AUTHORITY.—

(A) IN GENERAL.—In addition to funds made available under paragraph (1), there shall be available from the Highway Trust Fund (other than the Mass Transit Account) for administrative and research expenses of the Federal-aid highway program $151,000,000 for fiscal year 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) USE OF CERTAIN ADMINISTRATIVE FUNDS.—Section 104(i)(1) of title 23, United States Code, is amended by inserting ", and for the period of October 1, 1997, through March 31, 1998," after "1997".

(b) BUREAU OF TRANSPORTATION STATISTICS.—Section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2172) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Chapter I"; and

(2) in the first sentence of subsection (b)—

(A) by striking "1996, and" and inserting "1996,"; and

(B) by inserting before the period at the end the following: ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) FEDERAL LANDS HIGHWAYS.—Section 1003(a)(6) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1919) is amended—

(1) in subparagraph (A)—

(A) by striking "1992 and" and inserting "1992,"; and

(B) by inserting before the period at the end the following: ", and $95,500,000 for the period of October 1, 1997, through March 31, 1998";

(2) in subparagraph (B)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: "and $86,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(3) in subparagraph (C)—

(A) by striking "1995, and" and inserting "1995,"; and

(B) by inserting before the period at the end the following: ", and $42,000,000 for the period of October 1, 1997, through March 31, 1998".

(b) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 1003 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1918) (as amended by section 2(d)) is amended by adding at the end the following:

"(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—Section 104(h) of title 23, United States Code, is amended by inserting 'and $7,500,000 for the period of October 1, 1997, through March 31, 1998' after '1997'.".

(c) CERTAIN ALLOCATED PROGRAMS.—

(1) HIGHWAY USE TAX EVASION.—Section 1040(f)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended in the first sentence by inserting before the period at the end the following: "and $2,500,000 for the period of October 1, 1997, through March 31, 1998".

(2) SCENIC BYWAYS PROGRAM.—Section 1047(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1998) is amended in the first sentence—

(A) by striking "1994, and" and inserting "1994,"; and

(B) by inserting before the period at the end the following: ", and $7,000,000 for the period of October 1, 1997, through March 31, 1998".

(d) INTELLIGENT TRANSPORTATION SYSTEMS.—Section 6058(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2194) is amended—

(1) by striking "1992 and" and inserting "1992,"; and

(2) by inserting before the period at the end the following: ", and $56,500,000 for the period of October 1, 1997, through March 31, 1998".

(e) SURFACE TRANSPORTATION RESEARCH.—

(1) OPERATION LIFESAVER.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the operation lifesaver program under section 104(d)(1) of title 23, United States Code, $150,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—

(A) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out the Dwight David Eisenhower Transportation Fellowship Program under section 307(a)(1)(C)(ii) of title 23, United States Code, $1,000,000 for the period of October 1, 1997, through March 31, 1998.

(B) CONTRACT AUTHORITY.—Funds authorized under this paragraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

(3) NATIONAL HIGHWAY INSTITUTE.—Section 321(f) of title 23, United States Code, is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $2,500,000 for the period of October 1, 1997, through March 31, 1998.".

(4) EDUCATION AND TRAINING PROGRAM.—Section 326(c) of title 23, United States Code,

is amended by adding at the end the following: "There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $3,000,000 for the period of October 1, 1997, through March 31, 1998.".

SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section 2005(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2079) is amended—

(1) by striking "1996, and" and inserting "1996,"; and

(2) by inserting before the period at the end the following: ", and $83,000,000 for the period of October 1, 1997, through March 31, 1998"; and

(b) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, is amended—

(1) in subsection (c)—

(A) by striking "5" and inserting "6"; and

(B) in paragraph (3), by striking "and fifth" and inserting "fifth, and sixth";

(2) in subsection (d)(2)(B), by striking "two" and inserting "3"; and

(3) in the first sentence of subsection (j)—

(A) by striking "1997, and" and inserting "1997,"; and

(B) by inserting before the period at the end the following ", and $12,500,000 for the period of October 1, 1997, through March 31, 1998".

(c) NATIONAL DRIVER REGISTER.—Section 30308(a) of title 49, United States Code, is amended—

(1) by striking "1994, and" and inserting "1994,"; and

(2) by inserting after "1997," the following: "and $1,855,000 for the period of October 1, 1997, through March 31, 1998,".

SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.

Section 31104(a) of title 49, United States Code, is amended—

(1) in paragraphs (1) through (5), by striking "not more" each place it appears and inserting "Not more"; and

(2) by adding at the end the following:

"(6) Not more than $45,000,000 for the period of October 1, 1997, through March 31, 1998.".

SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

Title III of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2087–2140) is amended by adding at the end the following:

"SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.

"(a) ALLOCATING AMOUNTS.—Section 5309(m)(1) of title 49, United States Code, is amended by inserting ', and for the period of October 1, 1997, through March 31, 1998' after '1997'.

"(b) APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.—Section 5337 of title 49, United States Code, is amended—

"(1) in subsection (a), by inserting 'and for the period of October 1, 1997, through March 31, 1998,' after '1997,'; and

"(2) by adding at the end the following:

"'(e) SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—The Secretary shall determine the amount that each urbanized area is to be apportioned for fixed guideway modernization under this section on a pro rata basis to reflect the partial fiscal year 1998 funding made available by section 5338(b)(1)(F).'.

"(c) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

"(1) in subsection (a)—

"(A) in paragraph (1), by adding at the end the following:

"'(F) $1,349,395,000 for the period of October 1, 1997, through March 31, 1998.'; and

"(B) in paragraph (2), by adding at the end the following:

"'(F) $369,000,000 for the period of October 1, 1997, through March 31, 1998.';

"(2) in subsection (b)(1), by adding at the end the following:

"'(F) $1,110,605,000 for the period of October 1, 1997, through March 31, 1998.';

"(3) in subsection (c), by inserting 'and not more than $1,500,000 for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(4) in subsection (e), by inserting 'and not more than $3,000,000 is available from the Fund (except the Account) for the Secretary for the period of October 1, 1997, through March 31, 1998,' after '1997,';

"(5) in subsection (h)(3), by inserting 'and $3,000,000 is available for section 5317 for the period of October 1, 1997, through March 31, 1998' after '1997';

"(6) in subsection (j)(5)—

"(A) in subparagraph (B), by striking 'and' at the end;

"(B) in subparagraph (C), by striking the period at the end and inserting '; and'; and

"(C) by adding at the end the following:

"'(D) the lesser of $1,500,000 or an amount that the Secretary determines is necessary is available to carry out section 5318 for the period of October 1, 1997, through March 31, 1998.';

"(7) in subsection (k), by striking 'or (e)' and inserting '(e), or (m)'; and

"(8) by adding at the end the following:

"'(m) SECTION 5316 FOR THE PERIOD OF OCTOBER 1, 1997, THROUGH MARCH 31, 1998.—Not more than the following amounts may be appropriated to the Secretary from the Fund (except the Account) for the period of October 1, 1997, through March 31, 1998:

"'(1) $125,000 to carry out section 5316(a).

"'(2) $1,500,000 to carry out section 5316(b).

"'(3) $500,000 to carry out section 5316(c).

"'(4) $500,000 to carry out section 5316(d).

"'(5) $500,000 to carry out section 5316(e).'.".

Mr. WARNER. Mr. President, I certainly want to commend our distinguished chairman and distinguished ranking member. The senior Senator from Montana is also ranking on the subcommittee. We express a particular appreciation to the Senator from Missouri, Senator BOND. He seemed to have had an understanding of how we could best and most equitably adopt this short-term provision. I wish to commend him for his special efforts.

I wish to also commend the staff, Mr. President. We have had extraordinary staff participation on this. I have a small piece of paper here signed by the principal Senators expressing our appreciation.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I very much hope that the other body takes up and passes this measure because it has been our judgment that it is about the only approach that is going to allow States to continue the continuity in their highway programs until next year when we pass the full 6-year program.

This measure that we have just adopted here in the Senate is formula neutral. It is designed in a way to make sure that all of the different States who are in different situations are treated reasonably fairly. Nothing is perfect. But this is a very good effort to deal with various differences among the States. It also will provide enough funds for the Congress next year to take up the full 6-year bill in a reasonable period of time.

So I very much hope that the other body takes it up and passes this bill because it is in the States' best interests to continue that continuity of funding.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I would also like to express our appreciation to Senator BYRD who was very actively working with us this evening. And I want to associate myself with the remarks of the distinguished Senator from Montana.

Many States have a very short period within which they can do this vital work. The Governors appeared at the hearing of our committee just a few days ago, and expressed a similar interest. It is imperative that we keep this highway program moving ahead until such time as the Congress can pass what I hope will be a 6-year bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I express my sincere appreciation to Chairman CHAFEE, Chairman WARNER, and the ranking member, Senator BAUCUS.

When it became clear that we were not going to pass a 6-year reauthorization of the ISTEA, or Intermodal Surface Transportation Efficiency Act, it was obvious to everybody that something had to be done to make sure that we didn't run out of safety programs; that we didn't shut the doors on the operations of the Department of Transportation; that we didn't leave the States without the authority to contract.

Finally, when I suggested that we merely extend the obligations based on a half of last year's obligation authority up to 75 percent, it was designed, as Senator BAUCUS so ably said, to be totally formula neutral. We are not going to engage in a formula battle. We have some very strong differences of opinion over formulas, and over allocations among States. That will be played out at great length on this floor I hope very early in 1998. But I have never seen anything unify this body more than the agreement by all of the Senators with whom I have spoken—and I have spoken to almost all of them—that we must do something to keep the doors open; to keep construction going; to keep safety and to keep transit programs. And the only way we can do it

is to do something that is formula neutral.

This merely extends the obligational authority, and it has overwhelming support. We hope it will have support in the House so that we can send it to the President and make sure that we don't shut down operations in the very near future.

I wish to expressly thank staff which has worked night and day—some with almost no sleep: Dan Corbett, Jimmie Powell, Ann Loomis, Kathy Ruffalo, Tom Sliter, and the staff of the Banking Committee, Commerce Committee, and the Environment and Public Works Committee; and on my own personal staff, Tracy Henke who did the initial work of putting this all together.

I hope they can all get some sleep and some rest, and that we can put this measure to bed.

Mr. President, this does not open up any fights. It merely leaves in place vitally needed safety transit, Department of Transportation operations, and the ability to contract while we revisit in early 1998 the very important and very controversial formulas for allocating highway money.

I thank all Senators whose cooperation was necessary for us to bring the measure to the floor, and pass it this evening. But the agreement of all Senators shows what a high priority and what a tremendous importance we place on assuring that our citizens have adequate transit, that we have the highways, the bridges, and the roads that we need for convenience, for our economy, and, most of all, for the safety of our traveling public.

I thank the Chair.

Mr. CHAFEE addressed the Chair.

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

Mr. CHAFEE. Mr. President, this is a very, very contentious issue. Fortunately, in our Environment and Public Works Committee we were able to report out this basic legislation 18 to 0. Then we have to do this so-called stopgap legislation, because we weren't able to consider the big bill due to a variety of factors. This bill now is a result of bipartisan cooperation. As we mentioned, Senator BAUCUS has been deeply involved in this, and of course, Senator WARNER, Senator BOND, myself, and others.

I join in the salute to the staff. They have been really terrific. I would like particularly to offer the names of those who worked so hard: Jimmie Powell, Tom Sliter, Kathy Ruffalo, Dan Corbett, Ann Loomis, Peter Rogoff, with Senator BYRD, and Tracy Henke with Senator BOND. Every single one of those staffers was absolutely terrific.

Mr. WARNER. And add Ellen Stein to that.

Mr. CHAFEE. I certainly will.

Mr. President, let me end with a wish. We are going to come back to this, as the majority leader said, the first thing when we return in January. It is going to take every bit of good will and patience and high level of character and perseverance for us to be able to pass a bill that will have the acceptance that legislation had in our committee.

So, in closing, I thank everyone, and urge them to carry on with this same type of effort when we convene on this issue in the last part of January.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, there are two points that I want to make.

We are passing this rather significant piece of legislation because we are doing it in a bipartisan basis. I must remind all of my colleagues that when we get into partisan fights often nothing happens. We make political points but don't pass legislation.

This has been very, very cohesive and bipartisan on both sides of the aisle.

It has been an honor for me—a privilege for me—to participate with Senator WARNER, Senator CHAFEE, Senator BOND, and Senator BYRD in putting this together.

My second point is to reaffirm just how lucky we are to have such a dedicated staff who are so able and so talented. I am always in awe in seeing just how right these people are and how necessary they are.

But, for the record, the one lady who came up with the final solution is on my staff. Her name is Kathy Ruffalo.

I yield the floor.

Mr. WARNER. Mr. President, I will proceed momentarily to the Executive Calendar.

But first we want to thank the Chair. The Chair has been very indulgent, and indeed, the staff of the Senate.

But I want to further say that I hope tomorrow that the infrastructure that follows this type of legislation—the contractors, the secretaries of the various organizations throughout the States who are entrusted with the very important highway construction—would immediately look at this effort by the U.S. Senate, and bring to bear their judgment tomorrow on the other body in the hopes that we can pass this.

I particularly call on the National Governors' Association. They came forward in a hearing that I chaired last week, and were very explicit on this whole matter. It was made very clear by the contractors who also appeared at that hearing that there is a short period for certain States for construction. It is imperative that this matter go forward. We have made, as I say, in a bipartisan way, our best effort. Now, with the help of the infrastructure, I am sure that the other body will see the wisdom in this measure, and pass it.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 419.

I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

William Dale Montgomery, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

AUTHORIZING AN INTERPRETIVE CENTER AT FORT PECK DAM, MONTANA

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1456, introduced earlier today by Senator BAUCUS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1456) to authorize an interpretive center at Fort Peck Dam, Montana.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I ask unanimous consent that the bill be considered read three times, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1456) was read the third time and passed as follows:

S. 1456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FORT PECK DAM INTERPRETIVE CENTER.

(a) IN GENERAL.—The Director of Fish and Wildlife shall design, construct, furnish, and equip an historical, cultural and paleontological interpretive center and museum to be located at Fort Peck Dam, Montana.

(b) COORDINATION.—In carrying out subsection (a), the Director of Fish and Wildlife shall coordinate with officials of the Bureau of Reclamation, Bureau of Land Management, U.S. Army Corps of Engineers and the Fort Peck Dam Interpretive Center and Museum.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $10,000,000.00. Funds appropriated are available until expended.

HAFFENREFFER MUSEUM RESTORATION ACT

Mr. WARNER. Mr. President, I send a bill to the desk on behalf of Senators CHAFEE and REED, re: the relocation of the Haffenreffer Museum, and ask the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1455) to provide financial assistance for the relocation and expansion of Haffenreffer Museum of Anthropology, Providence, Rhode Island.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAFEE. Mr. President, I am pleased to introduce legislation to assist in the relocation and expansion of the Haffenreffer Museum of Anthropology at Brown University in Providence, RI.

In 1955, the family of Rudolf F. Haffenreffer bequeathed to Brown University the museum he had founded in Bristol, RI. The museum includes more than 100,000 objects from native peoples of the Americas, Africa, Asia, and the Pacific.

This is a teaching museum owned and supported by Brown University. It has a number of world-class holdings that attract scholars from all over the globe, and has been described by the American Association of Museums as a "superb medium- to small-sized facility with outstanding collections, excellent exhibits, and a superb program of public education and outreach."

While maintaining objects from around the world, the Haffenreffer Museum exhibits extensive archaeological materials from New England that are used to interpret prehistoric and historical cultural developments in Rhode Island and surrounding States. The legislation I introduce today authorizes $3 million to preserve these culturally important collections and to provide expanded exhibition space that will make them more accessible to schoolchildren, scholars, students, and other visitors.

In 1995, Brown University acquired from the Resolution Trust Corporation [RTC] the historic Old Stone Bank Building, built in 1854, along with the early 19th century Federal-style residence known as the Benoni-Cook House, both located in downtown Providence. The RTC took over both properties when the Old Stone Bank failed in 1993.

Prior to Brown's purchase of these sites, it was unclear how or whether they would be put to use. The funds authorized by this bill will contribute a modest portion of the estimated $15 million Brown University will spend to relocate the Haffenreffer Museum from Bristol, RI, to the bank building and the Benoni-Cook House, both of which are located on the National Register of Historic Places.

Mr. President, this in indeed a win-win project being carried out by Brown University. We will renovate, preserve, and make fine use of two historic architectural landmarks—while providing greater access to an extraordinary tool for cultural and historical education. This is a fine example of the type of assistance our Federal Government can provide to local communities to preserve and make available for future generations the significant developments of our past.

Mr. President, I encourage the support of our Senate colleagues.

Mr. REED. Mr. President, I am pleased to support the "Haffenreffer Museum Restoration Act of 1997", legislation that Senator CHAFEE and I introduced to assist in the relocation and expansion of Rhode Island's Haffenreffer Museum of Anthropology.

Currently situated in Bristol, R.I., the Haffenreffer Museum is home to one of our Nation's finest collections of Native American and other cultural artifacts from around the world. Each year, thousands of visitors enjoy the Haffenreffer's exhibits and benefit from its commitment to education, which is a tribute to the museum's close ties to the Brown University Department of Anthropology. Recognizing this effective combination, the American Association of Museums has described the Haffenreffer as a "superb medium-small facility with outstanding collections, excellent exhibits, and a superb program of public education and outreach."

In an effort to increase access to the Haffenreffer's resources, Brown University has begun preparations to relocate the museum to Providence, R.I. Toward this end, the university has acquired two structures on the National Register of Historic Places, the Old Stone Bank Building and the Benoni-Cooke House, to house the Haffenreffer in downtown Providence.

This move would preserve these historically significant buildings, while contributing to the resurgence of Providence by adding a nationally renowned museum to its growing arts and entertainment district. The new site would also allow the Haffenreffer to display more of its collection for visitors, whom the museum estimates would increase fivefold after the relocation. This development would particularly serve children, who currently make up more than half of the museum's visitors and for whom the downtown location would be more accessible.

Brown University is raising funds to restore and expand the Old Stone Bank Building and the Benoni-Cooke House, and to complete the relocation of the Haffenreffer's collection to Providence by the year 2000. The bill before the Senate today authorizes Federal cooperation in advancing these goals, increasing knowledge of Native American history, preserving architectural treasures, and promoting the revitalization of our Nation's downtown areas. I urge my colleagues to support this bill and the work needed to bring the Haffenreffer to Rhode Island's capital city.

Mr. WARNER. I ask the bill be advanced to third reading and passed and the motion to reconsider be laid upon the table, all without further action or debate. I further ask the statements by Senators CHAFEE and REED be printed in the RECORD.

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

The bill (S. 1455) was read the third time and passed, as follows:

S. 1455

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 "Haffenreffer Museum Restoration Act of 1997".

SEC. 2. RELOCATION AND EXPANSION OF HAFFENREFFER MUSEUM OF ANTHROPOLOGY.

(a) DEFINITIONS.—In this section:

(1) MUSEUM.—The term "Museum" means the Haffenreffer Museum of Anthropology at Brown University in Providence, Rhode Island.

(2) SECRETARY.—The term "Director" means the Director of the U.S. Fish and Wildlife Service.

(b) RELOCATION AND EXPANSION OF MUSEUM.—The Director shall make a grant to Brown University in Providence, Rhode Island, to pay the Federal share of the costs associated with the relocation and expansion of the Museum, including the design, construction, renovation, restoration, furnishing, and equipping of the Museum.

(c) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (b), the Museum shall submit to the Director a proposal for the use of the grant.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (b) shall be 20 percent.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000, to remain available until expended.

AUTHORITY TO SIGN ENROLLED BILL

Mr. WARNER. Mr. President, I ask unanimous consent that Senator ROBERTS be authorized today to sign an enrolled bill on behalf of the Senate.

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

ORDERS FOR SATURDAY, NOVEMBER 8, 1997

Mr. WARNER. 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 Saturday, November 8. I further ask that on Saturday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate proceed to a period of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak up to 10 minutes each.

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

PROGRAM

Mr. WARNER. Tomorrow the Senate will be in a period of morning business from 12 noon to 1 p.m. Following morning business, the Senate intends to consider and complete action on the following: The labor-HHS. appropriations conference report, D.C. appropriations bill, the FDA reform conference report, the adoption-foster-care legislation, and any other appropriations legislation cleared for action. Therefore, Members can anticipate rollcall votes throughout Saturday's session of the Senate. However, I would expect votes would not occur before 1 p.m.

ORDERS FOR SUNDAY, NOVEMBER 9, 1997

Mr. WARNER. With respect to Sunday, I ask unanimous consent that when the Senate completes its business on Saturday, it stand in adjournment until 1 p.m. on Sunday, November 9.

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

ADJOURNMENT UNTIL TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:40 p.m., adjourned until Saturday, November 8, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate November 7, 1997:

DEPARTMENT OF THE INTERIOR

DONALD J. BARRY, OF WISCONSIN, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE GEORGE T. FRAMPTON, JR., RESIGNED.

CENTRAL INTELLIGENCE

JOAN AVALYN DEMPSEY, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE FOR COMMUNITY MANAGEMENT. (NEW POSITION)

INTERNATIONAL MONETARY FUND

ALAN GREENSPAN, OF NEW YORK, TO BE UNITED STATES ALTERNATE GOVERNOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF FIVE YEARS. (REAPPOINTMENT)

CORPORATION FOR PUBLIC BROADCASTING

WINTER D. HORTON, JR., OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2002, VICE CAROLYN R. BACON, TERM EXPIRED.

DEPARTMENT OF COMMERCE

ROBERT J. SHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS, VICE EVERETT M. EHRLICH.

OFFICE OF SPECIAL COUNSEL

ELAINE D. KAPLAN, OF THE DISTRICT OF COLUMBIA, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS, VICE KATHLEEN DAY KOCH, TERM EXPIRED.

THE JUDICIARY

ROBERT T. DAWSON, OF ARKANSAS, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS VICE H. FRANKLIN WATERS, RETIRED.

DEPARTMENT OF JUSTICE

WILMA A. LEWIS, OF THE DISTRICT OF COLUMBIA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS VICE ERIC H. HOLDER, JR., RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM P. TANGNEY, [redacted]

CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE NOVEMBER 7, 1997:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF STATE

NANCY H. RUBIN, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

A. PETER BURLEIGH, OF CALIFORNIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

BILL RICHARDSON, OF NEW MEXICO, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

RICHARD SKLAR, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

BETTY EILEEN KING, OF MARYLAND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

WILLIAM DALE MONTGOMERY, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

KIRK K. ROBERTSON, OF VIRGINIA, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

TERRENCE J. BROWN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

MARK ERWIN, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1999.

HARRIET C. BABBITT, OF ARIZONA, TO BE DEPUTY ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THOMAS H. FOX, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

UNITED STATES INFORMATION AGENCY

CHERYL F. HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 1999.

CARL SPIELVOGEL, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 1999. (REAPPOINTMENT)

DEPARTMENT OF ENERGY

LINDA KEY BREATHITT, OF KENTUCKY, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR A TERM EXPIRING JUNE 30, 2002.

CURT HEBERT, JR., OF MISSISSIPPI, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1999.

DEPARTMENT OF STATE

BETTY EILEEN KING, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

CHRISTINA A. SNYDER, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

JOHN M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

ANITA M. JOSEY, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

DEPARTMENT OF JUSTICE

SETH WAXMAN, OF THE DISTRICT OF COLUMBIA, TO BE SOLICITOR GENERAL OF THE UNITED STATES.

THE JUDICIARY

STANLEY MARCUS, OF FLORIDA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT.

JEROME B. FRIEDMAN, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

NORMAN K. MOON, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 7, 1997, withdrawing from further consideration the following nomination:

THE JUDICIARY

JAMES S. WARE, OF CALIFORNIA, TO BE U.S. CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE J. CLIFFORD WALLACE, RETIRED, WHICH WAS SENT TO THE SENATE ON JUNE 27, 1997.

HOUSE OF REPRESENTATIVES—*Friday, November 7, 1997*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we sense the conditions of our days and the time when we can achieve our ambitions and goals, make us acutely aware, O God, of the limitations that are so much a part of our lives. May we always sense Your presence giving us purpose and meaning for our existence and allowing us a spiritual objective and a devout awareness of the opportunities before us. Make us conscious of the limits of time so that we use our days in ways that honor You, O God, and may we be good stewards of the riches and the heritage of the land. Bless our work and bless our lives, we pray. Amen.

THE JOURNAL

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

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

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

The SPEAKER. The question is on the Chair's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize five 1-minutes on each side.

AMERICANS WANT THE TRUTH

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

Mr. GIBBONS. Mr. Speaker, recent news reports have all Americans asking, did the Secretary of the Interior, Bruce Babbitt, enact government policy in return for a political contribution? When first pressed for the answer, Secretary Babbitt denied that any political pressure was applied to influence his decisionmaking. Now, however, after some "vision in the night," he sings a different tune and freely admits that the DNC chairman, Harold Ickes, demanded an immediate decision regarding an Indian casino application, and that a political contribution would be made to the DNC for this decision.

Well, what is it going to be, Mr. Secretary? Did you or did you not make government policy in exchange for a $286,000 donation to the DNC? You cannot have it both ways.

These are just some of the serious questions to which the American people deserve answers. Notwithstanding any other mitigating factors, an independent counsel and investigation into this scandal is clearly justified.

On behalf of all Americans, I demand the truth.

FREE LORETTA SANCHEZ

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

Mr. PALLONE. Mr. Speaker, the Republican leadership this morning will bring up a resolution that allows the House to adjourn this weekend and not return until the end of January, and the purpose of that basically is to avoid addressing the issue of LORETTA SANCHEZ' election and the ongoing investigation.

This House should not adjourn until it ends this witch-hunt of Congresswoman LORETTA SANCHEZ' election. The Republican leadership has not been able to prove that there was any illegality involved in this election. Congresswoman SANCHEZ won her California election fair and square. The Republicans are simply wasting a lot of money, over $500,000 in taxpayer dollars, to try to prove a case that they have not been able to prove.

It is all because Republicans are trying to harass and intimidate Hispanic voters because they voted in overwhelming numbers for Democratic candidates in the last congressional election. Let us free LORETTA SANCHEZ and put an end to this witch-hunt. It is not proper for this House to adjourn until this investigation is concluded and stopped.

NO DELAY FOR IRS REFORM

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

Mr. TIAHRT. Mr. Speaker, Americans are fond of saying that we live in the freest country in the world, and most of us believe it. That is why Congress should not delay one moment in reforming the IRS. I do not mean cosmetic changes that leave the IRS free to continue their bullying tactics, free from accountability and checks and balances that are required by the U.S. Constitution; I mean changing the way the IRS does business. That means a change in attitude, a change in their ability to turn someone's life completely upside down before he has even had his day in court, and a total change in the IRS' ability to initiate politically motivated audits.

When the IRS has too much power, our freedom is threatened. If America is to remain the freest country on the Earth, the power of the IRS must be brought under control. Our freedom is at stake.

SAY "NO" TO FAST TRACK

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

Mr. DEFAZIO. Mr. Speaker, the President and the Vice President are saying, if only they could get a secret vote on fast track it would pass by a 3-to-1 margin. It is only the power of big labor that is holding Democrats back.

Nothing could be further from the truth.

Fast track is still in play only because of the extraordinary pressure from the President and the Vice President, the promises of projects, fundraisers and fantasies, the arm-twisting of the Republican leaders and the lobby of the dozens of corporate CEO's who jetted into town this week in their private jets with their pockets stuffed with cash. A vote on fast track is a referendum on a failed U.S. trade policy, a policy that exports our jobs, drives down wages and destroys the environment.

The President says it is about a bridge to the 21st century. I have seen

that bridge from the colonias in Mexico at the American border, a bridge across sewage and toxic waste canals, from pallet shacks to state-of-the-art, U.S.-owned manufacturing plants where people are paid 80 cents an hour. That is a bridge the American worker should not be forced to cross. Say "no" to fast track.

KEEP CUTTING TAXES

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

Mr. CHABOT. Mr. Speaker, earlier this week, President Clinton told voters that if they supported a tax cut, they were selfish. He really said that. Here it is, in black and white. The President really said this.

Unfortunately, this is a common view among liberals, so while this view may sound shocking, the only thing that is really surprising is that the President would actually come out and say out loud what liberals and many folks who believe like he believes actually think. It is their attitude that they are actually doing us a favor by letting us keep more of our own money.

I find the idea that people should be scolded for thinking that they are the best judge of how to spend their own money is the perfect example of the arrogance that is so characteristic of very many elitist liberals. But at least we now know what the President really thinks. Let us continue to cut taxes and let hard-working Americans keep more of what they earn.

A SCHOOL WITHOUT PRAYER IS A SCHOOL WITHOUT GOD

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

Mr. TRAFICANT. Mr. Speaker, students in Alabama are skipping school protesting the fact that they are not allowed to pray. Think about it. Even though America has guns, rape, drugs, even heroin and murder in our schools, students are not allowed to pray. Unbelievable. A school without prayer is a school without God and a nation that denies prayer is a nation that denies God; and a nation that denies God is a nation that just may welcome the devil.

Members of Congress, the Constitution may separate church and State, but the Founders never intended to separate God and the American people.

I yield back any common sense and logic we have left.

BLURTING OUT THE TRUTH TELLS ALL

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

Mr. PAPPAS. Mr. Speaker, every once in a while a politician will commit a major blunder by doing something that is known as blurting out the truth. This occurs when the politician accidentally tells us how he really feels about an issue, and it can become very controversial if that is how people suspected all along that he really thinks. We had a wonderful example of that earlier this week.

President Clinton was campaigning in Alexandria, VA on behalf of a fellow Democrat and he told a crowd of Democrat supporters what he really thinks about those who want to keep more of what they earn. We heard that right. They are selfish. We heard that the President of the United States thinks that it is selfish to think that government takes too much of our money.

Yes, here is the vision of the liberal elite. It is morally wrong to think that people are a better judge of how to spend their own money than are the politicians. The liberal elite want to spend our money, and how dare us to think that we should be able to spend our money the way we wish.

Mr. President, thank you for blurting out the truth.

END BUSINESS AS USUAL ON DAIRY PRICES

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

Mr. OBEY. Mr. Speaker, if we can cut through the partisan bloviating we have just heard for a few minutes, I would like to note something else.

I have voted against every farm bill that has been in front of this House for the last 10 years because those bills guaranteed that the dairy farmers from the upper Midwest would receive significantly lower prices than farmers in other regions of the country. This week a Federal court struck down those milk marketing orders as being arbitrary and capricious. That court is right. They ordered the USDA to no longer enforce those milk marketing orders.

Mr. Speaker, it is time to end business as usual on this issue. Congress and the USDA and major dairy organizations need to recognize that major changes must be made in the milk marketing order system. Until those changes are made, the responsible thing to do is to vote against any other farm legislation that comes to this floor.

SCHOOL CHOICE

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

Mr. GUTKNECHT. Mr. Speaker, Jonathan Rauch writes on school choice in the November 10 edition of the New Republic. He says he has always found it odd that liberals have handed the issue to Republicans rather than grabbing it for themselves.

He says, and I quote:

> It is hard to get excited about improving rich suburban schools. However, for poor children trapped, the case is moral rather than merely educational. These kids attend schools which cannot protect them, much less teach them. To require poor people to go to dangerous, dysfunctional schools that better-off people fled and would never tolerate for their own children, all the while intoning pieties about "saving" public education, is worse than unsound public policy. It is repugnant public policy.

Mr. Rauch, we agree.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. GOSS. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the first session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the first session sine die.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 0915

MOTION TO ADJOURN

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

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

The Clerk read as follows:

> Mr. PALLONE moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New Jersey [Mr. PALLONE].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 38, nays 308, not voting 87, as follows:

[Roll No. 606]

YEAS—38

Andrews
Blumenauer
Bonilla
Bonior
Boucher
Clyburn
Conyers
Coyne
Delahunt
Deutsch
Doggett
Etheridge
Evans
Fazio
Filner
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Jefferson
Johnson, E. B.
Kennelly
Lewis (GA)
Markey
McDermott
McNulty
Mink
Pallone
Pelosi
Peterson (MN)
Sabo
Smith, Adam
Thurman
Torres
Towns
Velázquez
Wise
Woolsey

NAYS—308

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Cardin
Castle
Chabot
Chambliss
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cramer
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fawell
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Green
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weygand
White
Whitfield
Wolf
Wynn

NOT VOTING—87

Ackerman
Becerra
Bono
Brown (FL)
Burton
Canady
Carson
Chenoweth
Clayton
Cooksey
Cox
Crane
Crapo
Cubin
Davis (FL)
DeLauro
Dellums
Dingell
Dixon
Doolittle
Ehrlich
Engel
Farr
Flake
Foglietta
Foley
Forbes
Gilman
Gonzalez
Graham
Granger
Greenwood
Hall (OH)
Harman
Hefner
Jackson-Lee (TX)
Johnson, Sam
Kaptur
Kasich
Kleczka
Kolbe
LaFalce
Largent
Leach
Livingston
Manton
Manzullo
McCrery
McDade
McIntosh
McKinney
Meek
Millender-McDonald
Miller (CA)
Mollohan
Neal
Oberstar
Olver
Owens
Parker
Payne
Pombo
Porter
Pryce (OH)
Radanovich
Rangel
Riggs
Riley
Rush
Sanders
Scarborough
Schiff
Serrano
Shaw
Skeen
Spratt
Stark
Tauzin
Taylor (NC)
Waxman
Weldon (FL)
Weller
Wexler
Wicker
Yates
Young (AK)
Young (FL)

□ 0940

Messrs. EHLERS, NETHERCUTT, HILL, and Mrs. JOHNSON of Connecticut changed their vote from "yea" to "nay."

Ms. PELOSI changed her vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall votes 575 and 606. If present, I would have voted "aye" on rollcall 575 and "no" on rollcall 606.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, on Thursday, November 6, 1997, I was necessarily absent conducting official business in my Congressional District and was unable to cast the following rollcall votes. Had I been present, I would have voted as follows and request that this explanation appear at the appropriate place in the RECORD:

"Yea" on rollcall votes 592, 595, 598, and 605; "nay" on rollcall votes 585, 586, 587, 588, 589, 590, 591, 593, 594, 596, 597, 599, 600, 601, 602, 603, and 604.

As a result of air traffic problems this morning, my return to Washington was delayed causing me to miss the first vote of the day. Had I been present, I would have voted "nay" on rollcall vote 606.

CONFERENCE REPORT ON S. 858, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, pursuant to the unanimous consent agreement of October 30, 1997 I call up the conference report on the Senate bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of October 30, 1997 the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, October 28, 1997, at page 23532)

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] and the gentleman from Washington [Mr. DICKS] each will control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS].

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

Mr. Speaker, I rise in support of the conference report to accompany the bill (S. 858) that authorizes funds for intelligence and intelligence-related activities, and for other purposes, for fiscal year 1998.

All such conference reports are, Mr. Speaker, as this one is, a compromise that, unfortunately, represents a significant reduction in funding for intelligence activities from our authorization passed by this body in June. But these reductions, when combined with some of the actions we have taken in appropriations, will mean the intelligence community will do without some much needed resources in several areas.

That said, however, this conference report does set the stage for some work we will be doing over the next several years to ensure that this Nation has the intelligence capability it needs. Therefore, I strongly support the passage of this report.

I would like to thank the members of the committee who worked hard to craft this bill, particularly the gentleman from Washington [Mr. DICKS], the ranking member. I appreciate, as well, the fine efforts of our subcommittee chairman and the ranking

member, the gentleman from California [Mr. LEWIS], and the gentleman from Florida [Mr. MCCOLLUM]. In fact, I thank all the members of the committee who played constructive roles throughout this process; and, indeed, that was every member of the committee.

Also, Mr. Speaker, special acknowledgment goes to the members of the Senate Select Committee on Intelligence for their cooperation as we came together to make tough decisions on how best to invest in the future of our intelligence community for the benefit of our country.

□ 0945

Of course, there is no way we could be here today without the dedication, professionalism and perseverance of the staffs on both sides of the aisle and on both committees. I say that because we have a good working relationship, it is bipartisan, and bicameral, and it shows.

Finally, some applause most go to the Members and the staffs of the House Committees on National Security and Appropriations for their sustaining cooperation throughout this authorization's legislative journey. It has been a good working relationship and a good product as a result.

Mr. Speaker, this bill could not be more timely. Over the last few days, much time has been spent by Members deliberating very serious issues relating to the future relationship that the United States should have with Russia and with China. Indeed, we will be debating more on China today. Significant questions have been raised regarding these countries' roles in the proliferation of weapons of mass destruction, proliferation that could result in placing our Nation at serious risk, thus comprising a direct threat to our national security.

I do not intend to get into the policy side of this debate here today. Whether we decide that sanctions should be imposed or continued on these countries is secondary, but there is a fact here that simply cannot be ignored. As a Nation, we will not be able to gauge the success or failure of our policies or know the threat without an effective intelligence community. We simply have to have the eyes and ears to let us know what is going on.

We are told that there are no Russian missiles aimed at American children as they go to bed at night. Mr. Speaker, how do we know that for sure? How can we make that statement with certainty? How long will it take to retarget such weapons? How can we know how tenuous is the chain of command in the Russian strategic rocket forces? And how are we to catch profiteers trying to steal and sell suitcase nukes, if indeed they exist? And how are we to uncover and disrupt the secret nuclear weapons programs underway in hostile rogue states we read about virtually every day in the paper and see on television every night? The answer to all of these questions is one word, "intelligence."

And then there is China, Mr. Speaker. We will soon begin the debate again on the certification of China. Hanging in the balance could be United States access to the Chinese nuclear reactor market, reportedly a $50 billion trade opportunity. Or is it an opportunity? To do this, though, we must have confidence that the Chinese have stopped proliferating weapons of mass destruction components, systems and technologies, something that the Chinese President has promised to do. How good is that promise? But how will we know? How will we know that the technology we provide has been secretly diverted to military programs or to rogue regimes? Again the answer is simple, intelligence. Intelligence is what we count on to answer these questions, and we want these questions answered.

Mr. Speaker, weapons proliferation is a sufficiently grave problem for me to argue the need for dynamic intelligence community capabilities. But there are other problems also at play. Terrorism, narcotics, and racketeering are some of the transnational issues we talk about that are endangering our Nation's well-being and for which we must have strong intelligence capability.

Also included in the need for intelligence is its crucial role supporting our military forces, our war fighters, mission one, whether they are deployed for war or for other less well-defined humanitarian or peacekeeping missions where we are doing force protection. Intelligence requirements have grown tremendously and intelligence-related technologies have revolutionized our defense and warfare doctrines.

As we know, it is intelligence that puts the smart in the smart weapons. But it goes well beyond that. Intelligence is the centerpiece of the doctrine of Dominant Battlefield Awareness, which has been endorsed by the chairman of the Joint Chiefs of Staff and by our Armed Services.

But, the Defense Department needs to make the hard decision to invest more for intelligence if it truly desires to achieve the capabilities it says it needs to support our forces. I encourage them to take that message during the next year. Indeed, I find it somewhat puzzling that if this is the direction that DOD wants to go, why are there continued efforts to, "tax" defense intelligence agencies and programs even more? Why has the Defense Reform Task Force apparently been talking about significant cuts to defense intelligence, up to 25 percent? That is a big cut. Why are those in the Joint Chiefs' office asking our commands to consider a 10-percent reduction in staffing of joint intelligence billets in the field? These types of actions do not indicate a sense of seriousness on behalf of the DOD that backs up their commitment to intelligence. Giving our war fighters the best possible informational edge is not debatable.

We also need a real commitment from Congress. As we review our intelligence capabilities over the coming year and as we look at next year's budget submission, we must keep in mind that intelligence is a vital part of our Nation's defense, not a cash cow bill-payer for it.

That brings us up to this conference report, Mr. Speaker. Let me be blunt. I do not believe that the intelligence community is sufficiently prepared to meet the demands that are being placed upon it now, much less in the future. In other words, the community simply cannot deliver all that is expected or all that is desired of it today. I think that is a shame. The fact that many forget is that we cannot turn intelligence on and off like a light switch. We cannot treat this like we are cramming for a test on a final exam. It just does not work that way. It takes time to build and maintain the proper capabilities. But that is something we have got to do.

Regardless of how this Nation responds to an issue, whether it is through diplomacy or whether it is law enforcement or whether it is military action, intelligence is the key to success and we simply must have it. Good intelligence, I think as we all know, is better than insurance. It saves lives. It prevents calamities. It heads off those nasty surprises. But like insurance, you have got to have it before the crisis happens. So now we must invest for our future.

In this conference report, we are doing that. We are doing the right thing and making the right choices, though coverage in some areas is admittedly light and I think dangerously light. I encourage my fellow Members to support this conference report.

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

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume. First of all, I want to commend the gentleman from Florida [Mr. GOSS], the chairman of the committee, for the statement that he just gave. I think he hit the nail right on the head. We are not spending enough money today on intelligence. A lot of people in this House think we are spending too much money on intelligence. But I think the gentleman is absolutely right. The cuts that were made unfortunately in the Appropriations Committee, and I am a member of it and take some responsibility for it, I think are too deep and are cuts that we are going to regret because of the consequences within the intelligence community. I commend the gentleman for his statement.

Mr. Speaker, I rise in support of the conference report on the intelligence authorization bill. I want to commend again the gentleman from Florida [Mr. GOSS] on his leadership in achieving in conference an agreement that addresses many of the reservations I and other Members had with the bill the House considered in July. As I noted then, I believe that changes in the direction of complex activities should be undertaken with a clear understanding of their likely consequences. The conference report takes a more measured approach toward change, particularly in the programs of the National Reconnaissance Office, than did the House bill, and represents in that respect a better product. I want to point out that when you have these very major programs that are crucial to the ability of this country to gather intelligence, our national technical means, stability is required. One thing that we in the Congress have to be very careful about is not causing instability within the NRO. They have got a daunting challenge to modernize our national technical means. I hope that we as a Congress do not make that job more difficult.

I want those who are concerned with the amount of money spent on intelligence programs and activities to be aware that while the measure passed by the House contains slight increases to the amounts requested by the President, and authorized in fiscal year 1997, the size of those increases were reduced in conference. The legislation now before the House is 1.4 percent above last year's authorized level and 0.3 percent above the President's request. I do not consider these increases to be excessive and want to assure my colleagues that the amounts authorized by the conference report are responsive to the legitimate needs of our intelligence agencies to maintain their capabilities to collect, analyze, process and disseminate intelligence.

The bill as reported by the Permanent Select Committee on Intelligence contained a provision which would have terminated the Defense Airborne Reconnaissance Office [DARO]. Since the version of the defense authorization bill reported by the House Committee on National Security had a similar provision and that reported by the Senate Committee on Armed Services did not, the matter was reserved for resolution by the defense authorization conference.

As a conferee on that measure, I want to emphasize that the defense authorization conference report does not include the DARO termination recommended by the House. The conference agreement compels no change in DARO nor will it require that DARO cease the exercise of its critical responsibilities for strong oversight of airborne reconnaissance. The conference report does clarify that DARO's role does not include program management or budget execution. It should be understood clearly that this provision does not alter DARO's current role or responsibilities since, Department of Defense officials have stressed, DARO has not, does not and will not manage programs. Instead, all airborne reconnaissance programs are executed by the military services or by the Defense Advance Research Projects Agency [DARPA].

The conference report provides for a review of DARO by the ongoing Defense Reform Task Force, which I support. This task force could well make a recommendation and the Secretary of Defense could decide to place the airborne reconnaissance oversight function in another organizational structure or to alter the manner in which the office reports to senior DOD officials. I have every expectation, however, that the task force and the Secretary will strongly support continuation of a centralized and powerful oversight function at a senior level within the Department.

I would add that I believe that the pursuit of UAVs and airborne reconnaissance are two things that we must continue to work on and strongly support. I believe, having talked to a number of intelligence officers, that UAVs, like Predator, have tremendous potential and that we as a Congress need to do everything we can to support the agencies that are working with these unmanned aerial vehicles. I believe that they have tremendous promise and that we should not back away from them. I know that my colleagues on the other side are as interested in that as we are, but we have got to have stability there as well. If we did away with DARO and if we did away with moving forward with UAVs, what would happen is that we would fall back to the old technologies and not make the breakthroughs that I think are required for the future.

During a colloquy when the House considered the conference report on the Defense Appropriations Act, the gentleman from Florida [Mr. YOUNG] assured me that the reduction to DARO's operating budget reflected in the act was made without prejudice and that the committee would consider a reprogramming request from the Secretary to restore all or part of the funding requested for supporting the airborne reconnaissance oversight function for fiscal year 1998. The defense authorization conference report followed the budgetary allocations of the appropriations conference in this as in most other matters. I hope that the leadership of the other committees which would have to consider a reprogramming for DARO will likewise defer to the judgment of the Secretary of Defense on funding for this activity in fiscal year 1998.

In closing, I want to note an omission from this legislation about which I have great concern and disappointment. One of our primary responsibilities as members of the Permanent Select Committee on Intelligence is to ensure as best we can that the intelligence agencies have the means by which to conduct their important activities, not just in the short term but for decades into the future as well. I believe the record of the Congress in providing the resources necessary to modernize intelligence capabilities has been excellent, and there are a number of examples of that in this conference report. There is, however, one important area in which a critical investment should have been made, in my judgment, in the bill. Both intelligence committees were willing to provide the required authorization of funds, but the administration, taking a view of the future with which I disagree, refused to commit the necessary resources. I believe we will look back at this missed opportunity with great regret and that those responsible for this decision will have many occasions to wish that they had taken a more farsighted view of the intelligence needs of the next century.

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Mr. Speaker, the reservation I just stated is not the fault of the conference committee and does not lessen my support for what is contained in this conference report. The conference agreement merits the support of the House, and I urge that it be adopted.

I want to join with the chairman complimenting the excellent staff that we have both on the Democratic and Republican side. We try to function in a bipartisan way; that is the goal that the chairman and I both share. We do have outstanding people who work every day for the House on the Permanent Select Committee on Intelligence staff, many with long tenure. I just want the House to know that we are well served by the professionalism and the ability of these people who keep confidential some of the most important information in this Government.

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

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

Mr. Speaker, I thank the distinguished gentleman from Washington [Mr. DICKS] for his very compelling remarks, and I think we can all see what an extraordinary job he does on this committee and what incredible leadership he gives us, what participation, and what championship of projects that he knows about and cares about deeply, and we share the same views, perhaps not the same energy level on some of them.

I think as regard to DARO, the issue is not about the capability, the issue is how we make it work best, and I know that the gentleman knows that I am committed to that.

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

Mr. GOSS. I yield to the gentleman from Washington briefly.

Mr. DICKS. Mr. Speaker, I think that is the point we want to make. There have been some problems. I know we are all frustrated about the UAV's, trying to bring them on more rapidly, but I do think in this particular case that the Department of Defense deserves, and after all we said to them, pull all these programs together, create an entity, get management oversight of this, we want this to be handled.

Now we got the agency created, they are starting to do the job. The problem is, like in a lot of areas of advanced technology there are problems, and not every one of these programs works perfectly the first time in many areas because they used to be classified, people did not know about it, and finally we get it right, but we would not kill the program.

Now we put it out there in the open, and people see the failures, but that is what R&D is really all about. There will be failures, but ultimately we are going to get this job done, and it is going to give us a revolutionary new capability in the reconnaissance area along with our aircraft. And I just think we have got to stay the course and support this, support DARO, and make sure they get the job done with good oversight which the chairman has provided.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. LEWIS], the chairman of our subcommittee.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my chairman yielding this time to me, and I want to take just a moment to express my personal deep appreciation for the work of both our chairman and the ranking member, the gentleman from Washington [Mr. DICKS].

I would further like to say that within this committee the atmosphere of growing almost nonpartisanship is a very refreshing development in the Congress, indeed an area that is so critical to the United States, our intelligence programming, to have people working together in a fashion that recognizes that the importance and strength of the country is what we are about is very, very encouraging to me. I would like to compliment our staff on both sides of the aisle for their very fine work they have done throughout developing this measure.

Stepping aside for a moment and reacting to the discussions regarding the DARO and airborne reconnaissance programs, I must say I believe this committee has done a fabulous job over some time at highlighting the importance of these reconnaissance programs, and the work of the DARO is the result of the efforts of this committee, and indeed a great deal of progress we have made in this area is a direct result of the efforts of the committee. And so I am very encouraged by the interest on both sides of the aisle and expect that there is little doubt that we have gotten the attention, the clear attention, of those in DOD that we should have in order to make further progress as we go forward.

In the area of keeping us on the cutting edge of technical capabilities which is so important to our intelligence success, I would like to mention just a few things, the first being that investment in satellite systems that utilize cutting-edge technology that are smaller and operationally more flexible, and they can be acquired within greatly reduced time lines, eventually will reduce the overall cost to these programs, and yet they are very, very important programs to us. If we do this correctly, that is by following the pattern of faster, better, cheaper, we certainly will have dividends that in turn can be applied to other areas of significance to our work.

I would mention that reinvesting some of those dividends and items that relate to downstream activities, like the processing and exploitation, analysis, as well as dissemination of our products, is a critical part of effective use of intelligence assets. I must say it is one thing to spend a good deal of money developing information; it is another thing to be able to use it in a way that means something to our interests, and those sorts of investments are very important as we go forward with developing more effective intelligence systems as well as programs.

Another area is investment in research and development to keep us on that cutting edge. There is not any question in my mind's eye that there is not another area of American Government's work that is more critical than making sure that we are technologically capable and on the edge than in the field of intelligence.

America, without any doubt, in this changing world remains the strongest country in the world, indeed the leader and the hope for democratic and free opportunities in the future. No small part of that is because of the work of the intelligence community. We always and often most hear about problems that we may have in our intelligence work because that is when ofttimes those activities and that work becomes public. Very few know about the real successes that have made a difference for freedom throughout the world, and that is the responsibility in no small part of this committee as we carry out our oversight functions, and it is my privilege to participate in the work, the very fine work, of the committee and the leadership of our chairman and our ranking member.

Mr. DICKS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Missouri [Mr. SKELTON], who is a senior member of the Committee on Armed Services and a new member of the Permanent Select Committee on Intelligence, but one of our very, very best.

Mr. SKELTON. Mr. Speaker, I appreciate the ranking member giving me some time this morning.

The conference report before us does more for military intelligence programs and activities than the President requested. While these increases are small, I believe they reflect the fact that as the size of the Armed Forces decreases, the need for timely and reliable intelligence becomes more critical. Our military commanders cannot do their jobs, both in terms of the achievement of their objectives and the safeguarding of the lives of our service men and women without intelligence of the highest quality. We simply cannot manage safely the planned drawdown of the Defense Department without the kind of investments made by this bill.

I want to congratulate the chairman and congratulate the ranking Democrat for the work they have done to make sure that our military personnel have the support that they need in this important area. I intend to continue to do what I can to make sure that we do not slight the future investments that will need to be made to ensure that our battlefield commanders have the information necessary to achieve rapid dominance so that any armed conflict results in a decisive victory for our forces.

I believe we have taken important steps toward that end in this conference report. Much more, Mr. Speaker, needs to be done, particularly in the areas of information warfare and aerial reconnaissance. These are among the areas to which I hope the committee will devote particular attention in the next year.

It is a pleasure to serve on this committee. I salute both the chairman, the gentleman from Florida [Mr. GOSS], and the ranking Democrat, the gentleman from Washington [Mr. DICKS] for their dedicated and bipartisan work. I also want to give particular thanks to all of the staff who have devoted untold hours to producing this conference report.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in support of this conference report. I am sure my colleagues have all heard that information technology is vital to our future both for economic competitiveness and for national security. Information warfare, information operations, information dominance, information assurance and dominant battlefield awareness, they are all familiar phrases often invoked when defense budget priorities are discussed. Upon

closer examination, however, we sometimes find that this is more rhetoric than reality. Since Rome Laboratory is in my congressional district, it is the Air Force center of excellence for information technology development, I have had the occasion to examine the rhetoric and the reality.

In a broader sense, the entire intelligence budget is geared to provide a U.S. worldwide information advantage upon which policymakers and military forces will rely heavily, yet partly because of the rise in military operations costs and the dearth of military procurement money, in recent years the intelligence budget has received only modest congressional plus-ups provided to the defense budget. This year, for instance, money appropriated for intelligence will be under, under the administration request.

Further, I understand that in the developing budget for fiscal year 1999, the Air Force initially recommended large cuts to science and technology in the magnitude of $250 million, which could fall heavily on information technology. Quite frankly, that is totally unacceptable. I have made known my strong rejection of that approach to the appropriate people, and fortunately I am finding a receptive audience in both DOD, the Department of Defense, and the White House.

One of the reasons I sought this much coveted position on this committee is to be able to deal directly with its very important subject, and I am pleased to report that our committee this year took steps to upgrade the information infrastructure budget of several agencies to improve their processing, storage and exploitation of intelligence data. For the future we are also requiring a more coherent interagency strategy and budget for information assurance, or information protection. In this regard the President's Commission on Critical Infrastructure recently publicized its conclusions that not only the defense infrastructure, but also key parts of the civilian economy are highly vulnerable to computer attack. The Commission called for greater focus and progressively increased spending to improve our protection.

Thus far, Mr. Speaker, I do not yet see the level of commitment to information technology that will maintain the country's technological advantage into the future. In fact, although the rhetoric is there, the reality seems to be somewhat questionable.

I urge my colleagues to follow the lead of this committee and the chairman and the ranking member and support this conference report and deal with this very important subject in a responsible manner.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. GIBBONS], who is a value added member of our committee, believe me. As a decorated serviceman, the information he has given us has been extraordinary, and we welcome him in his first year.

Mr. GIBBONS. Mr. Speaker, I thank the distinguished gentleman from Florida [Mr. GOSS] for yielding this time to me, and, Mr. Speaker, I rise in very strong support of the conference report accompanying Senate Bill 858.

The gentleman from Florida [Mr. GOSS] and the ranking minority member, the gentleman from Washington [Mr. DICKS], along with their counterparts in the other body deserve a great deal of credit for an intelligence authorization bill that this Nation can be proud of and that all Members of this body should strongly support. Not only does this bill authorize the proper amount of authorization for the operation of our national intelligence activities, it also specifically authorizes funds for those tactical intelligence functions that provide direct indications and morning support to our military personnel deployed around the world. It is absolutely critical that we, the elected officials in this country, fully support those men and women we have sent into harm's way with useful intelligence.

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This bill provides the best effort possible to do just that.

Mr. Speaker, I think that it is also important to note that in terms of tactical intelligence functions, in this bill there was tremendous and close coordination between the House Permanent Select Committee on Intelligence and the House Committee on National Security. I have firsthand knowledge of this as I proudly serve on both committees.

This cooperation was so effective, in fact, that the tactical intelligence provisions addressed were actually contained in the defense authorization bill that was recently voted on by Congress.

As a former military veteran and fighter pilot, I must say that several of these provisions address issues that are very important to me personally, issues such as unmanned aerial vehicles, or UAV's. These unmanned aircraft offer a great potential for reducing the threat and danger of enemy activities and threats to our airborne reconnaissance aircrews.

However, in many Members' eyes, the Department of Defense's management of these vehicles has not proven to be overly successful. The defense and intelligence authorization bills take some bold steps in this direction, both in terms of legislation and funding actions, to improve the Department's UAV management, thus ensuring that these air vehicles have the greatest chance for success.

Although controversial to some, I believe the very responsible positions hammered out during the conference and the conference process are all fair, logical, and, most importantly, a step in the right direction, to minimize the overhead costs while maximizing the Services' responsibilities for equipping their troops. These responsible actions are reflective of the entire intelligence authorization bill.

Again, I would like to thank the chairman and the Members on the other side of the aisle for their conscious and dedicated effort in this regard. I urge all my colleagues to support this conference report.

Mr. DICKS. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT] who has been largely responsible for the "buy America" provisions that have been contained in this bill over the last several years. He has been very concerned about this.

Mr. TRAFICANT. Mr. Speaker, I thank the ranking member for yielding me time, and I want to commend the chairman and ranking member for the bill.

As you know, I have questioned some of the intelligence-gathering capability of our programming here that we fund. Some of it evidently is made to the advertisement level, where I questioned why we did not learn from the CIA that Saddam Hussein had invaded Kuwait but we learned that from CNN.

I am not going to oppose this bill, because I have confidence in the people who have drafted the bill, and I understand that without adequate intelligence gathering, our national security is really threatened.

But I want to caution the Congress. When General Schwarzkopf said that he relied on intelligence as much from the media and CNN as he did from CIA and other sources, that should be cause for alarm. I honestly believe that we are spending billions of dollars in this hidden intelligence network system, and we are not getting the type of intelligence that we need to keep our great Nation free.

I believe there is a fault. I am hoping that in the next bill we will address that, we will address the reasons why a general in the Persian Gulf war relied as much on the media as he did on intelligence sources and why, in God's name, our media knows more at times about significant national and international events that affect our freedom as does our intelligence-gathering network.

So I believe you are on the right track. I appreciate the fact that even though it is a hidden budget, we can have a hidden "buy American" provision, and hopefully maybe we will at least buy a few American items that will help keep America free. I am going to support the bill.

Mr. DICKS. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I just want to say to my friend from Ohio, Mr. TRAFICANT, that

General Schwarzkopf is a very close friend of mine. In fact, he was commanding officer of I Corps at Fort Lewis, and I went over there several times. He did come to the Permanent Select Committee on Intelligence after the war. He said that this was the best intelligence that any commanding officer had ever received.

Now, did he say, yes, there were some things we should be working on like broad area search, the dissemination of imagery, being able to find targets which could be relocated, like Scud launchers, more rapidly? Yes. But I want the gentleman to know that we are working on each one of those issues.

Last year, this Congress created NIMA. I strongly supported that. That was an initiative of the administration. We put mapping together with imagery. Today, we are able to get imagery out into the field more rapidly than we could during the gulf war.

I will also say to the gentleman that other areas of intelligence gathering provide greater insights into Iraqi plans in the gulf war. We knew exactly what was going on.

So the general had some critiques, but, overall, he said intelligence was very, very good. I think if you talked to him about it, he would say that. We are, I believe, trying to address the areas where there are problems.

I would also note that the first thing that George Bush, the President during the gulf war said at the time was that there had not been an intelligence failure with respect to the invasion of Kuwait. The intelligence community gave the President notice that it was likely there would be an invasion. The administration did not act on that warning.

It was hard to act, because our allies were giving us different information. Our allies in the region were saying that Saddam will not do it, while the intelligence community said that, it looks like he is going to do it. A decision was made to rely on the people in the region, and that proved to be wrong. But it was not an intelligence failure.

I like the fact that when you go all over the world you have CNN, and it is a good supplement to our intelligence. Having the news available all over the world is important. But it does not make up for having in place the national technical means, the tactical intelligence, the human intelligence that has to be out there in the field. I am worried, frankly, that we are downsizing to such a level that we are going to be spread so thin, especially in the human intelligence area, that we could have problems in the future. That is something we have to address. But that is going to require more effort and more resources, not less.

We thank the gentleman for his help and participation and for his support of the bill.

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

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I thank the distinguished chairman for yielding time to me.

Mr. Speaker, I would only follow on to my distinguished colleague's response to the gentleman from Ohio [Mr. TRAFICANT] by saying, what the media did in the gulf war was to report what was happening and what had happened. What is key to intelligence and its effective service is to analyze all sources and to try to predict and provide the best possible advice to our policymakers.

I think we have learned a lot from the gulf war, and I think the quality of the intelligence services that we are provided today are, indeed, far superior. But the fact is, it is always easy to criticize an event after the fact. It is far more difficult to deal with the complexities of the world as they exist today and to provide leaders with predictions about what is going to happen. That is the key.

But I really appreciate, Mr. Speaker, the opportunity to speak today in support of the conference report to accompany the Senate bill that authorizes funds for intelligence and intelligence-related activities. As a member of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I am particularly pleased with the bipartisan and bicameral work that we have been able to do to augment the breadth and depth of all-source analysis, as I mentioned a minute ago, in the intelligence process.

Mr. Speaker, let me describe the future role of the all-source analyst by describing the past. Last month, the Central Intelligence Agency celebrated the 50th anniversary of its creation, leading us all to reflect for a moment on the grand struggles and great victories of the OSS in World War II and the CIA in the cold war.

Our chairman, the gentleman from Florida [Mr. GOSS], has spoken publicly and eloquently about the work and sacrifices made by U.S. intelligence officers from occupied France to the Soviet Union in securing these victories, in many instances submitting themselves to grave, grave danger.

Those struggles, Mr. Speaker, are now history, and it is really a grand history. In their place has emerged a far more complicated, multipolar world with issues and threats that emanate not just from Berlin or Moscow, but from places like Kinshasa, Monrovia, and Chiang Mai.

To inform and educate our policymakers in this new world, we require an intelligence community with diverse and global foci. To make that happen, we require an analytic core that can follow everything from the T-72 tank in the sub-Sahara to the price of poppies in the Golden Triangle. We also need those analysts to identify and direct intelligence collection that is both cost effective and useful to our needs.

Mr. Speaker, I support strongly Senate bill 858, and I urge my colleagues to support us in passing this conference committee report today.

I thank the gentleman from Florida [Mr. GOSS] for his help and guidance as the chairman of this committee.

Mr. DICKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I am going to yield back, too. Before I do, I want to just point out one other thing. Sometimes we overlook the fact that we have men and women, dedicated men and women in the intelligence community in the United States of America, who are working literally 7 days a week, night and day, to make sure our national security remains nationally secure. I think that is something that sometimes gets overlooked and sometimes gets misinterpreted in our sensationalized and instantanealized media.

I think every American should be proud of the folks in the intelligence community and the work they do, and should be thankful for them, as we are.

Mr. Speaker, having said that, I urge support of the conference report.

Ms. HARMAN. Mr. Speaker, I rise in support of the fiscal year 1998 Intelligence Authorization Conference Report.

As a member of the committee, I would like to commend the chairman, the ranking Democrat, and all of the staff for their exceptional work on this important bill.

This report achieves small gains in intelligence spending, at a time when other categories of Federal spending are decreasing. Why? Because intelligence spending is intelligent spending.

The post-cold war world is characterized by uncertainty. This makes it even more critical that we have a robust intelligence program.

One source of uncertainty is proliferation. Nations like Russia and China are selling high technology weapons and know-how to rogue nations—we wouldn't be aware of this without the resources and the efforts of our intelligence agencies.

The Congress had an opportunity to address this issue yesterday, and now the administration has an opportunity to take the steps necessary to stop it. To monitor our success in the future we need continued vigilance and continued efforts to prevent and respond to proliferation to rogue states.

Mr. Speaker, as a member of the Subcommittee on Technical and Tactical Intelligence, I want to note that too often when we think of intelligence gathering, we only think of the spies and information sources behind enemy lines. These people and sources are critically important to be sure, but we cannot forget our technical collection capabilities—the

satellites and aircraft equipped with high technology sensors to observe and to listen.

Taken together, these systems comprise an architecture—a system of systems—that collects intelligence and distributes it to decision-makers and military planners.

Because of these sentinels, our enemies know that their actions do not go unnoticed. They know we are watching.

I am proud to say that many of these technical systems are designed and manufactured in my district, and I salute the men and women who develop them. They are truly making the highest contribution to our national security.

Mr. Speaker, today we are undergoing a revolution in military affairs. Our Armed Forces rely increasingly on information so they can understand the battlefield and attack with precision and effectiveness.

It is our technical intelligence architecture—our satellites and aircraft with their sensors and processors—which collects the critical information that gives our forces an overwhelming advantage over their opponents.

Mr. Speaker, I enthusiastically support this Intelligence Authorization Conference Report, and I urge our colleagues to do so.

Mr. MCCOLLUM. Mr. Speaker, I appreciate the opportunity to speak in support of the conference report to accompany Senate bill 858 that authorizes funds for intelligence and intelligence-related activities for fiscal year 1998. As chairman of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I am pleased that this report identifies and corrects some fundamental shortfalls in the investments we must make to ensure that our Nation's intelligence community can provide on the ground intelligence about the narcotics traffickers, terrorists, weapons proliferators, and rogue states that imperil our national security.

HUMAN INTELLIGENCE

Mr. Speaker, the collectors of on the ground human intelligence, or HUMINT, are working hard and working well against the plans and intentions of terrorists, traffickers, proliferators, and rogue states. In the budget request, however, our committees found a significant shortfall in the technical and other support that these collectors will need in future years to continue their fine efforts to gather HUMINT on these threats; we cannot expect these collectors to overcome the high technology employed by traffickers, for example, without technology of their own. This committee also found a lack of long-term planning in the focus and funding of collection operations; we cannot expect HUMINT collectors to perform well when funding plans are made on an ad hoc, year-to-year basis.

As the result of bipartisan and bicameral work and coordination, Mr. Speaker, our conference report does indeed begin the process of providing adequate support for the eyes and ears of the intelligence community against these new and difficult threats. On those same bases, Mr. Speaker, our report now directs the intelligence community to develop a system for projecting the long-term funding needs of these vital collection efforts so that we may continue to provide these efforts with adequate support.

ANALYSIS

Mr. Speaker, the all-source analyst stands in the center of the planning of this committee and of the intelligence community for the needs of policymakers in the 21st century. We will look to the all-source analyst to anticipate future needs for intelligence and to provide support to the policymakers and to the military. Where will the next Congo be? What are the terrorist threats in a specific country? What success is a rogue regime having in developing chemical or biological weapons? We will also look to that analyst for direction in what information about these crises we may obtain through open sources and what we must obtain through human or technical clandestine collection.

In that light, Mr. Speaker, I am particularly pleased to report that the conference report directs and begins to fund the restoration of an analyst cadre pared too lean over past years to cover the projected needs of policymakers as we pass into the next century. As our report makes clear, our committees will remain engaged in that restoration and will look to the all-source analyst to guide the intelligence community in future years.

COUNTERINTELLIGENCE

Finally, Mr. Speaker, I regret to say that the reality of the counterintelligence threat to our national security continues to play on the front pages of our newspapers: Ames, Pitts, Nicholson, Kim, and now the recent three arrests. The success of investigations and prosecutions in these cases continues to depend upon counterintelligence officers within the community who are able to think the unthinkable—that is, that Americans could engage in such treachery—and to pursue investigations carefully and successfully. Mr. Speaker, our conference report reflects bipartisan and bicameral recognition of the efforts of these counterintelligence officers and supports the means by which their vigilance may be continued.

CONCLUSION

In sum, Mr. Speaker, our conference report acknowledges and supports the focused efforts of the HUMINT collector, the crucial role of the analyst, and the difficult, but necessary, role of the counterintelligence officer. We have made surgical cuts and strategic adds necessary to the focus and the effectiveness of the intelligence community against the threats that imperil our Nation.

I once again thank Chairman GOSS for the direction and guidance he has given to both his subcommittees during the course of conference.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I rise to express my support for S. 858, the intelligence authorization for fiscal year 1998. However, I remain deeply concerned about allegations that have been raised regarding CIA involvement in drug trafficking in south central Los Angeles and elsewhere. A year ago next week, then Director of Central Intelligence John Deutch made an unprecedented visit to Alain Locke High School in my district to directly address the concerns raised by my constituents and me generated by these allegations. His visit illustrated a new openness to wrestling with the issues raised by press reports. Those reports, some of which have been retracted, suggested that the crack cocaine trade that has devastated whole communities was promulgated by official government activities under the aegis of the Central Intelligence Agency.

Consequently, I and my constituents eagerly await the release of the inspectors general of Justice and CIA. I understand the release of the Justice Department's inspector general is imminent. I hope that the select committee will give their content, methodologies and findings the scrutiny they deserve and in a similar spirit of openness, make themselves available to my constituents to respond to any questions these report generate. I believe such openness is critical to restoration of the credibility and public trust necessary to allow intelligence gathering activities, which by their nature are secretive, to coexist with democracy.

Mr. BISHOP. Mr. Speaker, I rise in support of the conference agreement for the Intelligence Authorization Act for fiscal year 1998. Last July, when this body considered the House version of the intelligence bill, I stood in this well and commended Chairman GOSS and the ranking Democrat, Mr. DICKS, for their efforts in producing a bipartisan measure that enhanced our Nation's intelligence collection, analytical and dissemination capabilities. Mr. Speaker, I echo those remarks today and extend them to the leadership of the Senate Intelligence Committee, Chairman SHELBY and Vice-Chairman KERREY, for their efforts in working with us to produce a conference agreement fully supportive of the men and women who comprise our intelligence community.

In the unstable world that we live in today, our Nation's military is called upon to perform more difficult tasks at an ever-increasing tempo of operations. Let us not forget that the Department of Defense has regrettably drawn down more than any other Federal agency and the reductions in personnel and dollars continue today. Intelligence acts as a force multiplier, and if we are to continue on a downward path in funding our Nation's armed services, then we need to take every step to ensure that our intelligence capabilities are sufficient to provide policymakers with the information they need to make key decisions affecting national security. The conference report before us today provides the necessary resources to ensure that our intelligence capabilities are sufficient to meet tomorrow's contingencies.

Mr. Speaker, debate over the appropriate levels of funding for intelligence activities does not always emphasize the important role of intelligence in achieving a full accounting of members of the armed services who are lost in battle. I want to ensure my colleagues, veterans and the families of the military personnel whose fate remains undetermined that this conference agreement provides the necessary resources to permit the intelligence community to continue to assist in efforts to determine the fate of those listed as missing in action. I have not forgotten you, the Congress has not forgotten you and this legislation will assist in helping to bring you home.

Mr. Speaker, let me again thank the leadership of the House and Senate intelligence committees for their work in fashioning a bill that provides critical support to all facets of our intelligence community. The military and

civilian components of our intelligence apparatus are sufficiently provided for in this agreement so that they may continue to assist in providing force protection intelligence to our troops called upon to conduct noncombatant evacuations when the lives of Americans are threatened overseas. Additionally, resources are authorized that permit the intelligence community to sustain its efforts to assist in the collection and analysis of critical intelligence bearing on such difficult and challenging issues as counterterrorism, counternarcotics and counterproliferation.

I urge my colleagues to support this measure and in doing so support the men and women of the U.S. intelligence community.

Mr. GOSS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 385, nays 36, not voting 12, as follows:

[Roll No. 607]

YEAS—385

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

NAYS—36

Becerra
Bonior
Camp
Chenoweth
Conyers
Davis (IL)
DeFazio
Dellums
Duncan
Filner
Frank (MA)
Furse
Gutierrez
Hinchey
Jackson (IL)
Lofgren
McDermott
McGovern
McKinney
Miller (CA)
Minge
Oberstar
Olver
Owens
Paul
Payne
Rush
Sanders
Serrano
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Woolsey

NOT VOTING—12

Cooksey
Cubin
Gonzalez
Johnson, Sam
Markey
McDade
Neal
Riley
Schiff
Stark
Stokes
Yates

□ 1050

Messrs. DEFAZIO, OBERSTAR, VENTO, and RUSH changed their vote from "yea" to "nay."

Mr. BARR of Georgia and Mr. STUPAK changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on S. 858 just agreed to.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT REGARDING SUSPENSIONS TO BE CONSIDERED TODAY

Mr. GOSS. Mr. Speaker, pursuant to House Resolution 305, I rise to announce the following suspensions to be considered today: H.R. 2534, H. Res. 122, H.R. 2614, S. 813, S. 1139, S. 714, H.R. 2513, S. 1377, and H.R. 2813.

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 288 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2616.

□ 1053

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, with Mr. SNOWBARGER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, November 4, 1997, the amendment printed in the House Report 105–357 offered by the gentleman from California

[Mr. RIGGS], as modified, had been disposed of.

Are there further amendments to the bill?

Mr. RIGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman I am very pleased that we can be returning to work in the House on bipartisan legislation that I have coauthored and cosponsored with my good friend and colleague, the gentleman from Indiana [Mr. ROEMER].

Before we begin the amendment process, I would like to remind my colleagues that this legislation, the community-designed Charter Schools Amendments Act, is designed to, first of all, carefully direct new money, any increase in Federal taxpayer spending for the startup and creation of more charter schools, to those States that provide flexibility in three key areas.

We might describe these States as those States that have strong laws on the books embracing the idea of public school choice and putting resources into expanding charter schools in order to give parents and guardians, the ultimate consumers of education, more choices in selecting the education that is appropriate for their child.

Federal taxpayer funding for charter schools is increasing dramatically. In fact, in this bill the gentleman from Indiana [Mr. ROEMER] and I propose authorization of the President's budget request to double taxpayer funding from $51 million in the last fiscal year to $100 million in this fiscal year for the startup and creation of more charter schools, helping us to move toward the goal of 3,000 charter schools nationally, as the President has espoused on several occasions.

Mr. Chairman, I am sure all these ongoing discussions on the floor are related to the charter schools legislation.

Mr. Chairman, as I was about to say, we direct the new money to those States that, first of all, provide a high degree of fiscal autonomy to charter schools, States that allow for increase in the number of charter schools from year to year over the life of this legislation, and lastly, States that provide for strong, high academic accountability in the contract between the charter school and the chartering authority.

This is a program, Mr. Chairman, that has grown from $6 million of Federal taxpayer funding in 1995 to $51 million in the fiscal year just completed to, we hope, approximately $100 million in this current fiscal year just begun. There are currently over 700 charter schools operating in the 29 States, plus the District of Columbia and the Commonwealth of Puerto Rico, that have charter school laws on the books.

This legislation also assures that 95 percent of the Federal taxpayer funding for charter schools will go to the State and local level, and only 5 percent will be kept behind here in Washington for ongoing research and evaluation as to the efficacy of charter schools, and for other national activities conducted by the Department of Education.

Lastly, the legislation directs the Secretary to work with the States to ensure that charter schools receive their fair share of proportionate, that is to say, per pupil, Federal categorical aid for education, such as title I and special education funding.

Some local educational agencies have been rather lukewarm toward the idea of charter schools, and in some cases we learned through our committee hearing process, and in the testimony on our legislation, the charter schools in those communities have not been receiving their fair share of Federal education dollars.

Mr. Chairman, I am happy to bring this legislation back to the floor.

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

Mr. RIGGS. I yield to the gentleman from Indiana, my coauthor and cosponsor on the bill.

Mr. ROEMER. Mr. Chairman, I just want to take this time to remind my colleagues that this is bipartisan legislation. It has been a pleasure working with my good friend, the gentleman from California [Mr. RIGGS] on this very important legislation.

We have spent the last couple of days talking about foreign policy, talking about United States-China relations. It is important that we discuss how we boldly reform public education in America today.

This legislation is strongly supported by the President. President Clinton has been a strong advocate of charter schools. This came out of our committee, the Committee on Education and the Work Force, with 10 Democrats voting for it, 8 opposed to it.

This legislation is about public school choice, so our parents can send their children to good public schools, charter schools, alternative schools, magnet schools, and give them more choices and create more competition in the public school system. It is about schools that function with less bureaucracy and with less strings attached. It is about schools that try bold ideas with respect to curriculum and school days and partnerships with businesses and apprenticeship programs.

□ 1100

This is a very, very good bill. It is not the panacea, Mr. Chairman. It is not the silver bullet to solve all educational problems in America today. But it is certainly an arrow in the quiver. It is certainly one of the options to help us move forward and, in a bipartisan way, solve education problems.

So with that, I again thank the gentleman from California [Mr. RIGGS] and look forward to the debate today.

The CHAIRMAN (Mr. SNOWBARGER). Are there further amendments?

AMENDMENT OFFERED BY MR. MARTINEZ

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

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ:

Page 10, line 6, strike the semicolon and insert "and to participate in State assessments;".

Page 18, line 7, strike "(2)" and insert "(3)".

Page 19, strike lines 3 through 5 and insert the following:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement and equity, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, family income, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement;

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force; and

"(D) a description of the relationship between a developer (or administrator, if applicable) and any for-profit entity that is involved in the development or administration of any school.".

Mr. MARTINEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Chairman, this amendment would redirect the Secretary's priority in the National Activities section toward evaluation rather than private capital generation for charter schools. The amendment would also expand upon the evaluation requirements in the bill to ensure that the important aspects of charter schools and their effectiveness on students be studied. And, also, this amendment would ensure that the present or future evaluations must look at those things that ensure that students and parents are not being denied on biased premises.

The amendment would also ensure that charter schools will enable students to meet the challenging State performance standards and participate in State assessments. We still do not have a comprehensive evaluation of charter schools because they have not been in existence that long, especially on important concerns like the kinds of services students receive, which students get enrolled and which get rejected, what the level of student achievement is in a given charter school. Nothing in current law requires that kind of detailed research information. And we need to make sure we get

that information to make informed policy decisions regarding charter schools.

This amendment at least ensures some accountability for the schools and for us when we authorize this program next Congress. Strong evaluation requirements are an accountability tool. We want to give the charter schools flexibility, but we do not want to give them a lack of responsibility. In many cases, flexibility to some people means no responsibility.

Since we do not have any real requirements for evaluation under current law so we can get that broad, sweeping information, that does not give us a true and clear picture by district and by charter school on what is really going on there, good, bad or indifferent, especially with charter school student achievement, which is the claim to their big success.

We have little or no reliable data today on questions concerning equity and student achievement with charter schools. What little data we have makes it really difficult to be able to tell what is really happening in these schools or the influence that charter schools are having on our respective districts. The current law gives no direction to the Department of Education for its studies. The most recent report has no desegregated data, so it is almost meaningless.

We are not asking these charter schools anything that we would not ask of other public schools, accountability. This bill would require the Secretary, as his No. 1 priority in the completion of the bill's national activities, to enter into contracts to ensure private capital generation for charter schools. I would think that we should be supporting further evaluation of charter schools to gauge their effectiveness in educating our children, rather than forcing the Secretary to act like a Wall Street broker.

We have debated on this floor that the GAO says that there is a $112 billion need to repair to good condition, not excellent condition but just good condition, public schools in our Nation, which are attended by 90 percent of America's children. The schools are crumbling. They are too old to be wired for the 21st century technologies. They are overcrowded. It would be a slap in the face, in my estimation, for every student in the noncharter school to say that the Federal Government will help other schools but not theirs get access to that private capital by making sure that the No. 1 priority of the Secretary is to generate funds for charter schools.

The oldest charter school, as I said earlier, is only about 6 years old. And there is really much to learn about what makes a successful charter school and how effective charter schools are in increasing the academic results that we all are looking for charter schools accepting all students of all races.

We have had testimony that in certain areas that certainly is true. But is it universal? Are charter schools using certified teachers? In some cases they are not. What impact does that have on turnover of teaching forces in a charter school? What effect does a for-profit entity which is involved in the development of a charter school have on the ways the school operates for the success of its student?

All of these questions are important questions that I think must be answered. And the only method that we have to answer them is to make sure that the Secretary of Education has the mandate to go in and study these things. The current language in the bill only allows for the completion of existing 4-year charter school studies presently being completed by the Department of Education and any related subjects. This amendment would give us the information, I believe, that we truly need to gauge how charter schools are operating.

Mr. RIGGS. Mr. Chairman, I move to strike the last word, and I rise in opposition to the Martinez amendment.

Mr. Chairman, let me point out at the outset that there are aspects of the amendment of the gentleman from California [Mr. MARTINEZ] that I think have merit. He is a good friend. He is the ranking member of the subcommittee. He has made many contributions to the very positive and bipartisan work that we have done over the last year during the first session of this Congress.

I would like to, if at all possible, continue to work with the gentleman from California [Mr. MARTINEZ] on his amendment between now and the time that we might go to conference with the other body. I understand that the thrust of the amendment of the gentleman from California [Mr. MARTINEZ] is to sort of reorder the priorities under the National Activities section of the bill, and the gentleman would suggest, and I think he does this very, very sincerely, that the Secretary and the Department should give higher priority to the ongoing evaluations and studies of charter schools than assisting charter schools in accessing private capital.

However, I hasten to add that we heard anecdotal testimony during our hearings, including our field hearings in different communities around the country, that many charter schools, like a startup business, have difficulty accessing capital, sufficient capital to meet their cash-flow needs, sufficient capital to remain in business as a charter school and continue to educate the young people.

In fact, as I pointed out, one of the reasons that we have in our proposed legislation extended the life of the initial Federal taxpayer grant for charter schools from 3 years to 5 years is because many charter schools, while producing impressive academic results, showing demonstrated improvement in pupil performance at the 3-year mark, are still struggling to make ends meet financially.

That all said, I would like to submit to the gentleman that perhaps we ought to say that both these areas are high priorities for the Department. I have to also tell my colleague that the very last item in his amendment, at least the version I have, which is paragraph (D) on page 2, requiring the ongoing evaluation to include a description of the relationship between a charter school developer and any for-profit entity that is involved in the development or administration of any school, is unacceptable, for the simple reason that we on several occasions, and I think the gentleman from Indiana [Mr. ROEMER] will confirm this, we on several occasions considered, discussed, or debated the possibility of making references to for-profit entities in the legislation but at the end of the day decided to eliminate any references to for-profit entities in the name of bipartisanship.

So I would like to submit to the gentleman from California [Mr. MARTINEZ] that this should come out, because I would be happy to defend the role of for-profit entities, such as, for example, the Edison Project, the great work that they are doing.

I mentioned the other day on the floor that this, and I happen to have it with me, this Parade magazine article, where a Parade reporter, who happens to have an active teaching credential, went to different elementary schools around the country, fifth grade elementary classrooms around the country in Pullman, WA; Boston, MA; Chicago, IL; Salt Lake City, UT; and she concluded that the most impressive school she visited was the Boston Renaissance Charter School, obviously in Boston, MA. That happens to be run under a contract by the Edison Project, which, in my understanding, is a for-profit corporation.

Mr. Chairman, this lady, by the name of Bernice Kanner, goes on to say, "Reading is king at the Boston Renaissance Charter School, and of all the places I visited, this one worked best. The students, most of whom are black and come from low-income homes, pay nothing and are selected by lottery," pursuant to Massachusetts and Federal law regarding charter schools. "Parents are required to be involved in their child's education, a computer is lent to every student, and they have a longer school day and year. Students spend 1½ hours daily reading and improving their writing skills. Lessons followed a strict formula. The students read silently." She is a teacher and was substituting in this classroom and at this school. "Then I read to them and reviewed vocabulary. They answered questions in their journals from a book

they had read as homework. In science, they copied terms, along with their definitions, into their journals."

Just a brief description of the kind of instruction and learning that is taking place at the Boston Renaissance Charter School run by a for-profit entity.

So I want to submit to the gentleman from California [Mr. MARTINEZ] that we can work on this amendment, but we would like to remove that reference under paragraph (D).

Mr. MARTINEZ. Mr. Chairman, could I ask the Chair to recapture part of my time so I might respond to the gentleman from California [Mr. RIGGS]?

The CHAIRMAN. The gentleman from California [Mr. MARTINEZ] cannot yield balances of time during debate under the 5-minute rule.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Chairman, I yield to my good friend, the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I agree with the gentleman from California [Mr. RIGGS] that there are a lot of places and instances where we can find reports of charter schools that are doing excellent things, private for-profit charter schools, as well as public charter schools. And my argument is not with that; my argument is with accountability.

I agree with the gentleman from California [Mr. RIGGS] that (D) to this amendment is not that important, that I would strike that amendment if the gentleman from California [Mr. RIGGS] would accept the rest of the language. And I agree also that the priorities of the Secretary could work hand in hand on the accountability aspects of it in generating revenues for charter schools.

The problem is that I do not think it should be exclusively the responsibility or primarily the responsibility of the Secretary of State to generate those funds, to spend all of that time just generating funds, when he could actually be spending some of that time doing the evaluation of these schools so we would have a better knowledge when we go to reauthorize this legislation.

So I would strike that if the gentleman from California [Mr. RIGGS] is willing to accept the rest of the language, strike paragraph (D).

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to say to our ranking member on the Democratic side that his amendment, on IDEA, is a very helpful amendment. I think the gentleman from California [Mr. RIGGS] and myself continue to work out language to make sure that charter schools, as we say very, very strongly in our bill, that charter schools will reflect the same student body that other public schools reflect and that individuals with disabilities and special-need students will have that access to charter schools.

I think that is a very helpful amendment. I think, with this amendment, there are parts of the amendment of the gentleman from California [Mr. MARTINEZ] that actually are already included in our bill. We actually say that the Department of Education's role in evaluation should be vital and should be important.

□ 1115

We go on to say in the bill that it directs the Secretary to complete the Department's 4-year study of charter schools, which addresses many of the same things that the gentleman from California outlines in his amendment. So we do have very, very strict accountability in the bill.

Also, I think one of the key points that I would like to make is just this week I addressed, in Washington, a conference of charter school people from across the country; 800 or 900 people attended this conference. They said very specifically to me at the talk and at the conference and after my remarks that one of the biggest obstacles they face is the lack of start-up funds and the difficulty in accessing private capital for facility improvements. We want to make sure in our bill that they can overcome these kinds of obstacles.

When the Hudson Institute did their study of what charter school difficulties there are in the first year or two, they also confirmed that start-up costs and facility improvements are the single biggest hurdles to fledgling charter schools. We want to make sure that these schools have access and this amendment would strike that ability, would eliminate that ability.

Mr. Chairman, I would encourage my friend from California, we want to get his support for final passage of this bill. We want to work with the gentleman from California on his IDEA language. We want to find some ways to make sure that he understands that we have accountability in the bill and that there are areas of repetition with his amendment.

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

Mr. ROEMER. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I do not disagree with anything the gentleman has said except that in the bill, as it is listed now, it is a very generic reference to that. What I am saying in this amendment is that we should be more specific. That is the only difference.

MODIFICATION TO AMENDMENT OFFERED BY MR. MARTINEZ

Mr. MARTINEZ. Mr. Chairman, I ask unanimous consent to modify my amendment, and I think the modification is at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MARTINEZ:

On line 14 of the amendment insert "and" at the end, and at the end of page 2, line 2, strike "and."

The CHAIRMAN. Is there objection to the modification?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would just explain to my good friend and colleague that the one thing that we do not want to do here is impose even more reporting requirements or regulatory compliance on charter schools. That obviously goes against the whole idea of decentralizing and deregulating public schools. But the one concern we still have on this side is requiring charter schools to provide to the Department or their contractor or whoever is conducting the ongoing study. Obviously, I think we should mention to our colleagues that the Department did the first-year study in-house. That said, our concern is requiring charter schools to gather disaggregated data on family income. That is the concern.

Mr. MARTINEZ. Mr. Chairman, I agree, and I am willing to strike those two words.

PARLIAMENTARY INQUIRY

Mr. SCOTT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Could the Clerk rereport the amendment, please?

The CHAIRMAN. Without objection, the Clerk will rereport the modification.

There was no objection.

The Clerk read as follows:

Modification to amendment offered by Mr. MARTINEZ:

At the end of subsection (B) insert the word "and"; at the end of subsection (C) delete the word "and" and insert a period; and delete subsection (D).

The text of the amendment, as modified, is as follows:

Page 18, line 7 strike "(2)" and insert "(3)".

Page 19, strike lines 3 through 5 and insert the following:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement and equity, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, family income, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement; and

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force.

Mr. MARTINEZ. Mr. Chairman, I think there is a further modification to that amendment, and that would be deleting the words "family income" on the 11th line on page 1.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. Martinez:

In subsection (A) after the word "age", delete "family income"; at the end of subsection (B) insert the word "and"; at the end of subsection (C) delete "semicolon and" and insert a period; and delete subsection (D).

The CHAIRMAN. Is there objection to modifying the amendment?

Mr. RIGGS. Mr. Chairman, reserving the right to object, I would just ask the gentleman from California [Mr. MARTINEZ] to clarify the meaning and definition of the word "equity" on line 6.

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

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. The gentleman is referring to the word "equity"?

Mr. RIGGS. In the entire context.

Mr. MARTINEZ. If the word "equity" gives the gentleman a problem, fairness. Because that is what it means. That is the definition of it to mean.

Mr. RIGGS. Mr. Chairman, I apologize for going back and forth like this, but I am going to have to suggest to the gentleman that perhaps we take out those 2 words so that lines 4 through 6 would then read "studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding".

Mr. MARTINEZ. Fine.

Mr. RIGGS. Mr. Chairman, I ask unanimous consent that we can make that further modification, deleting the words "and equity" at the beginning of line 6.

Mr. MARTINEZ. Would this be the last modification?

Mr. RIGGS. Yes.

The CHAIRMAN. The Chair will entertain one unanimous-consent request on all of the modifications made thus far as opposed to a unanimous-consent request on each separate portion.

Is there objection to the unanimous-consent request to modify the amendment as has been reported?

There was no objection.

The CHAIRMAN. The amendment is modified.

The text of the amendment, as modified, is as follows:

Page 18, line 7, strike "(2)" and insert "(3)".

Page 19, strike lines 3 through 5 and insert the following:

"(3) To provide for the completion of the 4-year national study (which began in 1995) of charter schools and any related present or future evaluations or studies which shall include the evaluation of the impact of charter schools on student achievement, including information regarding—

"(A) the number of students who applied for admission to charter schools and the number of such students who enrolled in charter schools, disaggregated on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in a public school;

"(B) student achievement; and

"(C) qualifications of school employees at the charter school, including the number of teachers within a charter school that have been certified or licensed by the State and the turnover of the teaching force.

Ms. WOOLSEY. Mr. Chairman, several months ago I visited a charter school in Santa Rosa CA. I spend the morning with students in their small classes, saw the individual attention they got from their teachers, and met many of their parents. And when I left that school, I wept.

I wept, Mr. Chairman, because I want every child to go to a school where the classes are small; where each student has an individual learning plan; where parents participate almost daily. You and I know how few students have these privileges.

That is why I rise in strong support of Mr. MARTINEZ' amendment to the Charter Schools Amendment Act.

Mr. Chairman, during the hearing on charter schools in the Education Committee, we heard testimony that students with disabilities are consistently denied admission to charter schools, or, denied services once they are admitted.

This is unacceptable. Charter schools are public schools, and they are required to comply with the Individuals With Disabilities Education Act.

I know that many charter schools are started by parents and teachers who aren't familiar with IDEA and have never thought about educating a youngster with disabilities. That's why Mr. MARTINEZ' amendment is so very important.

This amendment says that when a charter school applied for Federal funds, the application must include a description of how the school will comply with the Individuals With Disabilities Education Act.

This amendment gives people who want to start a charter school a clear heads up that they have to comply with the act. It gets them to think about compliance, which, I am convinced, will give more kids the opportunity to go to a charter school.

Mr. Chairman, I voted for the Charter Schools Act in committee and I will vote for it again today.

Charter schools offer a good chance for improving public education. Classes are small in charter schools, parents are more involved in their children's education and teachers have a stronger voice in what they teach.

I want all public schools to be so lucky. But, until they are, we need to make sure that charter schools are ready and able to educate all students. Traditional public schools accept and educate all students—we must ask for nothing less from charter schools. We must pass the Martinez amendment.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California [Mr. MARTINEZ].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Oregon:

Page 6, line 2, before the period, insert ", notwithstanding that such a State does not meet the requirements of section 10309(1)(A)".

page 6, line 20, before the period, insert ", notwithstanding that such an eligible applicant does not meet the requirements of section 10309(1)(A)".

Mr. SMITH of Oregon. Mr. Chairman, I would like to especially thank the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the committee, and, of course, the gentleman from Indiana [Mr. ROEMER], the ranking member, and the gentleman from California [Mr. RIGGS], the subcommittee chairman, for allowing me to bring this slight amendment to this very important bill today. I especially want to thank the gentlewoman from Oregon [Ms. HOOLEY], who brought this to my attention and who will assist valiantly in the support of this amendment, I know, simply because we in Oregon do believe in charter schools.

This amendment, Mr. Chairman, simply allows Oregon to meet in their legislative process in 1999 and still continue to qualify for charter schools. We meet every 2 years in Oregon. We do support charter schools. Unfortunately, we are operating under enabling legislation in Oregon which does not conform specifically to the words of this bill. With the simple amendment, which applies only to the State of Oregon, Mr. Chairman, I would ask that you give us an extension of 2 years to continue to support charter schools in our State.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from California [Mr. RIGGS], and the gentleman from Indiana [Mr. ROEMER] for their excellent work in bringing this legislation before us today. As many Members know, I had some concerns about this legislation, so I have had the opportunity to work closely with, again, the gentleman from Oregon [Mr. SMITH], the chairman of the Committee on Agriculture. We share the same concerns about Oregon and he has worked very hard on this issue. I want to thank the gentleman for all he has done. I am pleased that this resolution has been reached, and I appreciate the fine work of the gentleman from California [Mr. RIGGS], and to the extent that he has worked in good faith with us on this concern, I thank the gentleman very much.

I support charter schools as a means of providing expanded educational choice for parents, and I support the intentions of this legislation. This will allow us in Oregon to continue to offer

parents and teachers that have previously benefited from this program an opportunity to continue benefiting. I strongly support this amendment, and I urge my colleagues to do the same.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this compromise amendment. I want to commend the gentlewoman from Oregon [Ms. HOOLEY] for her hard work. She has been tenacious and diligent in working with me and with the gentleman from California [Mr. RIGGS]. I want to compliment the gentleman from Oregon [Mr. SMITH] as well, too.

The purpose of this legislation that has been crafted in a delicate and bipartisan way is to make sure that we maintain the integrity of the language and not hurt existing charter schools. I think this compromise amendment makes sure that those existing schools are not hurt while some legislative bodies may not be meeting for a year or two in order to address some of the problems that they may have in their State. I strongly support this amendment and again want to commend the gentlewoman from Oregon [Ms. HOOLEY] and the gentleman from Oregon [Mr. SMITH] for their hard work.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too support the amendment of the gentleman from Oregon [Mr. SMITH] and the gentlewoman from Oregon [Ms. HOOLEY]. Their amendment is very, very straightforward. It simply states that any State that has received a charter school grant prior to October 1, 1997, shall be eligible for an extension grant, as we increase the life of an initial start-up or seed money grant to States for charter schools from 3 years to 5 years. I do also want to mention that with regard to the new money, the increase in Federal taxpayer funding for charter schools in the bill over the past fiscal year level of $51 million in Federal taxpayer support for charter schools, the priority criterion in the bill is for States that have specific, and we hope, strong charter school laws on the books. I very much encourage both the gentleman from Oregon [Mr. SMITH] and the gentlewoman from Oregon [Ms. HOOLEY] to work with their constituents and certainly work with the State legislature in their home State to see if it is not possible for that State to adopt a similar law.

PREFERENTIAL MOTION OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

PARLIAMENTARY INQUIRY

Mr. SMITH of Oregon. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Oregon. Mr. Chairman, prior to this motion, there was business on the floor of the House that has not been completed. I would ask the gentleman prior to the time he makes his motion that we complete that business simply by accepting this amendment, and then the gentleman, of course, would offer his motion. He caught us in the middle of a vote.

□ 1130

Mr. Chairman, the gentleman from New Jersey caught us in the middle of offering an amendment, and the Chair did not have a chance to place the amendment.

Mr. MENENDEZ. Mr. Chairman, I withdraw my request at this time.

The CHAIRMAN. Without objection, the motion to rise is withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. SMITH].

The amendment was agreed to.

PREFERENTIAL MOTION OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New Jersey [Mr. MENENDEZ].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 71, noes 348, not voting 14, as follows:

[Roll No. 608]

AYES—71

Ackerman
Becerra
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Carson
Conyers
Coyne
DeLauro
Dellums
Deutsch
Dingell
Doggett
Evans
Farr
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hinchey
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kennedy (RI)
Kennelly
LaFalce
Lewis (GA)
Lofgren
Maloney (NY)
McCarthy (NY)
McDermott
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel
Reyes
Rodriguez
Roybal-Allard
Sanchez
Sanders
Scott
Skaggs
Stark
Strickland
Stupak
Torres
Towns
Velázquez
Wise
Woolsey

NOES—348

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan

Schaffer, Bob	Souder	Turner
Schumer	Spence	Upton
Sensenbrenner	Spratt	Vento
Serrano	Stabenow	Visclosky
Sessions	Stearns	Walsh
Shadegg	Stenholm	Wamp
Shaw	Stokes	Waters
Shays	Stump	Watkins
Sherman	Sununu	Watt (NC)
Shimkus	Tanner	Watts (OK)
Shuster	Tauscher	Waxman
Skeen	Tauzin	Weldon (FL)
Skelton	Taylor (MS)	Weldon (PA)
Smith (MI)	Taylor (NC)	Weller
Smith (NJ)	Thomas	Weygand
Smith (OR)	Thompson	White
Smith (TX)	Thornberry	Whitfield
Smith, Adam	Thune	Wicker
Smith, Linda	Thurman	Wolf
Snowbarger	Tiahrt	Wynn
Snyder	Tierney	Young (AK)
Solomon	Traficant	Young (FL)

NOT VOTING—14

Bono	Johnson, E.B.	Slaughter
Cubin	Kaptur	Talent
DeFazio	Riley	Wexler
Foglietta	Schiff	Yates
Gonzalez	Sisisky	

□ 1153

Messrs. SAM JOHNSON of Texas, HASTERT, GALLEGLY, HOBSON, and BOB SCHAFFER of Colorado and Ms. DEGETTE changed their vote from "aye" to "no."

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

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. PASTOR

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

The Clerk read as follows:

Amendment offered by Mr. PASTOR:

Page 18, after line 2, insert the following.

"(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining—

"(1) the eligibility of the school to receive any other Federal, State, or local aid; or

"(2) the amount of such aid.".

Mr. PASTOR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. PASTOR. Mr. Chairman, I rise to offer an amendment to H.R. 2616, the Charter Schools Amendments Act.

As we know, the Bureau of Indian Affairs, BIA, distributes funds to tribal schools through the Indian Student Equalization Program, or ISEP. The State of Arizona passed an amendment to its charter schools law allowing the State to deduct Federal ISEP payments from the State payment to tribal charter schools. My amendment would simply prevent the States from using this practice.

Mr. Chairman, it is my understanding the chairman has accepted my amendment.

As many of you know, the Bureau of Indian Affairs distributes funds to tribal schools through the Indian Student Equalization Program, or ISEP. The State of Arizona passed an amendment to its charter schools law allowing the State to deduct Federal ISEP payments from the State payment to tribal charter schools. My amendment would simply prevent States from using this practice. Native American schools, often among the poorest schools in the country, should not be penalized for qualifying for federal assistance. Impact Aid has a similar provision, and I simply wish to ensure that tribal charter schools are treated in the same manner.

I represent a number of tribes in Arizona, and I have seen firsthand the poverty and illiteracy that plague these reservations. These schools are among the poorest in the country, and every additional dollar is vital to the future of these children. These schools are desperate for additional resources, and I am proud to offer this amendment today.

It is my understanding that Chairman GOODLING, as well as Congressman RIGGS, have agreed to this amendment. I appreciate the assistance of both Mr. RIGGS and Mr. KILDEE, and I am pleased they have agreed to this amendment.

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

Mr. PASTOR. I yield to the gentleman from California.

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

Mr. Chairman, at this point I would like to suggest to my colleagues how we on this side would like and intend to proceed through the remainder of the consideration of the charter school bill and how we propose to dispose of the pending amendments.

It is our intent on this side to accept the Pastor amendment, and we are prepared to do so at this time. We are also prepared to accept the Kingston amendment renaming the bill from the Charter Schools Amendments Act of 1997 to the Community Designed Charter Schools Act of 1997.

Mr. Chairman, we are also prepared to accept at this time the Traficant Buy America labeling provisions amendment which is also pending before the House.

It is my understanding, after talking to the gentleman from Rhode Island [Mr. WEYGAND] that he will offer and withdraw his amendment pending our engaging in a colloquy, and I hope that the distinguished ranking member of the subcommittee will join us in that colloquy.

Finally, Mr. Chairman, we are still trying to work out an understanding with the gentleman from California [Mr. MARTINEZ] as to his two amendments. We hope we can accommodate his amendment with respect to applying the IDEA, Individuals with Disabilities Education Act, to a certain category of charter schools, and in exchange for doing that he might withdraw his amendment reducing the charter school grant period from 5 years to 3 years.

Mr. Chairman, that would leave us only the Clyburn and Tierney amendments to deal with.

Mr. Chairman, at this point in time I would ask unanimous consent that the Committee accept and approve the Pastor amendment, the Kingston amendment, and the Traficant amendment.

□ 1200

FURTHER AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I would like to offer the other two amendments that are part of my unanimous consent request.

The CHAIRMAN. Is the gentleman asking to offer those amendments at this point in time as his own amendments en bloc with the Pastor amendment?

Mr. RIGGS. I am, Mr. Chairman. The Kingston amendment and the Traficant amendment.

Mr. MARTINEZ. Mr. Chairman, reserving the right to object, I was just going to ask the chairman what the Kingston amendment was. I was just told what it was. It is not anything of consequence, so we will accept it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Clerk will report the additional amendments.

The Clerk read as follows:

Amendments offered by Mr. RIGGS:

Page 2, beginning on line 2, strike "Charter Schools" and all that follows through line 3, and insert the following: "Community-Designed Charter Schools Act".

Page 23, after line 16, insert the following:

"SEC. 10311. PROHIBITION OF CONTRACTS.

"If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent label bearing a 'Made in America' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this part, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.".

Mr. RIGGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Is there objection to the amendments being considered en bloc?

Mr. MARTINEZ. Mr. Chairman, reserving the right to object, it is very difficult to hear with all of the noise in here. I do not really mean to object, but I would like the chairman to present it to us one more time with a little more order in the Chamber so that we might hear.

The CHAIRMAN. Unanimous consent is pending on the consideration of several amendments.

The gentleman from California [Mr. MARTINEZ] has reserved the right to object, and the gentleman is recognized under that reservation of objection.

Mr. MARTINEZ. Mr. Chairman, reserving the right to object, I would ask the gentleman from California [Mr. RIGGS], if he would just go through that order again of the amendments with an explanation of what the amendments are.

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

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I would just like to point out, and my good friend the gentleman from Indiana [Mr. ROEMER] is also seeking recognition, but my unanimous-consent request that is now pending before the House.

Mr. Chairman, I have a unanimous-consent request pending in the Committee of the Whole pursuant to our accepting the following three amendments on this side. The unanimous-consent request is obviously that the Committee of the Whole adopt and approve the following amendments:

First, the Pastor amendment, which prohibits States that receive a charter school grant from considering payments to a school under the Tribally Controlled Schools Act in determining the eligibility of the school to receive any other Federal, State, or local aid, or the amount of such aid.

The second amendment pending is the Kingston amendment, which effectively changes the name of the bill from the Charter School Amendments Act of 1997 to the Community Design Charter Schools Act of 1997.

The third amendment is the Traficant Buy America labeling provisions amendment. I am proposing again under my unanimous-consent request that the Committee of the Whole adopt and approve those three amendments.

Mr. MARTINEZ. Mr. Chairman, under my reservation of objection, I reclaim my time and I yield to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California for yielding.

I would like to try to get order, Mr. Chairman, because this is a very important bill; we are dealing with education and public school choice.

Mr. Chairman, I want to explain to my colleagues, particularly the Democrats, that most of these amendments are our amendments, and we are accommodating the Democrats with accepting the amendments, and we want to move on to accepting these amendments, working out a colloquy, working through this very important bill, and then passing it. I think we are only about 15 or 20 minutes away from passing this important legislation, and if we will get the cooperation of the body for just that amount of time, I think we are very, very close to finishing up this bipartisan legislation.

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman from Indiana [Mr. ROEMER] for that statement and I totally agree with it. We are close to passing this bill. The Chairman has been totally agreeable in accepting these amendments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to considering the amendments en bloc with the Pastor amendment?

There was no objection.

The CHAIRMAN. Is there further debate on the three amendments?

The question is on the amendments offered by the gentlemen from Arizona [Mr. PASTOR] and California [Mr. RIGGS].

The amendments were agreed to.

PREFERENTIAL MOTION OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

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

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 75, noes 334, not voting 24, as follows:

[Roll No. 609]

AYES—75

Baldacci
Barrett (WI)
Becerra
Blagojevich
Blumenauer
Bonior
Brown (FL)
Brown (OH)
Conyers
Coyne
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Hastings (FL)
Hefner
Hilleary
Hinchey
Hinojosa
Jackson (IL)
Jefferson
Kennedy (RI)
LaFalce
Lewis (GA)
Lofgren
Maloney (NY)
Markey
McDermott
McKinney
McNulty
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Nadler
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel
Rodriguez
Roybal-Allard
Sanchez
Scott
Skaggs
Smith, Adam
Spratt
Stark
Strickland
Stupak
Torres
Towns
Velázquez
Watt (NC)
Wise
Woolsey

NOES—334

Abercrombie
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
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Collins
Combest
Condit
Cook
Cooksey
Costello
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Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
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Deal
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Diaz-Balart
Dixon
Dooley
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Doyle
Dreier
Duncan
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Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Fawell
Flake
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Ackerman	Gonzalez	McCrery
Armey	Hastert	Oxley
Berman	Hastings (WA)	Riley
Bono	Hyde	Schiff
Brown (CA)	Johnson, Sam	Stokes
Cubin	Leach	Talent
Dickey	Linder	Tiahrt
Foglietta	Livingston	Yates

□ 1225

So the motion was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WEYGAND

Mr. WEYGAND. Mr. Chairman, I offer amendment No. 4.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. WEYGAND:

Page 15, line 17, strike ", to the extent possible.".

Page 15, line 20, insert "to" before "each".

Page 15, line 20, insert "which has applied for a grant in accordance with the requirements of subsections (a) and (b) of section 10363" after "State".

Mr. WEYGAND. Mr. Chairman, I rise simply to provide a measure of fairness to the distribution of funds under the public charter schools program. Mr. Chairman, let me begin by saying I vigorously support the concept of charter schools, which further public education opportunity for students in the entire country.

As Lieutenant Governor of Rhode Island, I supported and advocated for the passage of Rhode Island's charter school law, a responsible approach to chartering public schools which has spawned in our small State two very successful schools thus far.

One such school is the Textron Chamber of Commerce Charter School in the city of Providence, RI. It just received a charter this summer from the Rhode Island Board of Regents.

□ 1230

The Textron Chamber of Commerce Academy targets at-risk students and offers these students access to the surrounding professional work community in Providence in after-school jobs. The employees of businesses in which the students are placed serve as professional mentors for these students. These students also receive benefits by attending the charter school.

In exchange for agreeing to achieve a 95-percent attendance record, to maintain a minimum average of C in every course of study and behave in a work-appropriate manner in school, the student receives many benefits from the school, including placement in a job with a mentor in preparation for college.

The charter also gives the governing board the responsibility to control the budget and purchasing of the school, to evaluate teachers and other professional staff, to establish graduation requirements, and to set forth educational priorities, and to exercise oversight over their bylaws.

In order to fulfill graduation requirements, the student takes traditional courses in English, history, mathematics, and science, and other important subjects, performs work internships, performs community service, and does independent study.

So what distinguishes this school from other wonderful charter schools operating throughout the United States? This school has not received one dime, not one penny, from the public charter school program. Not one Federal dollar goes to this school. Yet, it epitomizes what charter schools are supposed to be about and what this legislation was established to do.

Neither do the schools in Arkansas, Mississippi, Nevada, New Hampshire, Ohio, or Wyoming receive any such support. Yet, they have such charter schools. Schools in these States need this grant money just as much as schools in other States to assist in start-up costs. They deserve to reap the benefits of the public charter schools program.

My amendment, Mr. Chairman, would simply require that the Secretary of Education provide a portion of the funds available under this program to all States which have laws allowing the establishment of charter schools and conform to the requirements of section 10303 of this bill. The State chartering agency would still be required to complete the extensive application process to comply with all applicable requirements of the law.

Under my amendment, as reported in the bill, there is no minimum or maximum grant. The grant amounts would still be at the discretion of the Secretary of Education. The Secretary will still have the appropriate flexibility to decide which amount would be most appropriate to benefit the charter schools and the students in every State.

I applaud the Department of Education's efforts to spur further development of innovative charter schools, and I strongly support what the gentleman from California [Mr. RIGGS] has done. I think what we are trying to do here is really make those charter schools that are operating in the country the very best.

But we must recognize that we cannot simply award the money to the cream of the crop. There are charter schools that are out there that need assistance maybe in the way they have their autonomy, or their purchasing power, or their review of teachers, or their review of other professionals, or their mentoring program. That should not push them to the bottom of the barrel.

Simply because a State, like Rhode Island or Massachusetts or other States, happens to put a cap on the number of charter schools, it was done just so that we could have oversight and not to discourage charter schools. We should not be discriminated against just because we want to be sure our charter schools are the best that they can be. Unfortunately, though, Mr. Chairman, they are.

I would, though, like at this time, after conferencing with the gentleman from California [Mr. RIGGS] and our ranking member on the committee, I would like to withdraw the amendment because we have an understanding.

I would like to enter into a colloquy with both the ranking member and the chairman at this time if it is appropriate, Mr. Chairman.

Mr. Chairman, I understand, after my discussion with the gentleman from California [Mr. RIGGS], that he indeed agreed with the concept that these charter schools that operate in this fashion are de facto.

The CHAIRMAN. The time of the gentleman from Rhode Island [Mr. WEYGAND] has expired.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I understand that the gentleman from California [Mr. RIGGS] and I both agree that charter schools that we have described here today are the essence of what is intended by this legislation, that in fact we both agree and feel that the Department of Education and the Secretary, under the discretionary fund amount of money that he has, should in fact encourage and assist financially and otherwise charter schools like this, and that my colleague and I, with our ranking member, will enter into a letter to the Secretary of Education suggesting and promoting that these charter schools, as well as in other States, like Ohio and other States, that really do meet the essence and do need some assistance, whether they are the top or bottom of the barrel, should receive funding to help them bring them and raise them to the top of the barrel, and that what we would like to see is that the Secretary of Education take a second look at the way they fund these charter schools and, indeed, to help these charter schools and to remove the stigma that is attached to maybe the overriding legislation, as in Rhode Island and Massachusetts, where they do put caps, they do in fact meet the letter of what we want to have as charter schools.

Mr. RIGGS. Mr. Chairman, reclaiming my time, the gentleman from Rhode Island [Mr. WEYGAND] is essentially correct. I do want to join with him, Mr. Chairman, in encouraging but not requiring the Department to provide funding for the start-up of charter schools in the State of Rhode Island and other States that have charter

school laws on the books today but have not yet been deemed eligible and have not yet received any taxpayer funding through the Department of Education.

Mr. WEYGAND. Further, if I could add that, indeed, we should not be discriminating against States that happen to have a legislative cap in their State laws, but in fact do in all other elements encourage and promote charter schools. That should not be a discriminating kind of factor.

Mr. RIGGS. Reclaiming my time, there is no, of course, intent to discriminate against those States. There is an intent in the new legislation as to the new money, all money over and above the past fiscal year level of $51 million, to drive more money to States that have no caps or that reconsider their legislation to remove any caps that might presently exist.

I do want to point out to the gentleman from Rhode Island [Mr. WEYGAND] that I am informed by staff that Rhode Island has twice applied to the Department for funding under the Federal Charter Schools Act and it has been turned down, obviously.

Hence the concern of the gentleman from Rhode Island [Mr. WEYGAND], which I share, because of the great work of at least one charter school that the gentleman mentioned to me, and that the Department apparently has offered the State of Rhode Island technical assistance in qualifying for Federal taxpayer charter school funding.

So I do hope we can encourage the Department to work with the State to provide Rhode Island and the other States with funding. I would point out that we are not trying to create a catch-22 here under the legislation where those States that have charter school laws on the books and are not yet receiving any funding do not receive any of the new money contemplated in the bill.

Indeed, I want to say to the Secretary and to the Department, given the fact that we have retained your sole discretion over the $51 million, and given the fact in this legislation we contemplate doubling Federal taxpayer support for charter schools across the country, I would hope that they would redouble their efforts to work with Rhode Island and the other States that have charter school laws on the books but have not yet received Federal taxpayer support for charter schools to make sure that they do receive some support from the $51 million that the Secretary will continue to control at his sole discretion over the life of the legislation. This is so-called old money.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

It is obvious that the whole purpose of the charter school was to improve and reform education. There are those of us in the Chamber who feel we ought to be reforming and improving education for every child in the United States. But if in this legislation or in the way the plan is structured now we have inadvertently made it harder for one State to get funds over other States because of the criteria we set in place, I think the discretionary money that the Secretary has could be used to look at those kinds of situations and remedy those.

I would certainly agree to join with my chairman, the gentleman from California [Mr. RIGGS], in sending a letter or notifying in any way the Secretary of State that he ought to really look at those kinds of situations and try to do everything he could to benefit those places.

Mr. ENSIGN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from California [Mr. RIGGS], who is offering this bill.

First of all, my State, the State of Nevada, has a legislature that meets every 2 years. We have just completed that legislative session in July this year. Our State legislature passed a charter schools bill. It was not everything that I would have liked to have seen in the charter schools bill, but it did at least start us down that process.

We do have the caps. We do have some of the other things in our State where we do not quite give as much local flexibility as I would like to see. But our State did, in fact, start it down the process.

I would like to work with the chairman on this particular piece of legislation as it moves forward to try to get States like Nevada, that only meet every 2 years, that because we cannot do anything for another year and a half in our State legislature, to try to at least encourage them through this legislation to model so that there is more local control, so there are not the caps, so that our State would not be penalized under this legislation.

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

Mr. ENSIGN. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I would be very, very happy and, in fact, eager to work with the gentleman from Nevada [Mr. ENSIGN] and Nevada State government officials to see if, in fact, again, we cannot encourage the Department of Education to look favorably upon their funding request as to the so-called old money, the $51 million, in this bill. Again, it is only the amount over and above $51 million that will go out pursuant to the priority factors, the so-called incentives.

Furthermore, I just want to say so my colleagues understand this, because I know the gentleman from California [Mr. MARTINEZ] and the gentleman from Indiana [Mr. ROEMER] know this, I obviously come from a State that does have a very strict limit on the number of charter schools that can be created. I believe the number is 100 or 110 in the State of California today.

So, again, as to the new money in this bill, the difference between the $51 million current funding level and the $100 million authorized annually in this legislation, I am putting my own State at a competitive disadvantage. But we are doing that, again, to try to reward States that have strong charter school laws on the books that have truly embraced the charter school movement.

I am happy to work with the gentleman from Nevada [Mr. ENSIGN] for his concerns, as well as the gentleman from Rhode Island [Mr. WEYGAND] as we move forward with this legislation.

The CHAIRMAN. Does the gentleman from Rhode Island wish to withdraw his amendment?

Mr. WEYGAND. Yes, Mr. Chairman. After our colloquy with the chairman and the understanding that we will move forward in that direction, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. TIERNEY

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

The Clerk read as follows:

Amendment offered by Mr. TIERNEY:

Beginning on page 7, strike line 1 and all that follows through page 8, line 21.

Mr. TIERNEY. Mr. Chairman, I want to commend the committee for its work being done in focusing on public schools.

We have had debates in this Chamber recently that have been addressing some aspects or concepts that we thought have been a draining of resources from the public schools that serve this country's 90 percent of children that cannot afford and cannot go to private schools.

The public charter school bill has the potential to do what many of us have been advocating; and this is, address the needs of public schools, encourage experimentation within the public schools to help those that need improvement more than others might.

There are many successful public schools throughout this country, in particular in my district, and there are some that need some help to get the obvious improvements. They need to have engaged employees. They need to have an entrepreneurial spirit amongst their administrators. They need to have the involvement of communities, the colleges, and the businesses, parental involvement. They have to diminish the class size to make it more manageable. They have to have teacher training and retraining. And, obviously, we

want to have a period of evaluation, of measurement, as to how these schools are going as they try to meet their defined mission.

We have some concerns that some of these charter schools step outside the bounds and do not concentrate enough on the public school aspect. But in the Commonwealth of Massachusetts, I think we have done some very wise things. We have set up more than one kind of charter school. In fact, we had the prudence to establish different kinds so that they can get more involved and for more people and more support for this experimental measure.

We have Horace Mann chartered schools, and we have commonwealth charter schools. Some would argue that the Horace Mann school may not be as autonomous as the commonwealth schools. But, nonetheless, the Commonwealth of Massachusetts has made that recent decision to experiment to see which is the one that they prefer to proceed with after a period of time has gone by so that they can measure performance.

In Massachusetts, we also have a cap on the number of charter schools, because that State has decided to be prudent to examine at some point in time how the progress has gone, whether or not one type or another has been better, whether or not there is some combination of the features of these schools that should be made to improve them before they move forward.

But at any expense, the State and Commonwealth of Massachusetts has made these decisions. And usually we hear the argument on the other side of the aisle how they want local governments to have some control over the direction of their educational system in the public schools.

□ 1245

That is what we have done in Massachusetts. We have experimented, we have set up alternate types. As to the money that is now granted under the charter school law, the $51 million, Massachusetts would qualify. As to the additional $49 million that this bill purports to establish, it may not, because by this legislation if the priority section remains in, we set new bars, new levels to be met. That seems to me, Mr. Chairman, a bit of a contradiction. On the one hand, in committee and here we hear that the reason we need more money is that startup charter schools do not have enough funds to start up properly. Yet we are not going to give those States that have charter schools any more money if they do not meet these new bars. If in their prudence, in their judgment, they have put a cap on the number of schools so that at the time the cap is met they can measure the performance and make any adjustments, they are not going to qualify for the additional money. If they have decided to have a variety of types of charter schools so they can get more involvement for more members of the community in some and they want to measure the performance as opposed one to the other, then they may get penalized because they may not meet another priority of what is a large or huge amount of autonomy.

Mr. Chairman, all I am saying is that Massachusetts ought to be able to qualify to the old and the new money. We ought not to be raising new bars that have the potential to disqualify them. If we are truly serious about having an experiment within the public school system, then let the Commonwealth of Massachusetts and other similarly situated States engage in that experiment, let them decide how they are doing with what types of school they put forth before they proceed further and allow them to have some portion of this additional money so that the schools they have started have those additional funds to move forward and start up in a way that will make this a productive experiment. Mr. Chairman, that is all we seek. If we eliminate the priority section of this particular proposed bill, we put all States on an even footing, we do not discriminate or penalize any and the public charter school process moves forward.

Mr. RIGGS. Mr. Chairman, I rise in opposition to the amendment. As I have said repeatedly now over the 2 days that this bill has been before the House, this bill directs the new money, the new Federal taxpayer spending above the past fiscal year level of $51 million for charter school startup, it directs this new money, $51 million, to those States that provide a high degree of fiscal autonomy to charter schools, those States that allow for increases in the number of charter schools from year to year, and incidentally I am told that the Commonwealth of Massachusetts has not reached its cap on the number of charter schools that can be created within the Commonwealth, and States that provide for strong academic accountability and improved pupil results from year to year, continuous improvement. The Tierney amendment would delete the priority section as to the new money.

I want to just make sure, because I was able, I believe, to convince the gentleman from Rhode Island [Mr. WEYGAND] and the gentleman from Nevada [Mr. ENSIGN] that the priority factors are attached only to new money. In other words, the $51 million will continue to go out from year to year to charter schools across the country the old way; that is to say, at the complete discretion of the Secretary of Education in the Department of Education. I think we could all agree that even if we are talking about $51 million or $100 million, this is a limited amount of money and therefore it needs to be targeted in some fashion.

Given what we have learned in our field hearings, and in our hearings back here in Washington about what makes a successful charter school, it is important to, in my view as the principal author of the legislation with the gentleman from Indiana [Mr. ROEMER], direct the Secretary to send money to the strongest charter schools in those States, as I have said over and over again, that have a strong charter school statute on the books.

We recognize that only a few States presently meet all three priority criteria. However, several States meet two of the three and all States meet at least one of the three criteria. Therefore, it is unlikely any State, the Commonwealth of Massachusetts, my home State of California, it is unlikely that any State will receive a complete windfall from prioritizing the new money nor will any State lose most of its charter school funding. Rather, the priorities again simply redirect the new money to those States with strong charter school laws.

This is discretionary money. The last thing we want to do, I think, is create a new Federal education entitlement. Again, if we turn this into an entitlement, even at $51 million, and therefore give a little bit of money to all who would qualify under this program as an entitlement, I think we will defeat the purpose of this bill and we will not, I think, be using the money effectively on behalf of taxpayers to start up charter schools in those States that have truly embraced the charter school movement and truly have endorsed the concept of more parental choice in public education.

Again, the current law requires the Secretary take into consideration the criteria. However, as the law is currently drafted, the Secretary will continue to have broad discretion in weighing the criteria and in determining how much to send to each State. The priority section again is simply intended to put teeth into the existing criteria and provide some guidance to the Secretary on how new money should be allocated to the States.

The Tierney amendment, well-intentioned, and to his credit he was kind enough to come by my office and visit, but his amendment I think again would defeat the purpose of our legislation. It would effectively gut the priority section in the bill. It would maintain, I think, a status quo that is being promoted by the education establishment, who fears any competition, any threat to their monopoly of financial control, and it would create a new Federal education entitlement. Therefore, I am strongly opposed to the Tierney amendment and I urge its defeat.

Mr. WEYGAND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I recognize first of all the great work that the gentleman

from California [Mr. RIGGS] has done on this. I know he is very sincere about this issue. But I know equally the gentleman from Massachusetts [Mr. TIERNEY] is, and I would like to yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I also appreciate the comments that have been made. I think we are having a healthy debate here, but I want to make a note that I sense that what is being said here is there may be more than one purpose of this proposed bill. I think that there are apparently two purposes being put forward on this. One is apparently some desire to have this Congress impose upon States a necessity that they charge forward with a judgment that charter schools are already a raging success before they have had the opportunity to assess and measure the performance of their own experimental schools that have been started. I am not sure that that is a healthy aspect. I thought experimenting was about setting on a path, taking a very conscious and prudent evaluation and proceeding only after those types of measurements have been made.

The other purpose, as I understand it in this particular statute, is to make sure that startup schools that currently say they do not have sufficient funding to start up can share in some additional funding, and that is why there is more money being put into the pie. But the maybe unintended consequence of this act will be that it will now preclude them because the Secretary may come in and decide that they do not have enough autonomy in one or more types of experimental school that has been established and they do not meet the priority because they have a cap on that and when they meet that cap, although they may not be there now, they will then be precluded from getting any of those additional funds.

I note that earlier the gentleman from Georgia [Mr. KINGSTON] put forth an amendment that called this the Community Designed Charter School Act. I think that at least with respect to one of those priorities, we move against communities designing the type of charter school they will have where we attempt to impose how this Congress wants to design individual charter schools.

In Massachusetts, as I have said before, we have come together as communities and designed several different kinds of charter schools with varying degrees of autonomy, with varying degrees of numbers that they can reach before they get evaluated. That to me seems the way to go. It has more people engaged in this process, and some that were not in favor of charter schools before are now coming on board, willing to exercise that experimental nature.

I urge that we do away with the priorities and simply take the initial funding and let all States qualify so that we have better public schools, with the involvement of the entire community, and that we do not try to preclude anybody's participation.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. WEYGAND. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, I think I concur in the remarks of the gentleman from Massachusetts, and maybe the subcommittee chairman can help me, but I do not understand what it is about the current system that is not working or not allowing for the number of charter schools that we want or the progression of charter schools that we want. My State, the State of the gentleman from California [Mr. RIGGS], has a limit of 100. I think they have looked the other way and breached that already and there are maybe over 110 schools, but the statute is still 100. But I do not understand why we are insisting on some level of growth in charter schools if the States make in their determination that they want to stage it in another fashion.

I can appreciate that a concern might be that there are those who do not like charter schools who would get a limitation put on the number of charter schools or the growth rate of charter schools at the State level, and I think that would be wrong. But I do not know that we should be telling the State how fast to grow charter schools. If they can handle 100 or handle 50 or handle 500, it would seem to me that is a legislative determination with their State departments of education about how they want to proceed in this fashion.

I think there are two big dangers here. We find something we like and we overreplicate it and we lose the integrity of what we are trying to hold on to. In many States, this is a new program but we are looking for integrity. We are looking for the opposite of what people think they find sometimes in the local schools, in terms of curriculum, accountability, and the kind of people who can teach and so forth. That is why they went to a charter school. But it seems to me if you grow like top seed, what happens around here most times is that these programs start to lose their integrity, they start to look like that which they were there to maybe replace or to renew, and all of a sudden we are back to spending people's money and now we have got GAO reports and IG reports. I do not know why we would not leave it to the States to make this determination and not get into this business of old money and new money when it comes to charter schools, because it sounds to me like most States are now seeing that this is the future.

Mr. WEYGAND. Reclaiming my time if I could, Mr. Chairman, I think what the gentleman from California has pointed out is exactly the essence of the argument of the gentleman from Massachusetts [Mr. TIERNEY]. States should have the control, which the Republican side has always said. We are trying to determine where they should be, the destiny of their school systems, and what he is proposing is just that.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words. I rise in strong support of the Tierney amendment.

Mr. Chairman, I would like to appeal to the gentleman from California, the chairman of the subcommittee, to look at the priorities that he set as recommendations in this bill and understand that, and I am a strong supporter of this bill and I will vote for it, but I am supporting it and will vote for it because I think it is a good way to move the agenda forward, to escalate the charter school support, but I assume we are going to have to revisit this issue next year and we are going to take a closer look at charter schools and what we can do at the Federal level to make certain that this is an idea whose time has come and is not destroyed and distorted because it is handled in the wrong way.

I am in favor of maximizing the experiment now. Let us maximize it. Let us give the freedom to the States to experiment. Experiment does not mean that they can wildly go galloping off, because I do not think any State legislature is going to let that happen. I think probably Arizona has one of the freest and most permissive charter school laws, and they are beginning to rein that in. We understand there will be people who will not adhere to standards. There must be accountability. We understand that money is involved here, and there is a need to deal with restrictions on the way money is handled and the way the financing is done. There are a lot of problems that are going to have to be ironed out. But let us see it as a research and development operation at this point. We are experimenting. These are projects that can teach us a whole lot. In the future I think we need to back away from any notion that this is an idea that is going to perpetuate itself automatically by itself. We need to not romanticize the idea of charter schools and believe that nothing can go wrong. A lot of things can go wrong. Money is involved here. We are going to have to have, not a whole set of regulations but more guidance at the Federal level is going to be necessary. Just in the area of civil rights abuses. We do not want charter schools to be used to perpetuate segregation and racism. There are a number of areas that we are going to have to deal with.

I look forward to next year having a more detailed bill to look at charter schools and help promote them. But right now, why not have maximum experimentation? Why not have OERI be

given notice that we want them to closely monitor charter schools? There are less than 800 charter schools now in existence out of more than 86,000 public schools. Given the fact that they are less than 1 percent, they are not going to run away out of control and take over the public school system any time soon, but they can offer invaluable lessons to the public school systems in terms of the kinds of things we can learn from them. We should be looking to learn those things from them.

□ 1300

We should not allow certain kinds of things to happen. I think we have a problem even with definitions of charter schools by some States. If charter schools are not going to be fully funded where the school gets the same amount per pupil as other public schools get, I do not think they are real charter schools. That is a problem that has developed already. We are going to go back and take a look at that.

There are a number of problems that next year we are going to have to take a close look at, but right now why not go forward and leave the community design idea there, the State design idea there, and let it at this point be fully open for experimentation; Massachusetts and any other State. New York does not even have a law yet; we are trying hard to get one.

We should be in a position to do at the bottom in the chain the things that have to be done to study them across the board, and, if we have 50 different sets of examples of State laws and for all the 16,000 school boards in the country, different variations of that, so let it be. Let us study it, let us get the best out of all of them and be able to go forward with a maximum, well-developed approach to charter schools in the future. Next year, year after and ongoing years we will be perfecting and refining this instrument, and right now I do not think we have to be so careful and so cautious that we cannot let States fully experiment.

I fully support the Tierney amendment and hope that the chairman will reconsider and let his priorities be recommendations at this point.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

First I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me so simply I can point out that, as my colleagues know, when we draft legislation, we can always take the carrot approach or the stick approach, and what we took here was the carrot approach. We said that we wanted to direct the new money to those States that have laws on the books that allow for an increase in the number of charter schools from year to year. We did not take the stick approach and say the new money cannot go to those States that have a cap. So there is a very fundamental difference.

And the other point I wanted to make is this is all about where my colleagues think control and authority ought to be in education. We said we respect and preserve the Secretary's discretion to control $51 million, but we do not want him to control the entire $100 million authorized under the bill. We want the new money to be directed to the States, and that is all we are trying to do here is give some firm guidance to the Secretary on how that new money should be allocated to States.

Mr. PETERSON of Pennsylvania. Mr. Chairman, this has been a very interesting debate and a very important debate, but to look at the total perspective of charter schools and the establishment of them and the growth of them, we must remember that the educational establishment was not for charter schools. They have been very reluctantly agreeing to support charter schools because they have been a very successful experiment.

It is vital that we keep the priorities that this gentleman has put in this bill there because it is like fertilizing the garden. He is trying to allow charter schools to grow and not inhibit them. In my view the Tierney language will give all the control back to the establishment, to the Department, who are very reluctant to let charter schools grow naturally. Let us look at them.

State periodically reviews academic performance of charter schools. How could we not want that to be there, that we look at their performance, because do my colleagues know what is going to happen? The performance has been good, and when the performance is good, the whole concept will grow. So we must slow that down.

That is what the Tierney amendment does. State gives charters fiscal autonomy. Local control, local power, local decisions; no educational establishment wants that, and they will not give that reluctantly, they will give it very reluctantly.

Let us keep that priority in there, allow for an increase in the number of charter schools from year to year. What is wrong with that? No State is going to increase the number unless it is working in that State, unless their program is proving good. These are appropriate priorities upon the new moneys going out there as a fertilizer, as the carrot approach there.

Mr. Chairman, the Tierney amendment puts the power back in the establishment who will slow charter school growth down, who will keep it at a minimum. Do not let this thing get away from us, do not let local control takeover; that is what this argument is all about.

It is very simple. This is a very thoughtful approach of a very little bit of money. Those are appropriate priorities. Let's go over them one more time: Academic performance, and then tell the world how well they are working; fiscal autonomy, local control, very important; allow for an increase in the number of charter schools, and that will only happen if it is working well.

Let us let the bill as it is and defeat the Tierney amendment.

Mr. MARTINEZ. Mr. Chairman, I move to strike the requisite number of words.

I do not know that the last gentleman was completely accurate. I do not think this is about the establishment being against charter schools. I think this is about, this amendment is about the gentleman from Massachusetts [Mr. TIERNEY] trying to protect the State. And Mr. TIERNEY is looking down the road to 3 years, well, the year 2001, when the criteria that is established in this bill will then be for all funding under this if we by that time find out that these are excess and we go to reauthorization of it with additional funding.

Sure, and the gentleman from California [Mr. RIGGS] is right, and I understand his logic in saying there is a carrot and stick approach. We provide a direction for the charter school legislation the States will pass by putting the three characteristics in there that the State will allow the autonomy of the charter school, that the growth number of charter schools is allowed, and that they will not ensure the academic success of the students. Those are all worthwhile targets. I mean, we often do in legislation targets, but that is not the point here.

The point here is that in doing that, even though there is $51 million still remaining, discretionary money of the Secretary of State in which the gentleman's State could be funded for those charter programs that they have, he is concerned down the road in 3 years where then all will be controlled by that.

Now, the other thing is the gentleman from Pennsylvania [Mr. PETERSON] says that local control is important. Well, if local control is important, the way the charter schools bill was initially passed was to allow States to pass their own charter determining what their priorities would be. In this we are establishing the priorities for them. That is not local control, that is control from that Washington bureaucracy again that we are so alarmed with.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Chairman, I do not know the gentleman from Pennsylvania, I do not think we have had any lengthy conversations, so I am a bit surprised to find out that he is taking what up to this point in time has been

a fairly, I think, good level discussion about charter schools and how to best move forward in an inclusive manner and somehow inject it in an establishment type of argument.

Let me tell my colleagues that Massachusetts under Democratic legislation has charter schools. As I said before, we have a variety of charter schools. So the issue is not whether it is establishment or antiestablishment, the issue is how do we become more inclusive so that even those people that were mentioned that might have been resisting now get brought into the fold and move forward and put these schools on the experiment basis that work, and that is the real issue.

Nobody has raised, until the gentleman did, the issue of accountability; we did not say that we did not want accountability. In fact, to qualify as a charter school under the base legislation, there has to be an appropriate level of accountability.

Saying it again as one of these three priorities probably was not necessary; it is the other two criteria that stand the potential of having my State pay a penalty of not being eligible for those additional funds initially and for any money eventually that brings us into this discussion, and there are other States similarly situated.

So the fact of the matter is, if we want to be inclusive and we want to bring in even those folks that might have been hesitant to experiment and to get them because they have a lot to offer, and if we want to bring them in, and Massachusetts, for instance, wants to say we will have several kinds of charter schools, and we are going to get some people to participate in that we can move forward and experiment on, and if we want to have different degrees of autonomy, and we do not want to have Congress tell us what is the appropriate amount of autonomy, we want to experiment and find for ourselves what works in this State as the proper degree of autonomy, then I frankly think that that is a step forward, a step in the right direction.

I think that now we are moving to these experiments and having the public schools have the opportunity to become energized, and to do new things, and to bring everybody into the fold and to work together, and I have said it a million times here, and it bears repeating, that when we do that, when we get the parents, and the employees, and the administration, and local colleges and businesses all working together, that we experiment, we will find the model that lets those schools that might be struggling succeed if we put the resources to allow them to succeed. And that is the measure that we want to go forward.

And I do want to say for the record, and just to bring up the point of the gentleman from California [Mr. RIGGS], that I think might have misled some of us when he was speaking, this statute specifically says that in 1998, 1999, and 2000 fiscal years, the additional money will be what is distributed under these new priorities, but it also goes on to say that in succeeding fiscal years all the money will be distributed under this particular priority formula.

So there is an exposure there to States that may reach the cap at some later date, and I think that is even a stronger argument for why we do not let States proceed as they want to and make an evaluation. When it hits 50 in Massachusetts, they ought to be able to look and see what has worked and what has not worked, and then, after they have taken the requisite amount of time to do that, decide how they want to proceed and if they want to proceed.

This is not a program where anybody has the evidence or the materials that can say now the charter schools of any nature are a raging success. It is an experiment, it needs to be assessed.

Mr. ROEMER. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, I, first of all, want to compliment the gentleman from Massachusetts [Mr. TIERNEY] for what I think is helpful contributions to a bold and brand new idea, which is charter schools. I think the gentleman from Massachusetts, first of all, is looking out for his State, which we are all sent here to do. I think the gentleman is also trying to help the committee and the body of Congress understand the impact of caps set at the State level and how those caps may serve on the one hand as a way to provide for accountability and not let charter schools grow so fast as to not have the proper amount of accountability at the local and the State level.

But on the other hand, and here is where the gentleman from California [Mr. RIGGS] and I get into this delicate balance, on the other hand we do not want to have States set an arbitrary cap that somehow will discourage the growth of these charter schools around the country. We now have about 700 charter schools in the United States. We have a goal of reaching somewhere in the vicinity of 3,000 charter schools in the United States. That is not Mr. RIGGS' goal, that is not my goal, that is President Clinton's goal of 3,000, and we certainly do not want too many States saying they are going to limit their growth to 15 and 17 and then 20.

Mr. Chairman, we want to see these charter schools grow in accountable fashions where they have autonomy over their budgets, where they have bold new ideas on curriculum and they provide public choice to parents and students. So there is a very delicate balance, and I think the gentleman from Massachusetts [Mr. TIERNEY] has helped us try to argue through in a very bipartisan and a very intelligent fashion how to try to provide a Federal incentive to have this balance, and I will yield to the gentleman in 1 second.

The other thing I would say is President Clinton, in his radio address on October 18 where he endorsed this Riggs-Roemer legislation, said this:

> I endorse bipartisan efforts in the House and Senate to help communities open 3,000 more charter schools in the coming years, and here is the key, by giving States incentives to issue more charters, more flexibility to try reforms and strengthen accountability.

Now I want to come back to that, giving States incentives to issue more charters. We are using that carrot approach here, and again the gentleman from Massachusetts [Mr. TIERNEY] says, well, there is a tension, and there is, there is a tension in this, and we are trying to find the right balance in not trying to have an unfair, arbitrary, stultifying cap that discourages more charter schools when they are growing in a State like Arizona or California, but on the same hand in a State like Massachusetts that has different tiers of these charter schools, we want to make sure that they can rise up to their cap, and hopefully the State legislature, when they get the reports of accountability and progress and success, then decide to raise that cap.

So I want to salute the gentleman for his helpful ideas to contribute to the better understanding of this new idea.

□ 1315

Last, I just want to say this, and this is my concern with the legislation. The amendment of the gentleman from Massachusetts [Mr. TIERNEY] says, "Beginning on page 7, strike line 1 and all that follows through line 21 on page 8."

When we reach page 8, we see some fairly important aspects of accountability and adding more charters that President Clinton has talked about in his radio address when he endorsed this.

On page 8 it says, "The State law regarding charter schools ensures that each charter school has a high degree of autonomy over its budget and expenditures."

We certainly think one of the exemplary features of charter schools is its flexibility, is its autonomy and putting its own budget together, is its ability not to be unfairly regulated.

Now, regulated with civil rights, absolutely; regulated with IDEA, Individuals with Educational Disabilities, absolutely; but not some of the other burdensome Federal regulations coming from Washington that think they know best.

Last, on page 8, something that would be taken out with the amendment, "The State law regarding charter schools provides for periodic review and evaluation by the authorized public chartering agency of each charter school to determine whether the school

is meeting or exceeding the academic performance requirements and goals for charter schools set forth under State law or the school's charter."

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 5 additional minutes.)

Mr. ROEMER. So I would say that the debate we have had on the cap is a very helpful one, and I applaud the gentleman's efforts in committee, and I applaud what he has tried to do with this amendment.

I think that the gentleman from California [Mr. RIGGS] and I have tried to reach a bipartisan agreement on incentives and on a balance in this tension between not slamming down the number of charter schools that may naturally grow in a State, but also providing accountability language.

The second point is, I really think on page 8 there are some helpful contributions to this legislation, and we would not want those taken out by this amendment.

Since my friend from California did ask about 3 minutes ago for time, I yield to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I am going to be very brief because I, too, had intended to quote the President from his Saturday, October 18, radio address.

Again, I just want to stress to my colleagues, without compounding or exacerbating any disagreements that may exist within the ranks of House Democrats, but I just want to refer them again to the President's comments. "I endorse bipartisan efforts in the House to help communities open 3,000 more charter schools in the coming years by giving States incentives to issue more charters."

The amendment of the gentleman from Massachusetts [Mr. TIERNEY] would not only remove that provision from the bill but obviously run contrary to the President's endorsement of that particular provision in the legislation.

The other thing I wanted to stress very quickly is, the gentleman from Massachusetts [Mr. TIERNEY] is right when he says what we want to do is, in these so-called out-years, the subsequent years of this legislation, after we have had a transition period, direct the money to the States through the priority factors, the priority considerations.

But the gentleman from Massachusetts [Mr. TIERNEY] does not mention that we have had selection criteria for State education agencies in the Federal statute since the very beginning of this program. I do not know if the gentleman from Massachusetts [Mr. TIERNEY] objects to any of those selection criteria for State education agencies.

Furthermore, we have selection criteria for eligible applicants. That means local charter schools. Does the gentleman object to any of those selection criteria for eligible applicants, such as it says the Secretary shall take into consideration such factors as the quality of the proposed curriculum and instructional practices, the degree of flexibility afforded by the State education agency and, if applicable, the local education agency to the charter school, the extent of community support for the application, the ambitiousness of the objectives of the charter school, the quality of the strategy for assessing achievement of those objectives, and, last, the likelihood that the charter school will meet those objectives and improve educational results for students?

We have always had criteria; it has always been part of the Federal law. We are building on or adding to those selection criteria, and we are giving, again, the Secretary and the Department some direct congressional guidance as to how the new money over the $51 million will be distributed to the States.

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

Mr. ROEMER. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. I was going to ask for the same 1 minute the gentleman from California [Mr. RIGGS] got. I liked that one.

Mr. Chairman, let me just say that I understand what the gentleman from Indiana [Mr. ROEMER] says when he talks about the C paragraph, the third priority. But I think, as Mr. Riggs stated, the base statute already has a number of criteria that we require be met. Amongst them are a number of accountability situations.

So I would not object if you wanted to amend my language to leave that language in there, but I think you have a sufficient amount of language on accountability.

But that is not the issue. I think we are willing, I guess, from what I hear, we do not want to regulate any other aspect, we want to regulate the pace at which States decide how fast they want to go into this limited venture.

I think that is where the mistake comes in. Yes, we want to give incentives within a reasonable degree, but the only way to give incentives is not exclusive to adding these priorities. The fact we are giving $49 million extra in funds is certainly an incentive for States to participate. They can see something going on here, and they can hear that this is something they want to get involved with.

The part I object to is, your intention to give the incentive may have the effect of disqualifying some people. I want to say there are other ways to do the incentives. I offered as part of this, grandfather in those States that have these provisions, that have charter schools, so that we do not get subject to those disqualifications, and we will all proceed along.

I understand that States do not have a statute yet, and you want to encourage them to get one, and you want to encourage them to put more schools on the books. Let us do it. If this is the way to do it, fine. But do not penalize those of us, a number of us, that already have schools that have decided we want to put a cap so we can measure. That is prudence. We should reward prudence, not penalize it. I do not think any of us want to go forward without having a moment to reflect and assess.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this legislation and also in support of the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY].

First let me address the legislation. I wanted to commend the gentleman from California and the gentleman from Indiana for all of their work on this legislation. I think that charter schools hold out and in fact are holding out an exciting prospect for American public education, and I think they give us an opportunity, as has already been said here a number of times this afternoon, to experiment with a number of ideas that we think will improve the education of our children. I think it allows for in many instances a much greater investment by teachers in the running of that school.

It allows us in many instances to bring people from outside and throughout the community to participate in that education, and I think it puts a lot of the decisionmaking about the utilization of resources where it belongs, at the school site, as those who are working at that site on a day-to-day basis can decide what it is that children who attend that school need and would benefit the most from.

So I would hope that this is legislation that would get strong support from the House of Representatives, and, again, I thank the two gentlemen for bringing it to the floor.

I would say, however, on this amendment that I still continue to have a problem with the cap, because I think it is an area where we are tweaking the State decisionmaking authority, where we do not need to.

Given the hunger in this country for an educational program that works, I think charter schools are going to become magnets for education policy makers at the States as they try to replicate them and reinforce the model and expand them throughout the individual States.

But I also think it is very important that the States, as we do tread this, because simply saying you want charter

schools or support charter schools doesn't mean we will have successful charter schools. I think we ought to do those things that will ensure that these models are in fact successful, hopefully that they can be replicated across the State and across the country, but we ought to let the State departments of education have some say in the determination of that.

I guess they could have some say with the language in the bill, because if they needed to have more charter schools each year than they had the year before, they could say 10, 11, 12, and 13, and they would qualify for this money. If we are going to have 3,000, California has a little over 10 percent of the population, I guess we would have 300 in the next 3 years.

I do not know if our State can really ensure the integrity of this system. Tragically, we have seen in a couple of instances, and I do not think this should deter anybody from charter schools, but we have seen a couple of bad ones, and I think the States ought to have a right and the legislatures ought to have a right to stay at that pace.

I do not think the educational establishment, if people are going to use that in a pejorative sense, can stand in front of this idea and be successful. I do not think it can happen. I think it is going to grow because these schools are going to grow. I just think that the cap just does not make sense. We ought to respect the rights of the States to make that determination. Some will be too conservative, and some will be too liberal.

I will say, however, if the cap is going to be the criterion for money, then States will just decide to put whatever numbers they want in so they can have more charter schools 1 year than after the other. It will have nothing to do with the quality or credibility that you seek in the amendment.

So I think it is unnecessary, but I also think it is an improper place for us in terms of determining how the States will manage the growth of charter schools.

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

Mr. MILLER of California. I yield to the gentleman from Rhode Island.

Mr. WEYGAND. Mr. Chairman, I would just like to point out one thing that I know my ranking member talked about, and that is when we are talking flexibility and making sure that charter schools, as the gentleman from California said, giving States that flexibility. Right now, we have a $51 million-$41 million split. But in the year 2001 that is not going to exist. We are going to crank down more so on the requirements to State charter school programs.

I think that is inherently bad, because what we are doing is further restricting. It is almost like a Federal mandate with regard to requirements, restricting these charter schools in a way that in most cases the Republican side has said no.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make two points to help us close on the debate here. The gentleman from Massachusetts [Mr. TIERNEY] has done an excellent job of stating the purpose of his amendment, and there are two matters over which I must take issue. The first is his attempt to strike the reference in the bill to rewarding those charter schools that exercise a high degree of autonomy as opposed to some degree of flexibility in the current law.

The whole idea of charter schools is to encourage new schools to take chances by changing the way that they go about educating children. Let me offer a specific example.

In Florida, it is very pleasing to see the number of charter schools that have found a way to reduce the cost of administration of an elementary school and take those savings and put them into a smaller class size, which is currently ranging at about 17 children per teacher, and already getting above average performance from students who were clearly performing below average in the traditional school setting.

That is the kind of innovation we want to encourage. This is not an entitlement, this is a grant program. We want to reward quality. We want to challenge schools. We want to err on the side of innovation here. So I think it is terribly important, as this argument moves into the Senate, that we jealously protect that provision of the bill that encourages a high degree of autonomy among charter schools.

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

Mr. DAVIS of Florida. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I just want to ask one question of you, and then I will yield back for the answer in a second.

But this priority schedule that is laid out there talks about a high degree of autonomy. In the base legislation, it already establishes a charter school would have to have some degree of autonomy. Is the gentleman prepared to tell Massachusetts which level of autonomy it must decide is best for its charter schools? Because it has a couple of levels now, and it may decide to have more. When it goes to getting to that cap, women are going to stand in there and tell them if they do not pick the right one, they do not qualify.

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

Mr. DAVIS of Florida. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for yielding, and just for the opportunity to respond to the gentleman from Massachusetts [Mr. TIERNEY], because I think he raises a legitimate question.

The problem is in the underlying bill, the current statute that we are seeking to amend with this legislation. It just uses that generic phrase, "high degree of autonomy." We have gone to the next step to try to define "high degree of autonomy" as being those States that recognize a charter school as its own independent school district, its own LEA, and so that is what we are attempting to do in the legislation.

□ 1330

Mr. TIERNEY. Mr. Chairman, if the gentleman would continue to yield, basically, we have taken that determination away from the States, and they do not get a chance to try to have as much participation as possible if they cannot get it through the gentleman's formula, and that is my point.

Mr. DAVIS of Florida. Mr. Chairman, two responses. One is we should hold up a high standard of innovation, and second, we should expect, as we have in the past, common sense to be exercised by the Secretary of the Department of Education to assure that Massachusetts and other States understand what a high degree of autonomy means and it is used in a way that allows these schools to continue.

The second point I would like to make to conclude pertains to the cap. I think that there are valid concerns about how the Federal Government is affecting the ability of States to control quality with charter schools, because we know there are going to be mistakes, and we want to preserve the ability of States to move in a guarded fashion in terms of the growth of charter schools. But I think it is important to point out that the intent behind the bill is not in any way to discriminate against those States who have already embarked upon a charter school program.

So I believe there is some doubt that exists here today as to whether those States who no longer choose to grow because they are up against a cap are somehow disadvantaged by the fact that the money is set aside for those States without caps. But keep in mind the basic point that if a State is stopping to grow because of a cap, the chances it will need any additional money for start-up costs are going to be very, very limited.

So I am hopeful that as we more closely study this particular aspect of the debate we can reach some compromise in the Senate, some compromise in the conference committee to address the very valid concerns raised by the gentleman from Massachusetts [Mr. TIERNEY].

The CHAIRMAN. Is there further debate on the amendment?

The question is on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY].

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

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

The CHAIRMAN. Pursuant to House Resolution 288, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. MARTINEZ

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

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ:

Page 12, after line 11, insert the following:

(L)(i) an assurance that the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will comply with the requirements of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) with respect to the provision of special education and related services to children with disabilities in charter schools; and

(ii) a description of how the charter school that is a local educational agency or the local educational agency in which the charter school is located, as the case may be, will ensure, consistent with such requirements, the receipt of special education and related services by children with disabilities in charter schools; and

Page 12, line 12, strike "(L)" and insert "(M)".

Mr. MARTINEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MARTINEZ. Mr. Chairman, back in 1975, Congress passed the bill IDEA. It was differently named then, but it encompasses the same bill that was recently just passed earlier, that guarantees a free and appropriate education for children with disabilities. That bill was a bicameral and bipartisan bill and passed overwhelmingly in both Houses and was signed by the President with great celebration.

If the premise is and was of that bill that children with disabilities should receive a free and appropriate public education, and in that case, I am concerned that we should be concerned in every education program that we have out there, or any kind of public school that we have out there, and charter schools are public schools, I think we need to ensure that concept in those charter schools.

This amendment is doing two things. One, it is ensuring that; and the other is that it is providing an advanced warning to charter schools and people who would start charter schools that there is an extra cost involved in teaching children with disabilities. Initially, that is the reason why children with disabilities were being denied free and appropriate education, because schools did not want to undertake the various difficulties in providing that free and appropriate education for these children with disabilities.

So I offer this amendment, and as I understand, the language has been worked out with the chairman of the committee, and the chairman of the committee is willing to accept the amendment with the language that we have worked out.

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

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, at this point we have had numerous, sort of an ongoing discussion here. I think what the gentleman has prepared is very thoughtful and I think we have reached a good bipartisan compromise, and we are prepared to accept his amendment.

Mr. MARTINEZ. Mr. Chairman, reclaiming my time, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MARTINEZ].

The amendment was agreed to.

Mr. MARTINEZ. Mr. Chairman, I move to strike the last word to enter into a colloquy with the Chairman. Since the gentleman from California [Mr. RIGGS] is the prime sponsor of this legislation, I would like to engage in a colloquy for the purposes of establishing a legislative history on the matter which I speak.

My concern deals with language amending section 10306 regarding the Federal formula allocations to charter schools. I would ask the gentleman from California [Mr. RIGGS] if he could please clarify the intent behind the section.

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

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I am happy to clarify the intent behind section 10306 in the bill.

Let me say that it is not our intent to create a disparity in funding or eligibility as to Federal categorical education funds, Federal taxpayer aid for public education between traditional public schools and charter schools within a local education agency.

Furthermore, it is not our intent to create a new formula-driven funding stream or program to charter schools, other than what they are currently eligible to receive under title I, part A of the Elementary and Secondary Education Act, and I hope this addresses the gentleman's concerns.

Mr. MARTINEZ. Mr. Chairman, I thank the gentleman for his clarifications.

AMENDMENT OFFERED BY MR. TIERNEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. TIERNEY], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 260, not voting 9, as follows:

[Roll No. 610]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Brown (CA)
Brown (OH)
Campbell
Cardin
Clay
Clayton
Clement
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeGette
Delahunt
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn

NOES—260

Aderholt
Archer
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Brown (FL)
Bryant
Bunning

Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lucas
Maloney (CT)
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meek
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Armey
Cubin
Foglietta
Gonzalez
Johnson, Sam
Riley
Scarborough
Schiff
Yates

□ 1400

Mrs. MEEK of Florida, Mrs. CHENOWETH, and Messrs. MURTHA, MASCARA, and HOLDEN changed their vote from "aye" to "no."

Ms. McCARTHY of Missouri, Mrs. TAUSCHER, Mrs. KENNELLY of Connectiut, and Messrs. FLAKE, ROTHMAN, MINGE, SHAYS, CLAY, CONYERS, LoBIONDO, and LUTHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I rise today in opposition to H.R. 2616, the Charter Schools Act of 1997. This program, begun as a Federal grant to provide seed funds for public charter schools just 3 years ago, is a waste of taxpayer funds, does nothing for the 90 percent of school children who are in public schools, and is a further drain upon the scant resources that our public schools now have. As a former public school teacher, I believe in our public schools because our public schools work. What is truly needed is comprehensive, holistic school reform, not piecemeal, politically expedient solutions.

We all agree that our public schools need to be reformed. But we must first consider any and all changes to our charter schools as part of a comprehensive, complete review of all of our public school education programs. This review must take into consideration the fact that many of our Nation's public schools are in need of significant repair. The changes that this legislation proposes does little to improve upon the quality of not just public schools, but charter schools. There is woefully little strengthening of the oversight and accountability of our charter schools in H.R. 2616.

In the House Committee on Education and the Workforce report on H.R. 2616, "it was recently reported by the Michigan Department of Education that charter schools in its State posted substantially lower scores than other public schools on State assessment tests." If charter schools in Michigan are not working better than the regular public schools, where is the investment in education of our taxpayer's dollars? It is ironic that while Congress has not approved legislation that will address our overcrowded and dilapidated schools, we want to expand charter schools.

In summary, I support the complete and comprehensive overhaul of our Nation's public schools. I cannot support initiatives designed to further siphon off the scarce resources for our Nation's public schools, and that is why I am voting against this bill on final passage.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GIBBONS] having assumed the chair, Mr. SNOWBARGER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools, pursuant to House Resolution 288, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 57, not voting 9, as follows:

[Roll No. 611]

AYES—367

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly

Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Riggs
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—57

Abercrombie
Becerra
Blumenauer
Bonior
Boswell
Brown (OH)
Cannon
Carson
Chenoweth
Clay
Coyne
Davis (IL)
DeFazio
Delahunt
Deutsch
Dingell
Frank (MA)
Goode
Hefley
Hinchey
Hinojosa
Hostettler
Hyde
Kennedy (MA)
Kilpatrick
Klink
Kucinich
Manzullo
Markey
Martinez
McDermott
McGovern
Meehan
Meek
Mink
Moakley
Neal
Olver
Paul
Payne
Rahall
Reyes
Rivers
Roybal-Allard
Rush
Schaffer, Bob
Scott
Slaughter
Stabenow
Stokes
Stupak
Tierney
Torres
Vento
Waters
Watt (NC)
Wexler

NOT VOTING—9

Cubin
Foley
Gonzalez
Hilliard
Owens
Riley
Schiff
Thompson
Yates

□ 1422

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

Mr. NADLER and Mr. LoBIONDO changed their vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, on rollcall vote 611, I was unavoidably detained and did not vote. Had I been present, I would have voted "aye."

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. DOGGETT

Mr. DOGGETT. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. RIGGS

Mr. RIGGS. Madam Speaker, I move to lay on the table the motion to reconsider.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion to table the motion to reconsider offered by the gentleman from California [Mr. RIGGS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 163, not voting 14, as follows:

[Roll No. 612]

AYES—256

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

NOES—163

bercrombie
Ackerman
Allen
Andrews
Baldacci
Ballenger
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (IL)
DeFazio
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Stupak
Tanner
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—14

Collins	Greenwood	Riley
Cubin	Klink	Royce
Ehlers	Ney	Schiff
Foglietta	Pascrell	Yates
Gonzalez	Radanovich	

□ 1442

Ms. DUNN changed her vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Madam Speaker, on rollcall No. 612, I was inadvertently detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. EHLERS. Madam Speaker, on rollcall No. 612, I was detained in an important meeting and could not reach the floor in time to vote. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. RIGGS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2616, the bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2616, CHARTER SCHOOLS AMENDMENTS ACT OF 1997

Mr. RIGGS. Madam Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 2616 the Clerk be authorized to make such technical and conforming changes to the bill as will be necessary to correct such things as spelling, punctuation, cross-referencing and section numbering.

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

There was no objection.

OUR FOND FAREWELL TO THE GENTLEMAN FROM NEW YORK (MR. FLOYD FLAKE)

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

Mr. QUINN. Madam Speaker, as we continue to deliberate this weekend, I ask my colleagues' indulgence to take a few moments of our time this afternoon to bid farewell to a Member of the body, a fellow New Yorker, and a dear friend to all of us here in the House. It seems this past week we welcomed the new Member from New York 13, and next week, after all of our work is finished and everything else has winded itself down, we will say goodbye, and the gentleman from New York [Mr. FLOYD FLAKE] will leave the Chamber to become a full-time pastor of the Allen A.M.E. Church in Queens, N.Y.

□ 1445

I thought it was fitting, and all of you I am sure will agree, that this afternoon we take a break to thank someone on behalf of all of us here and his constituents for almost 10½ or 11 years of service here in the U.S. Congress, who has worked on numerous different projects that have benefited everybody, not only in his district but all of our districts and people all across this Nation and beyond.

For the 9,000 members of the Allen A.M.E. Church in Queens, NY, while FLOYD FLAKE is our loss, he is their gain. I hope you will join me in bidding farewell to Congressman FLOYD FLAKE this afternoon.

Madam Speaker, it gives me a great deal of pleasure to yield to the dean of the New York delegation, the gentleman from New York, [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I wanted to thank Mr. QUINN for arranging this time for us to pay tribute to an outstanding legislator, Rev. FLOYD FLAKE. We hope one day we will be calling him Bishop FLOYD FLAKE.

Mr. Speaker, it is with a great deal of regret that I know that many of us are here to bid good-bye to FLOYD, but also we are happy to pay tribute to a colleague who is going to be sorely missed, not only by this body, but by his New York constituents, by the congressional delegation of New York, by the American people.

FLOYD FLAKE has decided to leave us to devote full-time to his first vocation, service to God, but in many ways he has served his congregation superbly throughout his 11 years in the Congress by being a constant reminder of decency, of tolerance, and of the American way. He has been a great role model for many in his community.

FLOYD brought to this Chamber a diverse background which reminded us all of the diversity of our Nation. He was a college administrator to two well-known, respected institutions, Lincoln University and Boston College. He enjoyed a successful career as a corporate marketer.

But his role as pastor of the Allen African Methodist Episcopal Church is perhaps the largest influence on FLOYD'S life, and he reflected this influence every day of his tenure here.

Incidentally, that is no small congregation. It numbers in the thousands. FLOYD was going back and forth on the shuttle each and every day, each and every night when he finished his work here, to be able to service his congregation. Not only was he doing that, he worked during his career here in the Congress to achieve his Ph.D., and he did that at night as well. An outstanding demonstration of what one can do with his dedication and his motivation to even perfect his life to a greater extent.

We in our New York delegation at first were uncertain what to expect upon the first election of FLOYD FLAKE in the special election of 1986. At that time, he was replacing one of the most revered and loved members of our New York delegation, Joe Addabbo, who passed away while in office. Joe's shoes were going to be difficult ones to fill, but FLOYD certainly managed to follow on that path blazed by Joe and did not hesitate to blaze some trails of his own. Today, FLOYD FLAKE leaves us as one of our most respected and beloved colleagues.

He served on the Banking and Financial Services Committee as well as the Small Business Committee, and in those capacities, FLOYD served his constituency and the American people in an outstanding manner. His urban district depended in many ways on the financial institutions and the mom-and-pop enterprises which make up his historic constituency.

We all join together in wishing FLOYD the best of success, health, happiness, in all of his new endeavors, and we know that the Allen African Methodist Episcopal Church will be under his sterling leadership in the future, and we hope that FLOYD will find occasion to invite us all to join him during one of his Sunday services.

We extend our sincerest best wishes to his wife, Elaine, and to FLOYD's four children.

And, FLOYD, you will always be welcome back in this Chamber. God bless.

Mr. QUINN. Madam Speaker, I yield to the other leader from New York, Mr. CHARLIE RANGEL.

Mr. RANGEL. Madam Speaker, I appreciate this. We all have to agree that it is very unique for someone who has gained such a wonderful reputation in this House to find higher reasons and better causes in order to leave.

In addition to going home every night in order to take care of his parishioners, we talk about family values; but FLOYD FLAKE has really lived it, because he has four children and a wife that he shared his life with while he was here working in the Congress to improve the quality of life for other Americans.

We find it so easy to talk about improving the life of the poor, but he was on the Committee on Banking and Financial Services, and he did what he thought was the best thing he could do for poor folks. He did not just talk about poverty but, rather, thought the best thing he could do would be to remove people from poverty. And, being a part of the Committee on Banking and

Financial Services, he was able to bring community banks to allow people that lacked the sophistication to have access to the resources so they would not just be getting loans, but they would be able to go into business and provide opportunity for others.

We hear all the debate about education, whether we should support the public schools or whether we should have vouchers. He not only talked about the concept but went out and built the schools so that, indeed, people would get an education.

When you talk about the jobless and the hopeless and the homeless, he has built the schools, he has built the homes, he has provided the opportunity and, at the same time, has given them spiritual and political leadership.

There were times that some of us would doubt the wisdom of his votes, when somehow his hands made a mistake and he got on this side of the aisle when he was voting with you. But there is not anybody in this House that would ever challenge the integrity of Congressman FLOYD FLAKE. For any vote that he has ever taken in this House, you would know, in his opinion, he was doing the right thing for his constituents.

This is the greatest country that man has ever conceived, and many of us know that she can and will become better as the years go by. But the fact that we can enjoy in this body someone that came from his background, rose to gain the respect of his colleagues, can go out and be entertained as members of private corporate boards and at the same time lead thousands in prayer for a better community and a better country, it just means that those of us who have been lucky enough to get here should appreciate the fact that only in America can we rub shoulders with a person like FLOYD FLAKE and still do our duty as politicians and know that somehow, through him, we were doing God's work.

It has been a pleasure having you here, and we know we will be hearing from Pastor-Bishop-Former-Congressman FLOYD FLAKE.

Mr. QUINN. Madam Speaker, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I thank the gentleman for yielding.

Ladies and gentlemen and colleagues, you have seen a cross-section of the delegation rise in respect for this great man FLOYD FLAKE.

You know, we are 31 Members from New York State. We represent 18 million people. It is a real cross-section of America. But do you know something? In spite of our philosophical differences, our political differences, I am so proud that our delegation has never had a real confrontation.

We have stuck together, sometimes even when we did not agree with each other, for our State, and we did that because of what FLOYD FLAKE epitomizes. That man has never, ever, once tried to mislead anyone in this Chamber. He has stood up and told it like it is.

FLOYD, you are one of the greatest Americans that I have ever known. We are going to miss you dearly. You are a great, great man.

Thank you.

Mr. QUINN. Madam Speaker, I yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Speaker, I thank the gentleman and just join with my colleagues in extending our good wishes, our sadness that he is leaving us, but our glory that we know he will be not only on the scene in southeast Queens at his Church, but on the public scene as well in years to come.

Ladies and gentlemen, you know, I came to this body 18 years ago from a little corner of the world, New York, and I did not know most of America. Serving in this body makes you a patriot. You see people from all across the country, from all different walks of life, people who come right up from the grassroots. And they are remarkable people, Democrats, Republicans, people from the Northeast, people from the Southwest, and you say to yourself, what a great people the American people are.

In my mind, there are a number of people I think of when I have that thought, and one of them is my colleague, my friend, FLOYD FLAKE. He is a unique individual. He is somebody who has broken the mold for the better so many different times, whether it be working hard for his community. My colleague CHARLIE RANGEL calls his church, which is the Allen A.M.E. Church, and I have been there and learned to wave my arms and say "Hallelujah" through Pastor FLAKE, Amen. But CHARLIE calls the Allen A.M.E. Church "the City of Allen," because FLOYD has done so much there.

Look at what he has done in this Congress. I served with FLOYD FLAKE on the Committee on Banking and Financial Services. Again, time after time after time, he was able to take idealism and mold it into a practical solution so that it was not just a speech of words in the air but practical solution that was concrete, mortar and bricks and roofs over people's heads, and better banking, so that communities would benefit from the loans that they had put into the banks, and they would come back to the community.

Now he has truly become a national leader. Some of us agree and some of us disagree with the exact prescription that FLOYD FLAKE has prescribed for our schools and for our communities, but I think there is a great deal of wisdom in what he has done.

The bottom line, though, is once again there is not a soul in this place who does not know that he has done it with intelligence and integrity and the motivation to make his community, our city, our country, a better place.

So I would say in conclusion, this is a man, a deeply spiritual man, but also a deeply practical man, and he has combined the best of spirituality and practicality to leave a real mark, a mark for the better, on this body and on the United States of America.

FLOYD, I know I speak for everybody when I say we will miss you, but we know we will be hearing from you many, many times in the future, and we will listen keenly, because what you say and what you do is a valuable model for all of us.

□ 1500

Mr. QUINN. FLOYD, we have had requests from almost everybody here to speak, and we will never get to fast track if we let everybody here speak this afternoon.

Madam Speaker, I yield to the gentleman from California [Mr. LEWIS], the delegation leader from the State of California.

Mr. LEWIS of California. Madam Speaker, I very much appreciate my colleague yielding, and I must say that as FLOYD is recognized in a special way by the 31 Members from New York, those of us who make up the 52 Members of California want you all to know that we have not just the greatest respect for the work of FLOYD FLAKE, but most importantly, we feel in our hearts the warmth that goes out to FLOYD as he continues his work, for his gentle nature has been felt across the Halls of this House from the day he arrived here. FLOYD is one of those very, very special people who cares about people most.

FLOYD, I want you to know that as you leave this House and take with you our friendship as well as our respect, you also take with you our prayers for your continued good work. I would ask as you go forward in New York that you continue to pray for those of us in this House, for we need the help of you as well as your parishioners. You are a fantastic representative of the best of this country, and God bless you for all that you have done with your life.

Mr. QUINN. Madam Speaker, I yield to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Madam Speaker, it gives me great pride to stand before this House this afternoon and say a few special words about my friend, FLOYD FLAKE. I am not pleased that he is leaving. As a matter of fact, when he first told me I was standing back near the door, and I literally slid down the wall, because I understood immediately, this House cannot afford to have this man of substance part from us at this time. We in the Congressional Black Caucus love him, need him, respect him, and we have worked

with him in some very special ways. But beyond that, the Democratic Caucus will miss him, because of what he has been able to add to the debate and the discussions and the direction of this House. Well, you saw on the other side of the aisle who took this time out on the floor, so this man is not only important to the Democratic Party, but also to the Republican Party.

We are going to miss him because he became one of our fine experts on the Committee on Banking and Financial Services. If the financial institutions of America are ever going to invest in inner cities, comply with CRA, and do what we want them to do, it will be because of the work of Floyd Flake. He has shown that there is not just one way to do things, he has gotten them to do more than all of us who have beaten up on them time and time again. He has caused the development and proliferation of housing for poor people in this country, having developed capacity through nonprofits and their ability to use the resources that we have put forth so that they could take care of the poor in this Nation.

I am going to miss him, but I will see him even though he is not here. I am going up to Allen Church. He has invited me before, and I certainly expect him to invite me again. I am going up to Allen Church to be with his church family and to look at that community that he has developed up there, all around the church. You will see commercial development all around the church. You will see housing. You will literally see a community that has benefited from the knowledge, the expertise and the caring of this man.

We are going to miss you. We really do hate to see you go, but this place is a much better place because you have been here. Thank you very much.

Mr. QUINN. Madam Speaker, I yield to the minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. I thank the gentleman from New York for calling this special event, and I am proud to rise with all of my colleagues on both sides of the aisle to honor the service and the meaning of the career of FLOYD FLAKE.

I have had a chance that many of you have not had. About a year ago I got to go to Allen Church and to FLOYD's district with FLOYD and spent about a day. We went in the old church. He now has a new structure that he showed me being built. I got to meet a lot of the families in the church, and I got to see the development that has gone on around the community through the work of the SBA and other organizations and the church that has gone on in the community.

What I would like to do in my minute today is describe for you what it is like to walk into this church with FLOYD FLAKE. All of the families feel that FLOYD FLAKE is part of their family. All of the children that we met, and on this day that we were there, they were honoring school children who had had great achievement in school. All of their families were there. And as FLOYD walked around with me, he knew the name of every child. And obviously, every child and every family knew and looked up to him as the leader of the flock.

When you see the energy among the families, when you see the achievement, when you see the cohesion of his church members, you understand why this is an extended family in this community.

Then he took me to the foundation of the new church and we walked through the mud under the foundation and saw the expanse of this building that he is building with his members. And then we drove around the community and saw all of the buildings that had been refurbished, all of the businesses that had been started, and we walked into an SBA center that he got in the community where people are coming in to find out how they can set up their little new fledgling businesses on their own in the community.

The truth is, FLOYD is leaving this great opportunity that we all have in public service, but FLOYD, let me be very honest with you and say, I not only understand what you are doing and why you are doing it, I think it is the right thing to do. Because the truth is that you in your career in your community are doing more than any of us could ever dream of doing. I just hope and pray that my service could be one fraction as important to the people that I serve as your service is right now to the people of your community. I am in awe of what you have done, and I think what you have done is extremely important, not only for your community, but for all of us to see as a model of what one human being can do as a force for good for people. We are going to miss you, we love you, and we wish you well and we will work with you in the days ahead. Thank you.

GENERAL LEAVE

Mr. QUINN. Madam Speaker, just before we yield to one last speaker and hear from FLOYD FLAKE, I would like to get rid of a technicality. I ask unanimous consent that all Members be granted 5 legislative days within which to extend their remarks on the subject of this 1-minute.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. QUINN. Madam Speaker, I yield to the gentleman from Georgia, the Speaker of the House [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, let me say that 11 years ago when a vacancy was filled in a special election, I do not think any of us could have predicted the kind of mark that that new Representative would make. Those of you who might have had the good luck a few weeks ago to see the cover of the New York Times Sunday magazine saw a remarkably dapper Member of Congress right there on the cover. And he honored all of us. And as you read the article, if you did, as I did, you came to realize that this gentleman that we have been working with, as my good friend, the gentleman from Missouri [Mr. GEPHARDT] pointed out, is a remarkable figure in his own community, a man who leads by eloquence, by energy, by intelligence, by courage, by a quiet civility that would be worth all of us studying on occasion.

I have worked with him on a number of projects. I know of no one in this House who has been more openminded in his willingness to consider anything which would help the children of his community and which would improve the chance that they would lead a better life. I know of no one who has shown more determined calm and pleasant courage in standing for what he believes in. He has honored this institution by serving it. He has strengthened his country by his public service. I have no doubt that he will take on to his chosen true field of bringing people together with God an even greater dedication, and that our country will be even stronger and those children will have an even better future because of what he does, and I just want you to know, FLOYD, that as a friend, all of us are going to miss you and we wish you well and Godspeed in your new opportunities.

Mr. QUINN. Madam Speaker, I yield to the gentleman from New York, District 6, the Honorable FLOYD FLAKE.

Mr. FLAKE. Thank you very much to the Speaker of the House, to the minority leader [Mr. GEPHARDT], who did come to the district and visit with me at the school and with our people, to all of the leadership here and all of the Members of this body.

Eleven years ago when I ran for Congress I said to the people of the Sixth District that I intend to go and stay from 10 to 12 years. When we conclude business in the next few days, it will be the end of the 11th year for me. I do not think you can come any closer to fulfilling a promise than that.

I come as the product of a family who gave birth to 13 children, grew up in Houston, TX, in SHEILA JACKSON-LEE's district, grew up in a family where my father was a janitor all of his life. My mother was a housekeeper. My father would not allow her to work, but worked two jobs, three jobs, made us work from the time we were about 6 and 7 years old.

By the time I was 6 I had my own paper route, and by the time I was 8, my mother had taught us how to cook and wash and iron and sew, so I had my own homes that I cleaned up every Saturday. By the time I was 13 I was busing tables at restaurants and waiting

tables, and when I got ready to go to college, because of the size of the family, my family could not afford to give me a dime, but I told them I wanted to go, I could have gone to one of the Texas schools and run track, but chose to go away to a school where I could prepare for the ministry, having accepted the call at the age of 15.

I went to that school every morning at 5 o'clock, I was up, cooking breakfast for my fellow students. Lunch time, back serving tables. Dinner time, serving again, but also getting keys to the cafeteria so that I could clean it up at night. For 4 years in college, 3 years in seminary, that is what I did, and that is how I got through.

One of the things I realized as I was growing up was that there was no substitute for hard work. I could never have envisioned, sitting in civics classes, that a day would come when I would not be reading about Presidents, but meeting them, reading about a House that legislated for the needs of our people and the world, but being a part of this great board of directors of America and board of directors of the world. God knows I have come much further than I could have ever imagined. In 1986 when I was asked by my community to run for this office, having served in no political office before, my initial inclination was to be overwhelmed by the thought and to give an overwhelming no, but then ultimately was prevailed upon to run for the office and got elected.

I came here with two basic intentions. One of them was to treat this institution as an extension of my ministry, and those of you who have stood today, I thank you for standing, because I have tried to treat every individual here as if you were a member of my parish, not just Members of this body, but I think if you go out and speak to every guard, every security person, every dishwasher, people even in the kitchen, I could be walking down the hall and go into the kitchen just to speak to people there, because I consider this a part of my ministry.

□ 1515

That is the way I have tried to work in this Congress. I do not think I have had cross words with many of the Members. If I did, please forgive me. But it is not my nature to do that.

I have tried to cooperate in ways across both sides of the aisle, because beyond Republican and Democrat, I see human beings. When I see human beings, my concern is about how you minister to the needs of people in general. I am fortunate to have in my background marketing analyst from Xerox, serving as dean of students at Boston University, associate dean at Lincoln University before that, and the combination of all of that came together both in my Allen experiences and in my experiences here as a part of this body.

I have sought to bring those business administrative skills to this body, to bring back to my community those resources which are necessary to demonstrate their ability, with a great deal of their own initiative and motivation, to be able to do things for themselves, in addition to the relationship of government and corporate community; how we bring that partnership of resources in a synergy that allows people to know that they can indeed invest not only in themselves, but can build their communities. That is what I have tried to do.

Allen Church was very receptive. We built our own school, which has 480 students. We have built homes. We have sold 110 homes that we built to first-time homebuyers. We have built a senior citizens complex with over 300 units it. We have bought up every vacant, boarded-up store in our community. You will not find any drug dealers around our location, because we own the property, we lease it, or we put programs in it. We have just finished a $23 million building.

I leave Members today because my church is growing so rapidly, with a membership of over 9,000 now. Just in the last month of October, we had 317 new members, in September 170, and in August 155. It is growing so fast that I must be there to minister. I have 825 full-time employees in the church. Many of them would otherwise be persons on the welfare rolls. These are people in home care, teachers, people who work in various categories of professions, a full-time chief financial officer who is my former chief of staff, a Harvard MBA who runs the program there, with a full-time staff of eight directors who run the various programs.

I thank God for a wife who not only has shown her love and commitment, but by virtue of her own training as an educator. We both earned doctorates while I was here. I have worked on my doctorate degree when I went home at night, at 10 o'clock. I would try to go to bed at midnight, up right at 5 in the morning, catch the 6:30 shuttle, or 7:30; come back, and bought all the books, because I did not have library time; wrote the dissertation on the dinner table in longhand, because I am 52 and did not learn to type. So I have not learned to use the computer yet, but I am working on that.

But I go back to the community, and knowing that I have been here. In that community, Southeast Queens, we will build two regional Federal buildings, a Federal FDA building and Federal FAA building, and the rail link, projects that bring into that community about 1,200 jobs, 500 million dollars' worth of construction.

I have tried to bring back to that community those things which change the aesthetics of the community, give people a sense of pride in living there, drive crime down, raise the economic level, and participate in the process of changing and restructuring education.

I have not come necessarily to be agreed upon on everything, but I will tell the Members one thing, I talk to the Master. I talk to God daily, two, three, four, five, six times a day, and I honestly believe that God has called me to do some things, to try to move beyond status quo.

I cannot, as an African-American coming from the background that I came from, believe that we cannot have a stake in American society, a stake brought about not just by programs. I am a firm believer in affirmative action, of course, but I also believe that we have to invest in ourselves.

So I leave the Members to go into the greater community of America. I speak at seminaries. I have been asked to come to Harvard for 2 weeks next summer. I speak to these young men and women who will be coming to pastor in those communities. I am trying to use the model that we have to demonstrate that within the communities that look so deteriorated and devastated, there are fertile fields of opportunity.

I believe that I can move, as I have done in many of the Members' districts already, and many of the districts I will be coming to, they are already on my schedule. I have even been to some of my fellow Members' districts on this side, of the dear gentleman from New York [Mr. RICK LAZIO], a prayer breakfast, and the banquets of the other dear gentleman [Mr. JACK QUINN]; and I have been to various districts, because I think it is important that if we are going to solve the problems of America, we cannot do it balkanized in our own little areas, but we have to learn how to reach out and touch each other, work with each other.

When that is done, I think we will have not only the kind of America that our foreparents intended for it to be, but we will have the kind of world that God would have us live in.

I go, believing that the Lord has called me to a greater ministry and to a greater work. I seek your prayers, and I ask that you might, as you lift your prayers, just ask the Lord to give me strength to do what I feel called to do.

I hate leaving this body, I will confess it. But I will not miss having to take that shuttle in the morning and in the evening. I have tried to go home every night. I never set up a residence here. At 52 years of age, looking relatively good, I want to maintain my health and continue to do the things that I think the Lord has called me to do.

I thank the gentleman from New York [Mr. JACK QUINN] for calling for this special time. I appreciate it.

MOTION TO ADJOURN

Mr. BECERRA. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. BECERRA].

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

RECORDED VOTE

Mr. BECERRA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 61, noes 348, not voting 24, as follows:

[Roll No. 613]

AYES—61

Andrews
Barrett (WI)
Becerra
Berry
Bonior
Brown (FL)
Clayton
Clyburn
Conyers
Coyne
DeFazio
DeLauro
Deutsch
Dingell
Evans
Farr
Fazio
Filner
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hefner
Hinchey
Jefferson
Kennedy (RI)
Kennelly
LaFalce
Lantos
Lewis (GA)
McDermott
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Rangel
Roybal-Allard
Sanchez
Serrano
Smith, Adam
Spratt
Stark
Stupak
Thurman
Torres
Towns
Velázquez
Waters
Watt (NC)
Wise
Woolsey

NOES—348

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
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Fattah
Fawell
Flake
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Ford
Fossella
Fowler
Fox
Franks (NJ)
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Gallegly
Ganske
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Hall (OH)
Hall (TX)
Hamilton
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Hastings (WA)
Hayworth
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Hilleary
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Hinojosa
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Holden
Hooley
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Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
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Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Ballenger
Barton
Boucher
Callahan
Cubin
Dellums
Doggett
Foglietta
Gonzalez
Hoekstra
Jones
Klink
Linder
Markey
McCollum
McIntyre
Morella
Redmond
Riley
Sanders
Schiff
Slaughter
Stokes
Yates

□ 1545

Mr. PORTMAN and Mr. HILLIARD changed their vote from "aye" to "no."

Ms. MILLENDER-McDONALD and Mr. PALLONE changed their vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ENSURING THAT COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY OF CHINA ARE MONITORED

Mrs. FOWLER. Madam Speaker, as the designee of the chairman of the Committee on International Relations, pursuant to House Resolution 302, I call up the bill (H.R. 2647) to ensure that commercial activities of the People's Liberation Army of China or any Communist Chinese military company in the United States are monitored and are subject to the authorities under the International Emergency Economic Powers Act.

The Clerk read the title of the bill.

The text of H.R. 2647 is as follows:

H.R. 2647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) The People's Liberation Army is the principal instrument of repression within the People's Republic of China, responsible for occupying Tibet since 1950, massacring hundreds of students and demonstrators for democracy in Tiananmen Square on June 4, 1989, and running the Laogai ("reform through labor") slave labor camps.

(2) The People's Liberation Army is engaged in a massive military buildup, which has involved a doubling since 1992 of announced official figures for military spending by the People's Republic of China.

(3) The People's Liberation Army is engaging in a major ballistic missile modernization program which could undermine peace and stability in East Asia, including 2 new intercontinental missile programs, 1 submarine-launched missile program, a new class of compact but long-range cruise missiles, and an upgrading of medium-and short-range ballistic missiles.

(4) The People's Liberation Army is working to coproduce the SU–27 fighter with Russia, and is in the process of purchasing several substantial weapons systems from Russia, including the 633 model of the Kilo-class submarine and the SS–N–22 Sunburn missile system specifically designed to incapacitate United States aircraft carriers and Aegis cruisers.

(5) The People's Liberation Army has carried out acts of aggression in the South China Sea, including the February 1995 seizure of the Mischief Reef in the Spratley Islands, which is claimed by the Philippines.

(6) On July 1995 and in March 1996, the People's Liberation Army conducted missile tests to intimidate Taiwan when Taiwan held historic free elections, and those tests effectively blockaded Taiwan's 2 principal ports of Keelung and Kaohsiung.

(7) The People's Liberation Army has contributed to the proliferation of technologies relevant to the refinement of weapons-grade nuclear material, including transferring ring magnets to Pakistan.

(8) The People's Liberation Army and associated defense companies have provided ballistic missile components, cruise missiles, and chemical weapons ingredients to Iran, a country that the executive branch has repeatedly reported to Congress is the greatest sponsor of terrorism in the world.

(9) In May 1996, United States authorities caught the People's Liberation Army enterprise Poly Technologies and the civilian defense industrial company Norinco attempting to smuggle 2,000 AK–47s into Oakland,

California, and offering to sell urban gangs shoulder-held missile launchers capable of "taking out a 747" (which the affidavit of the United States Customs Service of May 21, 1996, indicated that the representative of Poly Technologies and Norinco claimed), and Communist Chinese authorities punished only 4 low-level arms merchants by sentencing them on May 17, 1997, to brief prison terms.

(10) The People's Liberation Army contributes to the People's Republic of China's failure to meet the standards the 1995 Memorandum of Understanding with the United States on intellectual property rights by running factories which pirate videos, compact discs, and computer software that are products of the United States.

(11) The People's Liberation Army contributes to the People's Republic of China's failing to meet the standards of the February 1997 Memorandum of Understanding with the United States on textiles by operating enterprises engaged in the transshipment of textile products to the United States through third countries.

(12) The estimated $2 billion to $3 billion in annual earnings of People's Liberation Army enterprises subsidize the expansion and activities of the People's Liberation Army described in this subsection.

(13) The commercial activities of the People's Liberation Army are frequently conducted on noncommercial terms, or for noncommercial purposes such as military or foreign policy considerations.

SEC. 2. APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO CHINESE MILITARY COMPANIES.

(a) DETERMINATION OF COMMUNIST CHINESE MILITARY COMPANIES.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall compile a list of persons who are Communist Chinese military companies and who are operating directly or indirectly the United States or any of its territories and possessions, and shall publish the list of such persons in the Federal Register. On an ongoing basis, the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation, shall make additions or deletions to the list based on the latest information available.

(2) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1), the term "Communist Chinese military company"—

(A) means a person that is—

(i) engaged in providing commercial services, manufacturing, producing, or exporting, and

(ii) owned or controlled by the People's Liberation Army, and

(B) includes, but is not limited to, any person identified in the United States Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990, or PC-1921-57-95, dated October 1995, and any update of such reports for the purposes of this Act.

(b) PRESIDENTIAL AUTHORITY.—

(1) AUTHORITY.—The President may exercise the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) with respect to any commercial activity in the United States by a Communist Chinese military company (except with respect to authorities relating to importation), without regard to section 202 of that Act.

(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to violations of any license, order, or regulation issued under paragraph (1).

SEC. 3. DEFINITION.

For purposes of this Act, the term "People's Liberation Army" means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People's Republic of China, and any member of any such service or of such police.

The SPEAKER pro tempore. Pursuant to House Resolution 302, the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida [Mrs. FOWLER].

GENERAL LEAVE

Mrs. FOWLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today the House is considering H.R. 2647, legislation I have introduced to call attention to U.S. commercial activities of the People's Liberation Army, better known as the PLA, of China and give the President expanded authority to take action against PLA-owned enterprises doing business in the United States.

It has been well-documented that China's military-owned enterprises have been directly involved in the international proliferation of nuclear and chemical weapons technologies and of missiles and missile technologies. Recent revelations include information about the sale of ring magnets and specialized high temperature industrial furnaces, used in constructing nuclear weapons, to Pakistan; technical support for Iran's nuclear program; and missile technology sales to Iran, Syria, and Pakistan. The profits from these sales are piled back into the modernization of the PLA and fund such aggressive activities as the missile tests conducted off Taiwan in advance of the 1996 elections there and the PLA's seizure of contested islands in the South China Sea.

What many Americans do not know is that the Chinese military also operates many enterprises that deal in nonmilitary commodities, and that they profit handsomely from their activities in the United States. A report released earlier this year indicated that vast quantities of goods as varied as rattan products, toys, ski gloves, garlic, iron weight sets, men's pants, car radiators, glassware, pollock fillets, swimsuits, and much more are being sold to U.S. consumers by PLA-owned firms.

This chart that I have here will give Members an example. All those that are in the peach color are companies that have been documented by our Defense Intelligence Agency as being directly owned by the People's Liberation Army. Those in the peach color are the ones that would be affected by this legislation. The ones to the other side, in the other color, are their defense industrial base. Some of them have indirect connections also, but any Members who are interested today might want to come up and look at this chart. They would be amazed at the companies listed here.

H.R. 2647 would do two things. First, it would require the Secretary of Defense, in consultation with the Attorney General, the Director of Central Intelligence, and the Director of the FBI, to maintain a current list of Chinese military firms operating directly or indirectly in the United States. This list, consisting strictly of PLA-owned companies, would be updated regularly in the Federal register.

Second, it would give the President enhanced authority under the International Emergency Economic Powers Act, better known as IEEPA, to take action against Chinese military-owned firms if circumstances warrant, including freezing their assets or otherwise regulating these firms' activities.

Thus, if a PLA-owned firm is found to be shipping missile guidance components to a rogue state like Iran, the President would have the authority to take immediate action against a United States subsidiary of that firm which might, for example, be selling sporting goods here in the United States.

I should note that this bill would not require the President to take action under IEEPA; it would only enhance his ability to do so.

I believe that American consumers ought to know whether the products they are buying, including things like toys, sweaters, and porcelain they might purchase for the upcoming holidays, are supporting the People's Liberation Army and the kind of activities I have identified.

This legislation will help do that. It is needed both to shed light on the PLA's activities in the United States and to ensure that the President has the latitude he needs to take appropriate actions when evidence of wrongdoing arises. I hope my colleagues will support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HAMILTON. Madam Speaker, I yield myself such time as I may consume. I rise in opposition to the bill.

Madam Speaker, the purpose of the bill is to increase, I think, the likelihood that United States sanctions

against companies owned by the Chinese military will be applied. The bill's findings make a number of assertions about objectionable conduct by the People's Liberation Army. I think there is broad agreement with regard to the accuracy of those assertions.

The findings also describe a number of Chinese military commercial activities that are contrary to United States interests, or at least said to be contrary to United States interests, or in violation of Chinese Government commitments. The bill requires the Secretary of Defense to maintain a list of Chinese military companies operating in the United States, and it authorizes but it does not require the President to impose the sanctions provided for under the International Emergency Economic Powers Act, the act we generally refer to by the name IEEPA, even if that statute's threat standard has not been met.

I really oppose the bill for two reasons. First of all, the bill hands the President of the United States an extraordinary amount of authority. Currently the International Emergency Economic Powers Act, or IEEPA, authorizes the President to impose a wide array of sanctions in response to a foreign threat to the United States national security, foreign policy or economic interests. Presidents have used that authority frequently in the past. Under this bill, the President would be free to impose IEEPA sanctions on a Chinese military company without declaring a national emergency, or even determining that the company in question posed any threat to United States public safety or national security.

In other words, the bill provides no clear standards for invoking IEEPA sanctions. The bill establishes no threat standard for triggering the sanctions. The bill offers no congressional guidance to the President concerning the conduct that would justify sanctions. So far as I am aware, no existing sanctions law, and we have a number of them on the books today, offers the President anywhere near this kind of open-ended authority to impose sanctions. And so the bill has important implications beyond United States-China relations. It sets a precedent, and some view perhaps an alarming precedent, with respect to the separation of powers; it represents an extraordinary giveaway by the Congress of congressional authority to the executive to set the parameters of U.S. foreign and trade policy. I am aware, of course, that my colleagues will not be much persuaded by this argument, but I do find myself increasingly concerned about this propensity on the part of Members of the Congress and this institution to transfer authority to the President of the United States, and in this case not to give him any guidelines, not to give him any guidance, not to put any restraint or restrictions on the manner in which he uses that power. I can almost assure that sometime in the future, we in this body will be objecting very strongly to the manner in which some President, a future President, will have exercised authority under this bill, and we will complain that he has abused authority when in fact he will not have abused authority because there are not any guidelines here. That is one objection that I have to the bill.

A second objection is that I think the bill involves the danger that it poses to sensitive intelligence information. The requirement to publish a list of Chinese military companies operating directly or indirectly in the United States I am told can easily jeopardize sensitive sources. This requirement of disclosure could release classified information that should be protected, and that information could relate to sources and methods in the intelligence community. I do not think it is wise for us to take action that will only make it more difficult to collect vital intelligence on Chinese commercial interests in this country. I understand that the Chinese do a lot of things that we do not like, and I agree with much of what has been said with regard to their conduct, but I do not think we have looked at this legislation carefully enough, we have not explained why the President needs any new authority to protect public safety or national security from the Chinese military. He already has very extensive authority to do that. I do not think the sponsors of the bill have adequately explained why we should take a step that has fairly serious implications for the balance of constitutional powers, and I do not believe the sponsors of the bill have told us how they would reconcile the need to protect sensitive intelligence sources with the requirement for publishing a list of companies associated with the Chinese military.

Madam Speaker, I do not see any overriding reason to pass this bill, although I certainly understand the concerns that the sponsors of the bill have about Chinese military enterprises operating in this country and in other areas of the world.

□ 1600

But because of the two reasons that I have stated, I do urge Members to oppose the bill. I might say that the administration likewise opposes the bill.

Madam Speaker, I reserve the balance of my time.

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

I just want to stress again that this bill does not require the President to do anything, it just gives him the flexibility to do so.

Madam Speaker, I yield 4 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentlewoman from Florida for yielding this time to me.

Madam Speaker, I am pleased to rise in strong support of this measure, a bill introduced by the gentlewoman from Florida [Mrs. FOWLER] that would deny normal commercial status to the Chinese People's Liberation Army, whose enterprises subsidize China's military spending, and who promote arms proliferation activities from Iran to the streets of San Francisco.

This critically important legislation is needed to monitor and restrict the long arm of those commercial enterprises in Asia and in the United States whose activities have been directly implicated in the proliferation of weapons of mass destruction, in arms smuggling, economic espionage, use of forced labor, piracy of intellectual property and misappropriation of military-sensitive technology.

Its provisions would require the U.S. Secretary of Defense, the Attorney General and our Directors of the Central Intelligence Agency and the Federal Bureau of Investigation to publish a list of Chinese military companies that are operating in the United States, and would authorize the President to monitor, to restrict, and seize the assets of those companies.

As an original cosponsor of this measure, along with a number of my colleagues, including the distinguished chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE], I would remind my colleagues that the Chinese People's Liberation Army is the main instrument of repression within China responsible for occupying Tibet since 1950, massacring hundreds of student demonstrators in Tiananmen Square in June of 1989, and running the Laogai slave labor camps.

The PLA, assisted by its money-making commercial enterprises, is engaged in a massive military buildup with most of the increase in off-budget items. Our arms control agency has estimated that its actual military spending in 1994 was more than nine times its announced budget.

We can and must ensure that the commercial enterprises supporting this massive military buildup be subjected to close scrutiny by our intelligence and law enforcement agencies, and we urge the President to use his existing authorities to restrict or ban their activities in the United States to the extent they represent a national security threat to our interests.

This measure provides the authority for the President to seize the assets of Chinese companies listed in section 2(a) of this bill. It does not mandate, does not require any such Presidential action, but it does serve to put teeth in this measure denying commercial status to these Chinese companies. If the

President were to abuse his authorities under the IEEPA, we can always restrict or eliminate the authorities provided in section 2(b) of this act.

We know that we have a problem with the Chinese military as a whole, but perhaps for foreign policy reasons the President will not want to declare an emergency. This measure will allow the President to act accordingly. If this is any giveaway of authority, it is strictly limited though to PLA companies.

Accordingly, I urge our colleagues to support this measure.

Mr. HAMILTON. Madam Speaker, I yield myself an additional minute.

I just wanted to point out the process involved in this bill. I think there were no hearings in the committee with respect to it. I am not aware that there was any consultation between the committee and the administration and no effort to talk with the administration about how they viewed this bill or to adapt the language of the bill so that it would be satisfactory to the administration.

I am not aware that the bill had any consideration in the committee, the House Committee on International Relations. This bill was not reported out by the committee, I do not believe. I think the bill came out under a waiver, if I am not mistaken.

Now, I understand that there are times when steps have to be taken in a committee to bypass normal procedures, but I must say I do not understand why that had to occur here. This is an important matter. The administration does have something to say on it, but I am not aware of any process that involved them to any degree.

Madam Speaker, I reserve the balance of my time.

Mrs. FOWLER. Madam Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. SPENCE], the chairman of the Committee on National Security.

Mr. SPENCE. Madam Speaker, I thank the gentlewoman from Florida for sponsoring this initiative.

Madam Speaker, the Communist Chinese People's Liberation Army directly controls a vast empire of commercial enterprises throughout the world. In addition, there is a parallel network of state-run defense industries under the supervision of the Commission of Science, Technology and Industry for National Defense. Such enterprises have been involved in the proliferation of weapons of mass destruction, arms smuggling, economic espionage, use of forced labor, piracy of intellectual property and misappropriation of military-sensitive technology.

As state-owned enterprises, PLA enterprises frequently operate on noncommercial terms, conducting their affairs for such nonmarket reasons as military and prestige considerations and for advancing foreign policy concerns, and even when operating for commercial motives, PLA profits subsidize the military establishment with off-budget financing. According to Karl Schoenberger, writing in Fortune magazine, off-budget military spending in 1997, including both profits from PLA enterprises and PLA arms sales, is conservatively estimated at $2 to $3 billion. Based on purchasing power parity, the Arms Control and Disarmament Agency, not known for exaggerating threats, estimated that 1994 Chinese military spending was nine times its announced budget.

To Chinese military spending is added the problems of weapons acquisition; for instance, fire sales from cash-strapped Russia. The Chinese arms proliferation problem involves what China buys as well as what it sells; is captured by its efforts to acquire the *Sovremenny*-class destroyers from Russia, which are equipped with SS-N-22 supersonic antiship missiles. These Sunburn missiles were designed to evade defenses by hugging the surface of the ocean and then popping up to come straight down on the surface of ships. They are designed for destroying American aircraft carriers and *Aegis* cruisers, especially disturbing given our Navy's presence in the Taiwan Strait.

Instead of representing a stabilizing force in a generational leadership transition in China, as some allege, that military establishment is China's chief enemy of freedom at home and abroad. The PLA is responsible for internal repression from Tibet's occupation to the Tiananmen Square massacre. It is responsible for external aggression from the seizure of Mischief Reef in the Spratley Islands to the firing of missiles to intimidate Taiwan.

The Communist Chinese military does not deserve to be treated like the world's private companies. I urge my colleagues to support this very fine piece of legislation.

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

Mrs. FOWLER. Madam Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I thank the gentlewoman from Florida for yielding this time to me, and first I want to commend her for her sponsorship of this very, very important legislation and her contribution on all of this legislation that has been before us for the last 2 days.

Madam Speaker, again we have a bill before us that brings to light a very serious problem with Communist China that has often been lost in our previous debates on China. It is especially lost when listening to the rhetoric of those who argue for the status quo called engagement with China. As my colleagues know, that word, "engagement," always gets this country of ours in trouble and always ends up with American soldiers in combat somewhere.

The problem is that we do not have true engagement or free trade with this Communist government. There is a barrier between us and them, and the barrier is the massive omnipresent Communist Chinese Government's apparatus dominated by the People's Liberation Army.

This is no ordinary army, Madam Speaker. No, it is also a vast commercial empire raking in profits of well over $2 billion a year, mostly financed by either low-interest or no-interest U.S. taxpayer dollars, 35 years in length, and sometimes with a 10-year waiver, a 10-year grace period, that may never even get paid back, and yet they keep doing this, Madam Speaker. They have got their fingers in everything, let me assure my colleagues.

Madam Speaker, half of the things people are wearing around here are probably made by firms either owned by or affiliated with the People's Liberation Army. See this shirt I am wearing here? Used to be made up in Troy, NY. Do my colleagues know where it is made now? It is made by the People's Liberation Army in China, and all the people that I represent are now out of work. We used to have several thousand seamstresses and workers up in the Hudson Valley. Today we are lucky if we have 300 left.

And what does the PLA do with these huge profits? Well, for starters it dutifully carries out the totalitarian repression of the Chinese people as ordered by the Communist Party. The PLA is the instrument of terror in China. It was the PLA that rolled the tanks in Tiananmen Square, killing a thousand people. It is the PLA that occupies Tibet.

What else does it do, Madam Speaker? Well, for starters, they fired some missiles at Taiwan last year, and they are using their annual double-digit budget increases in their military to gobble up weapons at a breathtaking pace, SU-27 fighter jets, Kilo submarines like this destroyer right here purchased from the Russian Government, armed with a deadly anti-American SS-N-22 missile that is pictured here, that is someday going to be used against U.S. soldiers and sailors stationed over in the Taiwan Straits. Just name it, the PLA is buying it.

And lastly, it is, of course, the PLA that is proliferating the endless list of deadly weapons and technology.

I urge all of my colleagues to support this legislation. I commend the gentlewoman from Florida. It is a great piece of legislation.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Speaker, there is an excellent new

book on the market. It is called Dereliction of Duty, and it talks about what went on in the Lyndon Johnson administration, starting about January of 1964 when he was telling the people of America that he was not going to get our Nation involved in any war in Vietnam, and yet behind the scenes was taking every step to do so.

□ 1615

That is what happens when you mislead the American people. That is what happens when you tell the American people you are doing one thing and yet another is going on.

That is what these six bills are about. I voted for them. They sound good; they feel good; they do absolutely nothing. This bill, I would say to the gentlewoman from Florida [Mrs. FOWLER], and you are my friend, does absolutely nothing.

We have had two opportunities now on this floor to do something. My friend, and I still call him my friend, although we quarrel on occasion, Mr. SOLOMON, points out that the People's Army got $2 billion in profits from goods they sold in America last year. The people of China, the nation of China, got $40 billion because of their incredible trade surplus with our Nation. On two occasions, I have tried to address that. On two occasions, you people chose not to.

It is a dereliction of duty of this Congress to mislead the American people that we are somehow getting tough with the Chinese Communists when we are not. There is a dereliction of duty of this Congress to pass six bills, put out press releases, go up there, talk to the television, go out on the quad and talk to the reporters, say we are finally getting tough with the Communists, when we are not.

The only way we are ever going to get the Chinese Communists' attention, to get them to quit forcing abortions, to get them to quit selling missiles to our enemies, to get them to quit putting American businesses out of business with slave-labor-made goods, is when we hit them in the pocketbook, and we will never hit them in the pocketbook as long as we give them most-favored-nation status, when they get 2 percent tariffs on their products coming into America and yet we allow them to charge us anything they want when we sell our products there. And those tariffs can be from 30 to 40 percent, and those tariffs are the main reason why our Nation is at a $40 billion annual trade disadvantage with the Chinese.

I say to the gentlewoman from Florida [Mrs. FOWLER], I am going to vote for her bill. It sounds nice. But if you are really serious, if the gentleman from New York [Mr. SOLOMON] is really serious about this, then let us address the trade inequity. Let us forget about the silly rules of the House. Let us forget about jurisdictions. For once, let us do what is right for America.

Mrs. FOWLER. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

[Mr. ROHRABACHER. Madam Speaker, I find it unfortunate that my friend, the gentleman from Mississippi [Mr. TAYLOR], would speak to us in such a condescending manner.

And I will just say this right off the bat. There have been people that have put a lot of time and effort into this issue of human rights and China. This Member in particular has spent years engaged in the issue of human rights in China. And for you to stand up here and act condescending to people who have worked so hard, like the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from California [Mr. COX], who have worked and sweated and done their homework for months and even years to try to get legislation to this floor, when you, as a Member yourself, have not gone through the procedures necessary to work a piece of legislation, is a little bit too much.

I would like to commend the gentlewoman from Florida [Mrs. FOWLER] and commend the gentleman from California [Mr. COX] in particular for the hard work they have put into this legislation. And it is not just a 1-day thing with these people, it is not a 1-day thing with this Congressman. We have worked for years trying to come to grips with a challenge to the United States of America, and that challenge is something that the public has not been able to recognize because there are American businessmen over making profit of Communist dictatorship, a dictatorship run by a group of thugs that threatens our national security and threatens the well-being of the people of this country.

We have got a package of bills before us today, and we have had to work to get them to the floor and work to perfect them, that will make a difference.

For example, we are not just talking about the People's Liberation Army, we are insisting that all companies that are associated with the People's Liberation Army, that are fronts for the People's Liberation Army, that a list be made and that it be made public, and that the President be given the discretion, which, of course, our distinguished ranking member on the Committee on International Relations opposes, that the President be given the discretion to act against these companies.

I am not afraid that the civil rights of these People's Liberation Army companies might get stepped upon. We are talking about the biggest abusers of human rights in the world, people who torture Christians, who put believers in God in prison, put them in forced labor camps, use them as slave labor to produce goods that will be sold, some of those goods, sold right here in the United States of America.

We are trying to come to grips with this problem, we are trying to alert the American people to it, and I, for one, deeply appreciate the gentlewoman from Florida [Mrs. FOWLER] and especially the gentleman from California ([Mr. COX] and all the other people who put time and effort into this package.

The People's Liberation Army is providing billions of dollars, billions of dollars, of revenue, by selling products to us, to do what? As the gentleman from New York [Mr. SOLOMON] stated, to build up their armed forces in a way by selling products to us.

What will they do with these weapons? This massive buildup that we see of the Chinese military, what will they do? Some day they may use those weapons to kill Americans.

Well, we are taking steps today to see that we come to grips with this incredible challenge. I, for one, am proud of the gentleman from New York [Mr. SOLOMON], I am proud of the people involved in the effort.

One last thing about this particular bill, H.R. 2647. No, it does not do everything, but it takes a long step forward. It will alert the American people to what companies are nothing more than fronts for the military arm of the Chinese Communist regime, and it gives the President authority to act if we find them stealing our technology or acting in a way that is totally inconsistent with the security needs of our country.

So I rise in strong support of this legislation and commend my fellow colleagues who put so much time and effort into trying to do something about it. Lyndon Johnson certainly didn't do anything about it.

[Mr. HAMILTON. Madam Speaker, I yield 7 minutes to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the distinguished ranking member for yielding me this time, and I commend the gentlewoman from Florida [Mrs. FOWLER] for her leadership on this important issue.

I just want to return to the dialog where the gentleman from California [Mr. ROHRABACHER] started his remarks. I wanted to commend the gentleman from Mississippi [Mr. TAYLOR] though, too, for his comments, because it is true, we should be doing more. But this is the very least we should do, where we can come together and hopefully get some action on the Senate side and put these bills on the President's desk. This gives us a chance to demonstrate the need for this legislation and to make a statement of our national values and concerns in our relationship with China.

As I have said over and over, I believe we will have a brilliant relationship with China, economically, diplomatically, culturally, politically, and every way, but that can only happen when

the Chinese Government respects its own people, stops proliferating weapons of mass destruction to rogue states, and plays by the rule in our trade relationship.

I believe we should have engagement with China, but it must be effective engagement, that makes the trade fairer, the world safer, and people freer, and not the destructive engagement that we have now that not only coddles dictators but extends unwarranted hospitality to them.

For example, when President Clinton toasted President Jiang Zemin, he was toasting the leader of the Chinese military that at that very moment was brutally occupying Tibet, continuing its proliferation of weapons of mass destruction to rogue and unsafeguarded states, repressing dissent in China, and a military that had in the past year and a half threatened with missiles the election in Taiwan, a military that had exported illegally AK–47 type rifles into the United States, selling them at a very cheap price on the streets here, making them the weapons of choice for gangs, all of this in violation of our law, but we again looked the other way or pulled the plug on the investigation too soon.

I want to call to my colleagues' attention a photograph that we have not had on the floor in a long time, because, frankly, I think it is too sacred to bring before this body, which has over and over again rejected our appeals for a change in U.S.-China policy because of repression in China and Tibet.

But, Mr. TAYLOR, respecting and admiring your dissatisfaction with what is going on here too, because, frankly, I am dissatisfied too, it is a cluster of fig leafs that we are dealing with, but they have more to them than that. As one who has been critical of fig leaf approaches here, I do commend our colleagues for the thoughtful attention they have paid and the reasonable solutions they have come up with so they can get almost unanimous support in this body for these initiatives.

But the gentleman is right. I had the bill on this floor that would limit MFN, revoke MFN for products made by the People's Liberation Army. That is what we should be doing here today. We do not have the votes for it, the President will not sign it, it would not pass in the Senate probably, and that, I think, is the least we can do.

But I bring this photograph back today in hope that the gentleman from California [Mr. COX] and the gentlewoman from Florida [Mrs. FOWLER] and the gentleman from New York [Mr. SOLOMON] and so many others who have worked on this package, that we can be serious about what we are doing and this is not perfunctory.

This is the photograph of the lone man before the tank. We all identified with him and admired him, and we immediately forgot the cause that he was standing there for. But I bring it here today in discussion of the People's Liberation Army, because this is the People's Liberation Army. They rolled out the tanks against their own people in the streets of Beijing on June 3 and 4 of 1989.

Fast forwarding to the present, this is the same People's Liberation Army that, according to the Office of Naval Intelligence in a March 1997 report, an unclassified report, stated that discoveries after the Gulf War clearly indicate that Iraq maintained an aggressive weapons of mass destruction procurement program. A similar situation exists today in Iran with a steady flow of materials and technologies from China to Iran. This exchange is one of the most active weapons of mass destruction programs in the Third World and is taking place in a region of great strategic interest to the United States. It is in our strategic interest to stop the proliferation by the Chinese military, the People's Liberation Army, of these weapons of mass destruction to Iran.

Between June of 1989, and we can go back further than that, but just taking from then to the present, and now, the Chinese military has been engaged in the activities that many of us have described relating to Taiwan, Tibet, China itself, proliferation, et cetera.

They are the guardians of China's repressive dictatorial regime. They and the People's Armed Police, which are part of the military, stand guard atop the watch towers of the laogai, the Chinese gulag, and are executioners of prisoners, some of them for harvest of their organs for profit.

The People's Liberation Army acts with swift brutality, as evidenced in Tiananmen Square as we see here, to crush any attempt to introduce democracy or promote basic human rights in China.

Indeed, when President Jiang, the leader of that military, who got a 21-gun salute from our administration by the military of this repressive regime, when he was here, he rejected the notion of economic reform leading to political reform and stated that political conformity and economic reform are complementary to each other. I was trying to get his exact words. He rejected the notion of people's evolution, and yet this administration and many in this body continue to say that that is what is happening in China.

Recently, huge worker demonstrations in Sichuan Province were brutally repressed by the People's Armed Police. Workers, believers, intellectuals, and students are rounded up and confined to reeducation camps in a continuing attempt by the Chinese authorities to break their spirit and prevent the establishment of independent organizations.

But this is why the legislation of the gentlewoman from Florida [Mrs. FOWLER] is so necessary. Chinese military-owned companies are selling huge amounts of goods in the United States, including toys, exercise weights, camping tents, and fish for fast food restaurants. Among American companies that buy products from wholesalers or distributors who get goods from them, I will invite my colleagues to read the People's Liberation Army, where to find PLA companies in the United States, what products they sell, and who are the PLA's customers.

I think my colleagues would find this very informational and a compelling reason to support the legislation of the gentlewoman from Florida [Mrs. FOWLER]. I thank the gentlewoman for presenting it.

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Mrs. FOWLER. Madam Speaker, I thank the gentlewoman from California [Ms. PELOSI] for her support and her diligent work in this effort.

I yield 5 minutes to the gentleman from California [Mr. COX], the chairman of the Republican Policy Committee.

Mr. COX of California. Madam Speaker, I thank the author of this bill, the gentlewoman from Florida [Mrs. FOWLER], for her courage in bringing it to the floor, and for her hard work and making sure that 90 days from its passage, the Department of Defense, the CIA, the FBI and the Department of Justice will combine their resources to produce a list of People's Liberation Army fronts doing business in the United States.

The reason we are here is because we love the peoples of China, and we know the difference between the Communist government in Beijing and the people. We know that the people are not the regime. We also know that free enterprise is not communism and communism is not free enterprise, and we know that the People's Liberation Army, the largest standing military on Earth, is not a commercial enterprise. And those of us who are for free trade understand that free trade must take place between commercial actors, market forces, driven by a profit motive, and competition is what makes markets work.

The People's Liberation Army is not interested in that. The People's Liberation Army has very different aims, and we understand what armies are all about.

The money that is generated from the subsidized industries in which the People's Liberation Army is engaged as so-called profits provide off-budget financing for the People's Liberation Army to expand even more than it already has. In nominal terms, that is what they report, the People's Liberation Army has doubled its spending since the collapse of the Soviet empire. They have literally moved to fill the void created by the collapse of the Soviet Union militarily. But the Arms

Control and Disarmament Agency tells us that that is understated by a factor of probably 8 times. The People's Liberation Army is enormous, but it is also growing, and it is growing because of these rather unique and creative financial arrangements.

A good example of these financial arrangements is Poly Technologies, about which we have heard some in the course of this debate. Poly Technologies, Inc., which is engaged in everything from the sale of small arms to the latest weapons of mass destruction in the People's Liberation Army arsenal has as its chairman a PLA officer. Bao Ping is none other than Deng Xiaoping's son-in-law.

This People's Liberation Army organization, using, for example, $2.5 billion that it earned in a single Middle East arms transaction, those were its net profits in that one deal, occupies almost one full city block near Beijing's Forbidden City. Poly Plaza comprises two large gleaming white marble towers connected by a 4-story high exhibition hall and theater. Across the face of the building in gold letters in English and Chinese characters, it says, Poly Plaza. They own property all over the People's Republic of China. Luxury villas in Beijing and a large piece of the Shanghai Securities Exchange building.

They also have commercial interests in California, where they were arrested for trying to smuggle into our country 300,000 machine guns for sale to street gangs. This is the indictment. They happen to be caught because there was an FBI sting operation, and in fact, a PLA agent offered to sell the FBI officers engaged in the sting operation Red Parakeet missiles, like Stinger missiles, the Chinese call theirs Red Parakeets, which he boasted, and it is written out here in the indictment, could take a 747 out of the sky. That is the kind of enterprise that the People's Liberation Army conducts.

Fortune Magazine, as has been alluded to earlier in the debate, reports that profits from People's Liberation Army's so-called commercial enterprise, the PLA fronts, yield about $2 billion to $3 billion in hard currency off-budget financing for the People's Liberation Army. The People's Liberation Army, more than anything, is the instrument of internal repression in the People's Republic of China. We ought not to pretend that when they are using their commercial fronts to do business in the United States that it looks anything like free trade. It is not.

What this bill does is very modest. It will produce a list and it will produce it in relatively short order so that we can then know who we are dealing with. That kind of information the American people need; that kind of information this bill will provide, and I congratulate the gentlewoman from Florida.

Mrs. FOWLER. Madam Speaker, I yield 30 seconds to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding once again and commend her for her leadership.

I wanted to join the gentleman from California [Mr. COX], and I did not have enough time to finish when I was enumerating all the kinds of products that the Chinese People's Liberation Army sells in the United States.

The point is that the point that the gentleman from California [Mr. COX] made, and that is that this subsidizes the Chinese military apparatus, the same one that brutally occupies Tibet, sells weapons of mass destruction into the Third World. The toys you buy in the United States from Poly Technologies and the rest subsidize the Chinese military.

Mr. HAMILTON. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Speaker, let me begin by agreeing with everything the gentleman from California [Mr. COX] just said. All of those things really did happen. The company that shipped that container-load of AK-47's into our country is the Chinese Ocean Shipping Co. We on the Committee on National Security this year passed an amendment which would ban that company, or any state-owned shipping company, from leasing or operating an American port that used to be a military installation that has reverted back to a local community. Unfortunately, the Senators chose not to do so, and it was dropped out of the conference committee report.

I want to go back to some things that were said earlier, that this bill is great because we authorize the President to do some things. One of the things we are as Members of Congress expected to do is read the Constitution of the United States, and any Member who reads the Constitution of the United States knows that in section 1 it talks about the powers of the Members of Congress. One of those powers will be debated twice today, because it involves Article I, section 8, clause 3 of the Constitution, which clearly gives Congress, and I am quoting, "the power to regulate commerce with foreign nations."

What the gentlewoman from Florida [Mrs. FOWLER] is trying to do here is to regulate commerce with foreign nations, and I have no problem with that because she is trying to slap the Chinese for their wrongful deeds. The problem with it is we should be doing it and we should not be delegating our constitutionally mandated authority to the President.

We know they have done bad things. We know that they have tried to smuggle a container, a 40-foot container load of AK-47's into this country to sell to street gangs in this country and cause harm in this country. Let us not pretend that that is not going on. And let us not pretend that these measures that have absolutely no force at all are going to do anything about it.

I am going to say for the last time, if this Congress is serious about getting the Chinese' attention for their wrongful deeds, we have to hit them in the pocketbook. They have unlimited access to the American market in most favored nation status which a majority of Members in this body, but not me, voted for, which allows them to have market access for 2 percent. They charge American goods anywhere up to 40 percent.

We have had two separate options, two separate opportunities to level the playing field. The sponsor of this bill did not vote to do so. I hope this Congress in the next session will address that. Because if we really think that the Chinese are doing wrong things and we really want to address it, there is a means to do so. It is called trade fairness. It is called basic fairness for the American working people.

I hope just once the Committee on Ways and Means will allow the Members of this body to vote on something that will call for fairness in trade between ourselves and the People's Republic of China.

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-390)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,988,226,000 plus reimbursements, of which $3,794,735,000 is available for obligation for the period July 1, 1998 through June 30, 1999; of which $118,491,000 is available for the period July 1, 1998 through June 30, 2001 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $200,000,000 shall be available from July 1, 1998 through September 30, 1999, for carrying out activities of the School-to-Work Opportunities Act: Provided, That $53,815,000 shall be for carrying out section 401 of the Job Training Partnership Act, $71,017,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $9,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $955,000,000 shall be for carrying out title II, part A of such Act, and $129,965,000 shall be for carrying out title II, part C of such Act: Provided further, That the National Occupational Information Coordinating Committee is authorized, effective upon enactment, to charge fees for publications, training and technical assistance developed by the National Occupational Information Coordinating Committee: Provided further, That revenues received from publications and delivery of technical assistance and training, notwithstanding 31 U.S.C. 3302, shall be credited to the National Occupational Information Coordinating Committee program account and shall be available to the National Occupational Information Coordinating Committee without further appropriations, so long as such revenues are used for authorized activities of the National Occupational Information Coordinating Committee: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers; Provided further, That funds provided for title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver described in section 315(a)(2) may be granted if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services, and that funds provided for discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the enrollment requirements under section 314(e) of such Act, are enrolled in training by the end of the sixth week after grant funds have been awarded: Provided further, That funds provided to carry out section 324 of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That service delivery areas may transfer funding provided herein under authority of title II, parts B and C of the Job Training Partnership Act between the programs authorized by those titles of the Act, if the transfer is approved by the Governor: Provided further, That service delivery areas and substate areas may transfer up to 20 percent of the funding provided herein under authority of title II, part A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: Provided further, That notwithstanding any other provision of law, any proceeds from the sale of Job Corps center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program: Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the statutory or regulatory requirements of titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, workers rights, participation and protection, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility, review and approval of plans, the establishment and functions of service delivery areas and private industry councils, and the basic purposes of the Act), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), only for funds available for expenditure in program year 1998, pursuant to a request submitted by a State which identifies the statutory or regulatory requirements that are requested to be waived and the goals which the State or local service delivery areas intend to achieve, describes the actions that the State or local service delivery areas have undertaken to remove State or local statutory or regulatory barriers, describes the goals of the waiver and the expected programmatic outcomes if the request is granted, describes the individuals impacted by the waiver, and describes the process used to monitor the progress in implementing waivers, and for which notice and an opportunity to comment on such request has been provided to the organizations identified in section 105(a)(1) of the Job Training Partnership Act, if and only to the extent that the Secretary determines that such requirements impeded the ability of the State to implement a plan to improve the workforce development system and the State has executed a Memorandum of Understanding with the Secretary requiring such State to meet agreed upon outcomes and implement other appropriate measures to ensure accountability: Provided further, That the Secretary of Labor shall establish a workforce flexibility (work-flex) partnership demonstration program under which the Secretary shall authorize not more than six States, of which at least three States shall each have populations not in excess of 3,500,000, with a preference given to those States that have been designated Ed-Flex Partnership States under section 311(e) of Public Law 103–227, to waive any statutory or regulatory requirement applicable to service delivery areas or substate areas within the State under titles I–III of the Job Training Partnership Act (except for requirements relating to wage and labor standards, grievance procedures and judicial review, nondiscrimination, allotment of funds, and eligibility), and any of the statutory or regulatory requirements of sections 8–10 of the Wagner-Peyser Act (except for requirements relating to the provision of services to unemployment insurance claimants and veterans, and to universal access to basic labor exchange services without cost to job seekers), for a duration not to exceed the waiver period authorized under section 311(e) of Public Law 103–227, pursuant to a plan submitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for Federal funds.

For necessary expenses of Opportunity Areas of Out-of-School Youth, in addition to amounts otherwise provided herein, $250,000,000, to be available for obligation for the period October 1, 1998 through September 30, 1999, if job training reform legislation authorizing this or similar at-risk youth projects is enacted by July 1, 1998.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $96,844,000.

The funds appropriated under this heading shall be transferred to and merged with the Department of Health and Human Services, "Aging Services Programs", for the same purposes and the same period as the account to which transferred, following the enactment of legislation authorizing the administration of the program by that Department.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $349,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $173,452,000, together with not to exceed $3,322,476,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1998, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 2000; and of which $40,000,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period October 1, 1998 through September 30, 1999, for the purpose

of assisting States to convert their automated State employment security agency systems to be year 2000 compliant; and of which $173,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 1998 through June 30, 1999, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which $200,000,000 shall be available solely for the purpose of assisting States to convert their automated State employment security agency systems to be year 2000 complaint, and of which $196,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, that to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1998 is projected by the Department of Labor to exceed 2,789,000 an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1999, $392,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1998, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $90,308,000, including $6,000,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than three years, to administer welfare-to-work grants, together with not to exceed $41,285,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $82,000,000, of which $3,000,000 shall remain available through September 30, 1999 for expenses of completing the revision of the processing of employee benefit plan returns.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1998, for such Corporation: Provided, That not to exceed $10,433,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $299,660,000, together with $993,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $500,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $201,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1997, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1998: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $7,269,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,007,000,000, of which $960,650,000 shall be available until September 30, 1999, for payment of all benefits as authorized by section 8501(d)(1) (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,147,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $19,551,000 for transfer to Departmental Management, Salaries and Expenses, $296,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: Provided, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $336,480,000, including not to exceed $77,941,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of

Labor is authorized, during the fiscal year ending September 30, 1998, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act: Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $203,334,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $327,609,000, of which $15,430,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1999, together with not to exceed $52,848,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,421,000 for the President's Committee on Employment of People With Disabilities, $152,253,000; together with not to exceed $282,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995): Provided Further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than one year shall be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided Further, That these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.)

WORKING CAPITAL FUND

The paragraph under this heading in Public Law 85–67 (29 U.S.C. 563) is amended by striking the last period and inserting after "appropriation action" the following: ": Provided further, That the Secretary of Labor may transfer annually an amount not to exceed $3,000,000 from unobligated balances in the Department's salaries and expenses accounts, to the unobligated balance of the Working Capital Fund, to be merged with such Fund and used for the acquisition of capital equipment and the improvement of financial management, information technology and other support systems, and to remain available until expended: Provided further, That the unobligated balance of the Fund shall not exceed $20,000,000.".

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $181,955,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1998.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $42,605,000, together with not to exceed $3,645,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 103. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

SEC. 104. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration to promulgate or issue any proposed or final standard regarding ergonomic protection before September 30, 1998: Provided, That nothing in this section shall be construed to limit the Occupational Safety and Health Administration from issuing voluntary guidelines on ergonomic protection or from developing a proposed standard regarding ergonomic protection: Provided further, That no funds made available in this Act may be used by the Occupational Safety and Health Administration to enforce voluntary ergonomics guidelines through section 5 (the general duty clause) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654).

SEC. 105. Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by striking "water for agricultural purposes" and inserting in lieu thereof "water, at least 90 percent of which was ultimately delivered for agricultural purposes during the preceding calendar year".

This title may be cited as the "Department of Labor Appropriations Act, 1998".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, $3,618,137,000, of which $225,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act and of which $28,000,000 shall be available for the construction and renovation of health care and other facilities: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $2,500,000

shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $203,452,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $285,500,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: Provided further, That, of the funds made available under this heading, not more than $6,000,000 shall be made available and shall remain available until expended for loan guarantees for loans funded under part A of title XVI of the Public Health Service Act as amended, made by non-Federal lenders for the construction, renovation, and modernization of medical facilities that are owned and operated by health centers, and for loans made to health centers under section 330(d) of the Public Health Service Act as amended by Public Law 104–299, and that such funds be available to subsidize guarantees of total loan principal in an amount not to exceed $80,000,000: Provided further, That notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $103,863,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $6,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $85,000,000: Provided further, That the Secretary may use up to $1,000,000 derived by transfer from insurance premiums collected from guaranteed loans made under title VII of the Public Health Service Act for the purpose of carrying out section 709 of that Act. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and sections 20, 21 and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,327,552,000, of which $21,504,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: Provided, That in addition to amounts provided herein, up to $59,232,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer.

In addition, $51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,547,314,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,531,061,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $209,415,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $873,860,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $780,713,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,351,655,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,065,947,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $674,766.000

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $355,691,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $330,108,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $519,279,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $274,760,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $200,695,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $63,597,000.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $227,175,000.

NATIONAL INSTITUTE OF DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $527,175,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $750,241,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $217,704,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $453,883,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: Provided further, That $20,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $28,289,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $161,185,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 1998,

the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $296,373,000, of which $40,536,000 shall be for the Office of AIDS Research: Provided, That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That NIH is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the NIH Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the National Foundation for Biomedical Research may be transferred to the National Institutes of Health: Provided further, That $20,000,000 shall be available to carry out section 404E of the Public Health Service Act: Provided further, That of the funds available to carry out section 404E of the Public Health Service Act, not less than $7,000,000 shall be for peer reviewed complementary and alternative medicine research grants and contracts that respond to program announcements and requests for proposals issued by the Office of Alternative Medicine.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $206,957,000, to remain available until expended, of which $90,000,000 shall be for the clinical research center and $16,957,000 for the Vaccine Facility: Provided, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the clinical research center may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the Vaccine Facility may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found in 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,146,743,000, of which $10,000,000 shall be for grants to rural and Native American projects: Provided, That notwithstanding any other provision of law, each State's allotment for fiscal year 1998 for each of the programs under subparts I and II of part B of title XIX of the Public Health Service Act shall be equal to such State's allotment for such programs for fiscal year 1997.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $90,229,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $56,206,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $71,602,429,000, to remain available until expended.

For making, after May 31, 1998, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1998 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1999, $27,800,689,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $60,904,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $1,743,066,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $900,000 shall be for carrying out section 4021 of Public Law 105–33: Provided further, That in carrying out its legislative mandate, the National Bipartisan Commission on the Future of Medicare shall examine the impact of increased investments in health research on future Medicare costs, and the potential for coordinating Medicare with cost-effective long-term care services: Provided further, That $40,000,000 appropriated under this heading for the transition to a single Part A and Part B processing system shall remain available until expended: Provided further, That funds appropriated under this heading may be obligated to increase Medicare provider audits and implement the Department's corrective action plan to the Chief Financial Officer's audit of the Health Care Financing Administration's oversight of Medicare: Provided further, That the Secretary of Health and Human Services is directed to collect, in aggregate, $95,000,000 in fees in fiscal year 1998 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1998, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act: Provided further, That, notwithstanding section 418(a) of the Social Security Act, for fiscal year 1997 only, the amount of payment under section 418(a)(1) to which each State is entitled shall equal the amount specified as mandatory funds with respect to such State for such fiscal year in the table transmitted by the Administration for Children and Families to State Child Care and Development Block Grant Lead Agencies on August 27, 1996, and the amount of State expenditures in fiscal year 1994 or 1995 (whichever is greater) that equals the non-Federal share for the programs described in section 418(a)(1)(A) shall be deemed to equal the amount specified as maintenance of effort with respect to such State for fiscal year 1997 in such table.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 1999, $660,000,000, to remain available until expended.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,100,000,000, to be available for obligation in the period October 1, 1998 through September 30, 1999.

For making payments under title XXVI of such Act, $300,000,000: Provided, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $415,000,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 104–134 for fiscal year 1996 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1997 and 1998.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(INCLUDING TRANSFER OF FUNDS)

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 1998, $65,672,000; and to become available on October 1, 1998 and remain available through September 30, 1999, $1,000,000,000: Provided, That of funds appropriated for each of fiscal years 1998 and 1999, $19,120,000 shall be available for child care resource and referral and schoolaged child care activities, of which for fiscal year 1998 $3,000,000 shall be derived from an amount that shall be transferred from the amount appropriated under section 452(j) of the Social Security Act (42 U.S.C. 652(j)) for fiscal year 1997 and remaining available for expenditure: Provided further, That of the funds provided for fiscal year 1998, $50,000,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), such funds to be in addition to the amounts required to be reserved by States under such section 658G.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,299,000,000: Provided, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 1998 shall be $2,299,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, (including section 105(a)(2) of the Child Abuse Prevention and Treatment Act), the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A and 1110 of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $5,682,916,000, of which $542,165,000 shall be for making payments under the Community Services Block Grant Act, and of which $4,355,000,000 shall be for making payments under the Head Start Act: Provided, That of the funds made available for the Head Start Act, $279,250,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): Provided further, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $93,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211 and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 1998 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 1998 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $255,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $3,200,000,000.

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, for the first quarter of fiscal year 1999, $1,157,500,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $865,050,000: Provided, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: Provided further, That of the funds appropriated to carry out section 303(a)(1) of such Act, $4,449,000 shall be available for carrying out section 702(a) of such Act and $4,732,000 shall be available for carrying out section 702(b) of such Act: Provided further, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaskan and Hawaiian native communities to be served.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $171,631,000, of which $500,000 shall remain available until expended, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $1,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,921,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,345,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $14,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 206. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of NIH and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such accounts amounts necessary to carry out section 2535(d)(3) of the Public Health Service Act.

SEC. 210. Funds appropriated in this Act for the National Institutes of Health may be used to provide transit subsidies in amounts consistent with the transportation subsidy programs authorized under section 629 of Public Law 101–509 to non-FTE bearing positions including trainees, visiting fellows and volunteers.

SEC. 211. (a) The Secretary of Health and Human Services may in accordance with this section provide for the relocation of the Federal facility known as the Gillis W. Long Hansen's Disease Center (located in the vicinity of Carville, in the State of Louisiana), including the relocation of the patients of the Center.

(b)(1) Subject to paragraph (2), in relocating the Center the Secretary may on behalf of the United States transfer to the State of Louisiana, without charge, title to the real property and improvements that as of the date of the enactment of this Act constitute the Center. Such real property is a parcel consisting of approximately 330 acres. The exact acreage and legal description used for purposes of the transfer shall be in accordance with a survey satisfactory to the Secretary.

(2) Any conveyance under paragraph (1) is not effective unless the deed or other instrument of conveyance contains the conditions specified in subsection (d); the instrument specifies that the United States and the State of Louisiana agree to such conditions; and the instrument specifies that, if the State engages in a material breach of the conditions, title to the real property and improvements involved reverts to the United States at the election of the Secretary.

(c)(1) With respect to Federal equipment and other items of Federal personal property that are in use at the Center as of the date of the enactment of this Act, the Secretary may, subject to paragraph (2), transfer to the State such items as the Secretary determines to be appropriate, if the Secretary makes the transfer under subsection (b).

(2) A transfer of equipment or other items may be made under paragraph (1) only if the State agrees that, during the 30-year period beginning on the date on which the transfer under subsection (b) is made, the items will be used exclusively for purposes that promote the health or education of the public, except that the Secretary may authorize such exceptions as the Secretary determines to be appropriate.

(d) For purposes of subsection (b)(2), the conditions specified in this subsection with respect to a transfer of title are the following:

(1) During the 30-year period beginning on the date on which the transfer is made, the real property and improvements referred to in subsection (b)(1) (referred to in this subsection as the "transferred property") will be used exclusively for purposes that promote the health or education of the public, with such incidental exceptions as the Secretary may approve.

(2) For purposes of monitoring the extent to which the transferred property is being used in accordance with paragraph (1), the Secretary will have access to such documents as the Secretary determines to be necessary, and the Secretary may require the advance approval of the Secretary or such contracts, conveyances of real or personal property, or other transactions as the Secretary determines to be necessary.

(3) The relocation of patients from the transferred property will be completed not later than 3 years after the date on which the transfer is made, except to the extent the Secretary determines that relocating particular patients is not feasible. During the period of relocation, the Secretary will have unrestricted access to the transferred property, and after such period will have such access as may be necessary with respect to the patients who pursuant to the preceding sentence are not relocated.

(4)(A) With respect to projects to make repairs and energy-related improvements at the transferred property, the Secretary will provide for the completion of all such projects for which contracts have been awarded and appropriations have been made as of the date of which the transfer is made.

(B) If upon completion of the projects referred to in subparagraph (A) there are any unobligated balances of amounts appropriated for the projects, and the sum of such balances is in excess of $100,000—

(i) the Secretary will transfer the amount of such excess to the State; and

(ii) the State will expend such amount for the purposes referred to in paragraph (1), which may include the renovation of facilities at the transferred property.

(5)(A) The State will maintain the cemetery located on the transferred property, will permit individuals who were long-term-care patients of the Center to be buried at the cemetery, and will permit members of the public to visit the cemetery.

(B) The State will permit the Center to maintain a museum on the transferred property and will permit members of the public to visit the museum.

(C) In the case of any waste products stored at the transferred property as of the date of the transfer, the Federal Government will after the transfer retain title to and responsibility for the products, and the State will not require that the Federal Government remove the products from the transferred property.

(6) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the transferred property with facilities management or dietary duties:

(A) The State will offer the individual an employment position with the State, the position with the State will have duties similar to the duties the individual performed in his or her most recent position at the transferred property, and the position with the State will provide compensation and benefits that are similar to the compensation and benefits provided for such most recent position, subject to the concurrence of the Governor of the State.

(B) If the individual becomes an employee of the State pursuant to subparagraph (A), the State will make payments in accordance with subsection (e)(2)(B) (relating to disability), as applicable with respect to the individual.

(7) The Federal Government may, consistent with the intended uses by the State of the transferred property, carry out at such property activities regarding at-risk youth.

(8) Such additional conditions as the Secretary determines to be necessary to protect the interests of the United States.

(e)(1) This subsection applies if the transfer under subsection (b) is made.

(2) In the case of each individual who as of the date of the enactment of this Act is a Federal employee at the Center with facilities management or dietary duties, and who becomes an employee of the State pursuant to subsection (d)(6)(A):

(A) The provisions of subchapter III of chapter 83 of title 5, United States Code, or of chapter 84 of such title, whichever are applicable, that relate to disability shall be considered to remain in effect with respect to the individual (subject to subparagraph (C)) until the earlier of—

(i) the expiration of the 2-year period beginning on the date on which the transfer under subsection (b) is made; or

(ii) the date on which the individual first meets all conditions for coverage under a State program for payments during retirement by reason of disability.

(B) The payments to be made by the State pursuant to subsection (d)(6)(B) with respect to the individual are payments to the Civil Service Retirement and Disability Fund, if the individual is receiving Federal disability coverage pursuant to subparagraph (A). Such payments are to be made in a total amount equal to that portion of the normal-cost percentage (determined through the use of dynamic assumptions) of the basic pay of the individual that is allocable to such coverage and is paid for service performed during the period for which such coverage is in effect. Such amount is to be determined in accordance with chapter 84 of such title 5, is to be paid at such time and in such manner as mutually agreed by the State and the Office of Personnel Management, and is in lieu of individual or agency contributions otherwise required.

(C) In the determination pursuant to subparagraph (A) of whether the individual is eligible for Federal disability coverage (during the applicable period of time under such subparagraph), service as an employee of the State after the date of the transfer under subsection (b) shall be counted toward the service requirement specified in the first sentence of section 8337(a) or 8451(a)(1)(A) of such title 5 (whichever is applicable).

(3) In the case of each individual who as of the date of the enactment of this Act is a Federal employee with a position at the Center and is, for duty at the Center, receiving the pay differential under section 208(e) of the Public Health Service Act or under section 5545(d) of title 5, United States Code:

(A) If as of the date of the transfer under subsection (b) the individual is eligible for an annuity under section 8336 or 8412 of title 5, United States Code, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be included in the computation of the annuity if the individual separated from the service not later than the expiration of the 90-day period beginning on the date of the transfer.

(B) If the individual is not eligible for such an annuity as of the date of the transfer under subsection (b) but subsequently does become eligible, then once the individual separates from the service and thereby becomes entitled to receive the annuity, the pay differential shall be included in the computation of the annuity if the individual separated from the service not later than the expiration of the 90-day period beginning on the date on which the individual first became eligible for the annuity.

(C) For purposes of this paragraph, the individual is eligible for the annuity if the individual meets all conditions under such section 8336 or 8412 to be entitled to the annuity, except the condition that the individual be separated from the service.

(4) With respect to individuals who as of the date of the enactment of this Act are Federal employees with positions at the Center and are

not, for duty at the center, receiving the pay differential under section 208(e) of the Public Health Service Act or under section 5545(d) of title 5, United States Code:

(A) During the calendar years 1997 and 1998, the Secretary may in accordance with this paragraph provide to any such individual a voluntary separation incentive payment. The purpose of such payments is to avoid or minimize the need for involuntary separations under a reduction in force with respect to the Center.

(B) During calendar year 1997, any payment under subparagraph (A) shall be made under section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104-208), except that, for purposes of this subparagraph, subsection (b) of such section 663 does not apply.

(C) During calendar year 1998, such section 663 applies with respect to payments under subparagraph (A) to the same extent and in the same manner as such section applied with respect to the payments during fiscal year 1997, and for purposes of this subparagraph, the reference in subsection (c)(2)(D) of such section 663 to December 31, 1997, is deemed to be a reference to December 31, 1998.

(f) The following provisions apply if under subsection (a) the Secretary makes the decision to relocate the Center:

(1) The site to which the Center is relocated shall be in the vicinity of Baton Rouge, in the State of Louisiana.

(2) The facility involved shall continue to be designated as the Gillis W. Long Hansen's Disease Center.

(3) The Secretary shall make reasonable efforts to inform the patients of the Center with respect to the planning and carrying out of the relocation.

(4) In the case of each individual who as of October 1, 1996, was a patient of the Center and is considered by the Director of the Center to be a long-term-care patient (referred to in this subsection as an "eligible patient"), the Secretary shall continue to provide for the long-term care of the eligible patient, without charge, for the remainder of the life of the patient.

(5)(A) For purposes of paragraph (4), an eligible patient who is legally competent has the following options with respect to support and maintenance and other nonmedical expenses:

(i) For the remainder of his or her life, the patient may reside at the Center.

(ii) For the remainder of his or her life, the patient may receive payments each year at an annual rate of $33,000 (adjusted in accordance with subparagraphs (C) and (D)), and may not reside at the Center. Payments under this clause are in complete discharge of the obligation of the Federal Government under paragraph (4) for support and maintenance and other nonmedical expenses of the patient.

(B) The choice by an eligible patient of the option under clause (i) of subparagraph (A) may at any time be revoked by the patient, and the patient may instead choose the option under clause (ii) of such subparagraph. The choice by an eligible patient of the option under such clause (ii) is irrevocable.

(C) Payments under subparagraph (A)(ii) shall be made on a monthly basis, and shall be pro rated as applicable. In 1999 and each subsequent year, the monthly amount of such payments shall be increased by a percentage equal to any percentage increase taking effect under section 215(i) of the Social Security Act (relating to a cost-of-living increase) for benefits under title II of such Act (relating to Federal old-age, survivors, and disability insurance benefits). Any such percentage increase in monthly payments under subparagraph (A)(ii) shall take effect in the same month as the percentage increase under such section 215(i) takes effect.

(D) With respect to the provision of outpatient and inpatient medical care for Hansen's disease and related complications to an eligible patient:

(i) The choice the patient makes under subparagraph (A) does not affect the responsibility of the Secretary for providing to the patient such care at or through the Center.

(ii) If the patient chooses the option under subparagraph (A)(ii) and receives inpatient care at or through the Center, the Secretary may reduce the amount of payments under such subparagraph, except to the extent that reimbursement for the expenses of such care is available to the provider of the care through the program under title XVIII of the Social Security Act or the program under title XIX of such Act. Any such reduction shall be made on the basis of the number of days for which the patient received the inpatient care.

(6) The Secretary shall provide to each eligible patient such information and time as may be necessary for the patient to make an informed decision regarding the options under paragraph (5)(A).

(7) After the date of the enactment of this Act, the Center may not provide long-term care for any individual who as of such date was not receiving such care as a patient of the Center.

(8) If upon completion of the projects referred to in subsection (d)(4)(A) there are unobligated balances of amounts appropriated for the projects, such balances are available to the Secretary for expenses relating to the relocation of the Center, except that, if the sum of such balances is in excess of $100,000, such excess is available to the State in accordance with subsection (d)(4)(B). The amounts available to the Secretary pursuant to the preceding sentence are available until expended.

(g) For purposes of this section:

(1) The term "Center" means the Gillis W. Long Hansen's Disease Center.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(3) The term "State" means the State of Louisiana.

(h) Section 320 of the Public Health Service Act (42 U.S.C. 247e) is amended by striking the section designation and all that follows and inserting the following:

"SEC. 320. (a)(1) At or through the Gillis W. Long Hansen's Disease Center (located in the State of Louisiana), the Secretary shall without charge provide short-term care and treatment, including outpatient care, for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment. The Secretary may not at or through such Center provide long-term care for any such disease or complication.

"(2) The Center referred to in paragraph (1) shall conduct training in the diagnosis and management of Hansen's disease and related complications, and shall conduct and promote the coordination of research (including clinical research), investigations, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of Hansen's disease and other mycobacterial diseases and complications related to such diseases.

"(3) Paragraph (1) is subject to section 211 of the Department of Health and Human Services Appropriations Act, 1998.

"(b) In addition to the Center referred to in subsection (a), the Secretary may establish sites regarding persons with Hansen's disease. Each such site shall provide for the outpatient care and treatment for Hansen's disease and related complications to any person determined by the Secretary to be in need of such care and treatment.

"(c) The Secretary shall carry out subsections (a) and (b) acting through an agency of the Service. For purposes of the preceding sentence, the agency designated by the Secretary shall carry out both activities relating to the provision of health services and activities relating to the conduct of research.

"(d) The Secretary shall make payments to the Board of Health of the State of Hawaii for the care and treatment (including outpatient care) in its facilities of persons suffering from Hansen's disease at a rate determined by the Secretary. The rate shall be approximately equal to the operating cost per patient of such facilities, except that the rate may not exceed the comparable costs per patient with Hansen's disease for care and treatment provided by the Center referred to in subsection (a). Payments under this subsection are subject to the availability of appropriations for such purposes.".

SEC. 212. None of the funds appropriated in the Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

COMPREHENSIVE INDEPENDENT STUDY OF NIH RESEARCH PRIORITY SETTING

SEC. 213. (a) STUDY BY THE INSTITUTE OF MEDICINE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine to conduct a comprehensive study of the policies and process used by the National Institutes of Health to determine funding allocations for biomedical research.

(b) MATTERS TO BE ASSESSED.—The study under subsection (a) shall assess—

(1) the factors or criteria used by the National Institutes of Health to determine funding allocations for disease research;

(2) the process by which research funding decisions are made;

(3) the mechanisms for public input into the priority setting process; and

(4) the impact of statutory directives on research funding decisions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date on which the Secretary of Health and Human Services enters into the contract under subsection (a), the Institute of Medicine shall submit a report concerning the study to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate, and the Committee on Commerce and the Committee on Appropriations of the House of Representatives.

(2) REQUIREMENT.—The report under paragraph (1) shall set forth the findings, conclusions, and recommendations of the Institute of Medicine for improvements in the National Institutes of Health research funding policies and processes and for any necessary congressional action.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1998".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3132, 3136, and 3141 and parts B, C, and D of title III of the Elementary and Secondary Education Act of 1965, $1,275,035,000, of which $464,500,000 for the Goals 2000: Educate America Act and $200,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1998, and remain available through September 30, 1999: Provided, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of

the Goals 2000: Educate America Act, except that no more than $1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: Provided further, That section 315(a)(2) of the Goals 2000 Act shall not apply: Provided further, That up to one-half of one percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: Provided further, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: Provided further, That of the funds made available under section 3136, $5,000,000 shall be provided to the Hospitals, Universities, Businesses, and Schools program to develop a regional information infrastructure in the mid-Atlantic region, $7,300,000 shall be for the "I Can Learn" project to integrate technology into eighth grade algebra classrooms and $800,000 shall be provided for a distance education network involving a consortium of nine school districts and Nicolet Area Technical College: Provided further, That of the amount available for title III, part B of the Elementary and Secondary Education Act of 1965, as amended, $8,000,000 shall be awarded to continue and expand the Iowa Communication Network statewide fiber optic demonstration project.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $8,021,827,000, of which $6,553,249,000 shall become available on July 1, 1998, and shall remain available through September 30, 1999, and of which $1,448,386,000 shall become available on October 1, 1998 and shall remain available through September 30, 1999, for academic year 1998–1999: Provided further, That $6,273,212,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1997, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $1,102,020,000 shall be available for concentration grants under section 1124A, $6,977,000 shall be available for evaluations under section 1501 and not more than $7,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): Provided further, That grant awards under section 1124 and 1124A of title I of the Elementary and Secondary Education Act shall be made to each State or local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1997 under Public Laws 104–208 and 105–18: Provided further, That in determining State allocations under any other program administered by the Secretary, amounts provided under Public Law 105–18, or equivalent amounts provided for in this Act, will not be taken into account in determining State allocations: Provided further, That $120,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this proviso in the statement of the managers on the conference report accompanying this Act: Provided further, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That such funds shall not be available for section 1503.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $808,000,000, of which $662,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $62,000,000, to remain available until expended, shall be for payments under section 8003(f), $7,000,000 shall be for construction under section 8007, and $24,000,000 shall be for Federal property payments under section 8002 of which such sums as may be necessary shall be for section 8002(j) and $3,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That section 8003(f)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(f)(2)) is amended in clause (ii) in subclause (I) by striking "35 percent" and all that follows through the semicolon, and inserting the following: "25 percent of the total student enrollment of such agency. For purposes of this subclause, all students described in section 8003(a)(1) are used to determine eligibility, regardless of whether or not a local educational agency receives funds for these children from section 8003(b) of the Act;".

The amendment made by this proviso shall apply with respect to fiscal years beginning with fiscal year 1996: Provided further, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1998 payment from the local educational agency for Boston, Massachusetts, under section 8003 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That the Secretary of Education shall forgive any overpayments established for fiscal year 1994 under section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874—81st Congress), for any local educational agency in the State of Texas receiving funds appropriated for fiscal year 1994 under the authority of this section: Provided further, That section 8002 of the Elementary and Education Act of 1965 (20 U.S.C. 7702) is amended by adding the following new subsection:

"(j) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—

"(1) RESERVATION.—From amounts appropriated under section 8014(g) for a fiscal year, the Secretary shall provide additional assistance to meet special circumstances relating to the provision of education in local educational agencies eligible to receive assistance under this section.

"(2) ELIGIBILITY.—(A) A local educational agency is eligible to receive additional assistance under this subsection only if such agency—

"(i) received a payment under both this section and section 8003(b) for fiscal year 1996 and is eligible to receive payments under those sections for the year of application;

"(ii) provided a free public education to children described under sections 8003(a)(1)(A), (B), or (D);

"(iii) had a military installation located within the geographic boundaries of the local educational agency that was closed as a result of base closure or realignment;

"(iv) remains responsible for the free public education of children residing in housing located on federal property within the boundaries of the closed military installation but whose parents are on active duty in the uniformed services and assigned to a military activity located within the boundaries of an adjoining local educational agency; and

"(v) demonstrates to the satisfaction of the Secretary that such agency's per-pupil revenue derived from local sources for current expenditures is not less than that revenue for the preceding fiscal year.

"(3) MAXIMUM AMOUNT.—(A) The maximum amount that a local educational agency is eligible to receive under this subsection for any fiscal year, when combined with its payment under subsection (b), shall not be more than 50 percent of the maximum amount determined under subsection (b);

"(B) If funds appropriated under section 8014(g) are insufficient to pay the amount determined under subparagraph (A), the Secretary shall ratably reduce the payment to each local education agency eligible under this subsection;

"(C) If funds appropriated under section 8014(g) are in excess of the amount determined under subparagraph (A) the Secretary shall ratably distribute any excess funds to all local educational agencies eligible for payment under subsection (b) of this section,":

Provided further, That section 8014 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714) is amended by adding the following new subsection:

"(g) ADDITIONAL ASSISTANCE FOR CERTAIN FEDERAL PROPERTY LOCAL EDUCATIONAL AGENCIES.—For the purpose of carrying out section 8002(j) there are authorized to be appropriated such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year.":

Provided further, That of the funds available for section 8007, the Secretary shall, under such terms and conditions he determines appropriate, first provide $1,500,000 to applicant number 11–2815 and $1,500,000 to applicant number 36–4403 for the construction of public elementary or secondary schools where the current structures are unsafe and pose serious health threats to the students, if requests for funding and construction project descriptions are submitted to the Secretary within 30 days of enactment of this Act: Provided further, That notwithstanding any deadline established by the Secretary of Education under subsection (c) of section 8005 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705), and without regard to paragraphs (1)(A), (2), and (3) of subsection (d) of that section, the Secretary shall accept, as if timely received, an application from the Maconaquah School Corporation, Bunker Hill, Indiana, under section 8003 of that Act for fiscal year 1996 if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That notwithstanding any other provision of law, the Secretary of Defense shall treat any data included in an application described in the preceding proviso, and that is approved by the Secretary of Education, as data to be used in determining the eligibility of the Maconaquah School Corporation, Bunker Hill, Indiana, for, and the amount of, a payment for any of the fiscal years 1998 through 2000 under section 386 of the National Defense Authorization Act for Fiscal Year 1993: Provided further, That section 8 of Public Law 104–195 is amended by striking the period after "year" and adding the following: "or, for fiscal year 1995 or fiscal year 1996, the amount of any payment under section 8003(f) of the Elementary and Secondary Education Act of 1965": Provided further, That the Secretary of Education shall deem the local educational agency serving the Clinton County School District in Albany, Kentucky, to meet the eligibility requirements of section 8002(a)(1)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)(1)(C)).

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1 and 2, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,538,188,000, of which $1,246,300,000 shall become available on July 1, 1998, and remain available through September 30, 1999: Provided, That of the amount appropriated, $335,000,000 shall be for Eisenhower professional development State grants under title II–B of the Elementary and Secondary Education Act of which $25,000,000 shall be for professional development in reading, $350,000,000 shall be for innovative education program strategies State grants under title VI–A of said Act and $750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of said Act: Provided further, That of the amount made available for Title IV–A–2, $350,000 shall be for the Yonkers Public Schools for innovative anti-drug and anti-violence activities.

CHILD LITERACY INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For carrying out a literacy initiative, $210,000,000, which shall become available on October 1, 1998 and shall remain available through September 30, 1999 only if specifically authorized by subsequent legislation enacted by July 1, 1998: Provided, That, if the initiative is not authorized by such date, the funds shall be transferred to "Special Education" to be merged with that account and to be available for the same purposes for which that account is available: Provided further, That the transferred funds shall become available for obligation on July 1, 1999, and shall remain available through September 30, 2000 for academic year 1999–2000.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $62,600,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $354,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: Provided further, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $4,810,646,000, of which $4,565,185,000 shall become available for obligation on July 1, 1998, and shall remain available through September 30, 1999: Provided, That $1,500,000 of the funds provided shall be for section 687(b)(2)(G), and shall remain available until expended.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, $2,591,195,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $8,186,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $44,141,000: Provided, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Galludet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $81,000,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,507,698,000, of which $1,504,598,000 shall become available on July 1, 1998 and shall remain available through September 30, 1999; and of which $5,491,000 from amounts available under the Adult Education Act shall be for the National Institute for Literacy under section 384(c): Provided, That, of the amounts made available for title II of the Carl D. Perkins Vocational and Applied Technology Education Act, $13,497,000 shall be used by the Secretary for national programs under title IV, without regard to section 451: Provided further, That the Secretary may reserve up to $4,998,000 under section 313(d) of the Adult Education Act for activities carried out under section 383 of that Act: Provided further, That no funds shall be awarded to a State Council under section 112(f) of the Carl D. Perkins Vocational and Applied Technology Education Act, and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $8,978,934,000, which shall remain available through September 30, 1999.

The maximum Pell Grant for which a student shall be eligible during award year 1998–1999 shall be $3,000: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1997 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose: Provided further, That if the Secretary determines that the funds available to fund Pell Grants for award year 1998–99 exceed the amount needed to fund Pell Grants at a maximum award of $3,000 for that award year, the Secretary may increase the income protection allowances in sections 475(g)(2)(D), and 476(b)(1)(A)(iv)(I), (II), and (III) up to the amounts at which Pell Grant awards calculated using the increased income protection allowances equal the funds available to make Pell Grants in award year 1998–99 with a $3,000 maximum award, except that the income protection allowance in section 475(g)(2)(D) may not exceed $2,200, the income protection allowance in sections 476(b)(1)(A)(iv)(I) and (II) may not exceed $4,250, and the income protection allowance in section 476(b)(1)(A)(iv)(III) may not exceed $7,250.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $46,482,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part A, subpart 1 of part B, and part E of title X and title XI of the Higher Education Act of 1965, as amended, part G of title XV of Public Law 102–325, the Mutual Educational and Cultural Exchange Act of 1961, and Public Law 102–423; $946,738,000, of which $13,700,000 for interest subsidies under title VII of the Higher Education Act shall remain available until expended: Provided, That funds available for part D of title IX of the Higher Education Act shall be available to fund new and noncompeting continuation awards for academic year 1998–1999 for fellowships awarded under part C of title IX of said Act, under the terms and conditions of part C: Provided further, That from the funds made available under Part A of title X of the Higher Education Act, $1,000,000 shall be awarded to the Advanced Technical Center at Mexico, Missouri for the delivery of technical education in cooperation with community colleges and State technical schools and $3,000,000 shall be for the delivery of technical education and distance learning at Empire State College in New York.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $210,000,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to facility loans entered into under title VII, part C and section 702 of the Higher Education Act, as amended, $698,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $104,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994; section 2102 of title II, and parts A, B, I, and K and section 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $431,438,000: Provided, That of the amount provided for section 10101 of part A of title X of the Elementary and Secondary Education Act, $1,000,000 shall be awarded to the National Museum of Women in the Arts; $500,000 shall be for enhanced teacher

training in reading in the District of Columbia; $5,000,000 shall be for innovative learning opportunities for at-risk children at children's museums in Philadelphia, Baltimore, Boston and museums in Chicago; $8,000,000 shall be for a demonstration of public school facilities repair and construction to the Iowa Department of Education; $350,000 shall be awarded to the White Plains City School District to expand an after school program; $100,000 shall be for the Montgomery County, Pennsylvania library network; $55,000 shall be awarded to the St. Stephen Life Center in Louisville, Kentucky; and $25,000,000 shall be available to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this proviso in the statement of managers on the conference report accompanying this Act: Provided further, That the funds made available for comprehensive school reform shall become available on July 1, 1998, and remain available through September 30, 1999, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That—

(1) of the amount appropriated under this heading and notwithstanding any other provision of law, the Secretary of Education may award $1,000,000 to a State educational agency (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) to pay for appraisals, resource studies, and other expenses associated with the exchange of State school trust lands within the boundaries of a national monument for Federal lands outside the boundaries of the monument; and

(2) the State educational agency is eligible to receive a grant under paragraph (1) only if the agency serves a State that—

(A) has a national monument declared within the State under the authority of the Act entitled "An Act for the preservation of American antiquities", approved June 8, 1906 (16 U.S.C. 431 et seq.) (commonly known as the Antiquities Act of 1906) that incorporates more than 100,000 acres of State school trust lands within the boundaries of the national monument; and

(B) ranks in the lowest 25 percent of all States when comparing the average per pupil expenditure (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)) in the State to the average per pupil expenditure for each State in the United States.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out subtitle B of the Museum and Library Services Act, $146,340,000.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $341,064,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $61,500,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $30,242,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfer.

SEC. 305. (a) Notwithstanding any other provision of Federal law, no funds provided to the Department of Education or to an applicable program (as defined in section 400(c)(10) of the General Education Provisions Act (20 U.S.C. 1221(c)(1))), in this Act or in any other Act in fiscal year 1998, may be used to field test, pilot test, implement, administer or distribute in any way, any national tests.

(b) EXCEPTION.—Subsection (a) shall not apply to the Third International Math and Science Study or the National Assessment of Educational Progress.

SEC. 306. (a) STUDY.—The National Academy of Sciences, in consultation with the National Governors Association, the National Conference of State Legislatures, the White House, the National Assessment Governing Board, and the Congress, shall conduct a feasibility study to determine if an equivalency scale can be developed that would allow test scores from commercially available standardized tests and State assessments to be compared with each other and the National Assessment of Educational Progress.

(b) REPORT OF FINDINGS TO CONGRESS.—(1) The National Academy of Sciences shall submit a written report to the White House, the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations of the House of Representatives and the Senate not later than September 1, 1998.

(2) The National Academy of Sciences shall submit an interim report no later than June 15, 1998.

SEC. 307(a). NATIONAL ASSESSMENT GOVERNING BOARD. Notwithstanding any other provision of law, the exclusive authority over all policies, direction, and guidelines for developing voluntary national tests pursuant to contract RJ97153001 previously entered into between the United States Department of Education and the American Institutes for Research and executed on August 15, 1997, shall be vested in the National Assessment Governing Board established under section 412 of the National Education Statistics Act of 1994 (20 U.S.C. 9011); Provided, That within 90 days after the date of enactment of this Act, the Board shall review the national test development contract in effect on the date of enactment of this Act, and modify the contract as the Board determines necessary and not inconsistent with this Act or applicable laws: Provided further, That if the contract cannot be modified to the extent determined necessary by the Board, the contract shall be terminated and the Board shall negotiate a new contract, under the Board's exclusive control, for the tests, not inconsistent with this Act or applicable laws.

(b) In carrying out its exclusive authority for developing voluntary national tests pursuant to contract RJ97153001, any subsequent contract related thereto, or any contract modification pursuant to subsection (a), the National Assessment Governing Board shall determine—

(1) the extent to which test items selected for use on the tests are free from racial, cultural or gender bias;

(2) whether the test development process and test items adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student achievement in reading and mathematics;

(3) whether the test development process and test items take into account the needs of disadvantaged, limited English proficient and disabled students; and

(4) whether the test development process takes into account how parents, guardians, and students will appropriately be informed about testing content, purpose and uses.

SEC. 308. STUDY.—The National Academy of Sciences shall, not later than September 1, 1998, submit a written report to the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate that evaluates all test items developed or funded by the Department of Education or any other agency of the Federal government pursuant to contract RJ97153001, any subsequent contract related thereto, or any contract modification by the National Assessment Governing Board pursuant to section 307 of this Act, for—

(A) the technical quality of any test items for 4th grade reading and 8th grade mathematics;

(B) the validity, reliability, and adequacy of developed test items;

(C) the validity of any developed design which links test results to student performance;

(D) the degree to which any developed test items provide valid and useful information to the public;

(E) whether the test items are free from racial, cultural, or gender bias;

(F) whether the test items address the needs of disadvantaged, limited English proficient and disabled students; and,

(G) whether the test items can be used for tracking, graduation or promotion of students.

SEC. 309. (a) STUDY—The National Academy of Sciences shall conduct a study and make written recommendations on appropriate methods, practices, and safeguards to ensure that—

(1) existing and new tests that are used to assess student performance are not used in a discriminatory manner or inappropriately for student promotion, tracking or graduation; and

(2) existing and new tests adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student achievement of reading and mathematics skills.

(b) REPORT TO CONGRESS.—The National Academy of Sciences shall submit a written report to the White House, the National Assessment Governing Board, the Committee on Education and the Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the Committees on Appropriations in the House and Senate not later than September 1, 1998.

SEC. 310. (a) The Federal Government shall not require any State or local educational agency or school to administer or implement any pilot or field test in any subject or grade, nor shall the Federal government require any student to take any national test in any subject or grade.

(b) Nothing in section 309(a) shall be construed as affecting the National Assessment of Educational Progress or the Third International Math and Science Study.

SEC. 311. No Federal, State or local educational agency may require any private or parochial school student, or home-schooled individual, to take any pilot or field test developed under this Act, contract RJ97153001, or any contract related thereto, without the written consent of the parents or legal guardians of the student or individual.

SEC. 312. Notwithstanding any other provision of law, any institution of higher education which receives funds under title III of the Higher Education Act, except for grants made under section 326, may use up to 20 percent of its award under part A or part B of the Act for endowment building purposes authorized under section 331. Any institution seeking to use part A or part B funds for endowment building purposes shall indicate such intention in its application to the Secretary and shall abide by departmental regulations governing the endowment challenge grant program.

(TRANSFER OF FUNDS)

SEC. 313. Notwithstanding any other provision of the Higher Education Act, $280,000,000 of the balances of returned reserves, formerly held by the Higher Education Assistance Foundation, that are currently held in Higher Education Assistance Claims Reserves, Treasury account number 91X6192, shall be transferred to Miscellaneous Receipts of the Treasury, within 60 days of enactment of this Act.

IMPACT AID

SEC. 314. (a) IN GENERAL.—From funds made available to carry out section 3(d)(2)(B) of the Act of September 30, 1950 (Public Law 874, 81st Congress) for fiscal year 1994 that remain after making 100 percent of the payments local educational agencies are eligible to receive under such section for such fiscal year, the Secretary of Education shall make payments to applications for fiscal year 1996 pursuant to subsection (b).

(b) AWARD BASIS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Education shall make a payment to each applicant in an amount that bears the same relation to the total amount of remaining funds described in subsection (a) as the number of children who were in average daily attendance in the schools served by the applicant for fiscal year 1996 bears to the total number of all such children in the schools served by all applicants for such year.

(2) SPECIAL RULE.—Any applicant that had less than 200 children in average daily attendance in the schools served by the applicant for fiscal year 1996 shall receive a payment under this section for fiscal year 1996 in an amount equal to not less than $175,000.

(3) DATA.—For purposes of computing payments under this section, the Secretary of Education shall use data that—

(A) was included in each applicant's application for assistance under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) for fiscal year 1996; and

(B) is verified by the Secretary.

(c) DEFINITION OF APPLICANT.—For purposes of this section, the term "applicant" means an applicant for assistance under section 8003 of the Elementary and Secondary Education Act of 1965 for fiscal year 1996 having 1 of the following applicant numbers for such year:

(1) 51-0904.
(2) 51-4203.
(3) 51-1903.
(4) 51-0010.
(5) 51-0811.
(6) 51-2101.

SEC. 315. Section 10304 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end the following:

"(g) TRIBALLY CONTROLLED SCHOOLS.—Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1986 (25 U.S.C. 2507) in determining—

"(1) the eligibility of the school to receive any other Federal, State, or local aid; or

"(2) the amount of such aid."

This title may be cited as the "Department of Education Appropriations Act, 1998".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,669,000, of which $13,217,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction at the United States Soldiers' and Airmen's Home, to include renovation of the Sheridan building, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18 and 252.232-7007 Limitation of Government Obligation.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $256,604,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2000, $300,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; and for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. chapter 71), $33,481,000, including $1,500,000, to remain available through September 30, 1999, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,060,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended by Public Law 102-95), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $2,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, $174,661,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: Provided further, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45

U.S.C. 151–188), including emergency boards appointed by the President, $8,600,000: Provided, That unobligated balances at the end of fiscal year 1998 not needed for emergency boards shall remain available for other statutory purposes through September 30, 1999.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $7,900,000.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $7,015,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $205,500,000, which shall include amounts becoming available in fiscal year 1998 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $205,500,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $50,000, to remain available through September 30, 1999, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $87,228,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,794,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: Provided further, That none of the funds made available in this paragraph may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,308,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $426,090,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act 1977 for the first quarter of fiscal year 1999, $160,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security act, $16,160,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the treasury.

From funds provided under the previous paragraph, not less than $100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, $175,000,000, to remain available until September 30, 1999, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 1999, $8,680,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,894,040,000 may be expended, as authorized by section 201(a)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,600,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 1998 not needed for fiscal year 1998 shall remain available until expended for a state-of-the-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 104–208 regarding unobligated balances at the end of fiscal year 1997 not needed for such fiscal year, an amount not to exceed $50,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 1998, be available for necessary expenses.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $290,000,000, to remain available until September 30, 1999, for continuing disability reviews as authorized by section 103 of Public Law 104–121, section 10203 of Public Law 105–33 and Supplemental Security Income administrative work as authorized by Public Law 104–193. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act as amended, and reviews and redeterminations authorized under section 211 of Public Law 104–193.

In addition to funding already available under this heading, and subject to the same terms and conditions, $190,000,000, which shall remain available until expended, to invest in a state-of-art computing network, including related equipment and non-payroll administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

In addition, $35,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1611(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 1998 exceed $35,000,000, the amounts shall be available in fiscal year 1999 only to the extent provided in advance in appropriations Acts.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,164,000, together with not to exceed $38,260,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administration Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committee on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,160,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balance are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. Section 505 is subject to the condition that after March 31, 1998, a program for exchanging such needles and syringes for used hypodermic needles and syringes (referred to in this section as an "exchange project") may be carried out in a community if—

(1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and

(2) the project is operated in accordance with criteria established by such Secretary for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs.

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 508. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 509. (a) None of the funds appropriated under this Act shall be expended for any abortion.

(b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 510. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 511. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation Act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purpose for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 512. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 513. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" include any organisms, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 514. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity when it is made known to the Federal official having authority to obligate or expend such funds that the activity promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that Federally-sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 515. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 516. (a) FEES FOR FEDERAL ADMINISTRATION OF STATE SUPPLEMENTARY SSI PAYMENTS.—

(1) OPTIONAL STATE SUPPLEMENTARY PAYMENTS.—

(A) IN GENERAL.—Section 1616(d)(2)(B) of the Social Security Act (42 U.S.C. 1382e(d)(2)(B) is amended—

(i) by striking "and" at the end of clause (iii); and

(ii) by striking clause (iv) and inserting the following:

"(iv) for fiscal year 1997, $5.00;

"(v) for fiscal year 1998, $6.20;

"(vi) for fiscal year 1999, $7.60;

"(vii) for fiscal year 2000, $7.80;

"(viii) for fiscal year 2001, $8.10;

"(ix) for fiscal year 2002, $8.50; and

"(x) for fiscal year 2003 and each succeeding fiscal year—

"(I) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

"(II) such different rate as the Commissioner determines is appropriate for the State.".

(B) CONFORMING AMENDMENT.—Section 1616(d)(2)(C) of such Act (42 U.S.C. 1382e(d)(2)(C) is amended by striking "(B)(iv)" and insert "(B)(x)(II)".

(2) MANDATORY STATE SUPPLEMENTARY PAYMENTS.—

(A) IN GENERAL.—Section 212(b)(3)(B)(ii) of Public Law 93-66 (42 U.S.C. 1382 note) is amended—

(i) by striking "and" at the end of subclause (III); and

(ii) by striking subclause (IV) and inserting the following:

"(IV) for fiscal year 1997, $5.00;

"(V) for fiscal year 1998, $6.20;

"(VI) for fiscal year 1999, $7.60;

"(VII) for fiscal year 2000, $7.80;

"(VIII) for fiscal year 2001, $8.10;

"(IX) for fiscal year 2002, $8.50; and

"(X) for fiscal year 2003 and each succeeding fiscal year—

"(aa) the applicable rate in the preceding fiscal year, increased by the percentage, if any, by which the Consumer Price Index for the month of June of the calendar year of the increase exceeds the Consumer Price Index for the month of June of the calendar year preceding the calendar year of the increase, and rounded to the nearest whole cent; or

"(bb) such different rate as the Commissioner determines is appropriate for the State.".

(B) CONFORMING AMENDMENT.—Section 212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382 note) is amended by striking "(ii)(IV)" and insert "(ii)(X)(bb)".

(b) USE OF NEW FEES TO DEFRAY THE SOCIAL SECURITY ADMINISTRATION'S ADMINISTRATIVE EXPENSES.—

(1) CREDIT TO SPECIAL FUND FOR FISCAL YEAR 1998 AND SUBSEQUENT YEARS.—

(A) OPTIONAL STATE SUPPLEMENTARY PAYMENT FEES.—Section 1616(d)(4) of the Social Security Act (42 U.S.C. 1382e(d)(4)) is amended to read as follows:

"(4)(A) The first $5 of each administration fee assessed pursuant to paragraph (2), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"(B) That portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to paragraph (3), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amount so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title and related laws.".

(B) MANDATORY STATE SUPPLEMENTARY PAYMENT FEES.—Section 212(b)(3)(D) of Public Law 93-66 (42 U.S.C. 1382 note) is amended to read as follows:

"(D)(i) The first $5 of each administration fee assessed pursuant to subparagraph (B), upon collection, shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

"(ii) The portion of each administration fee in excess of $5, and 100 percent of each additional services fee charged pursuant to subparagraph (C), upon collection for fiscal year 1998 and each subsequent fiscal year, shall be credited to a special fund established in the Treasury of the United States for State supplementary payment fees. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this section and title XVI of the Social Security Act and related laws.".

(2) LIMITATION SO AUTHORIZATION OF APPROPRIATIONS.—From amounts credited pursuant to section 1616(d)(4)(B) of the Social Security Act and section 212(b)(3)(D)(ii) of Public Law 93-66 to the special fund established in the Treasury of the United States for State supplementary payment fees, there is authorized to be appropriated an amount not to exceed $35,000,000 for fiscal year 1998, and such sums as may be necessary for each fiscal year thereafter, for administrative expenses in carrying out the supplemental security income program under title XVI of the Social Security Act and related laws.

SEC. 517. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, is amended by striking "September 30, 1997" and inserting in lieu thereof "December 31, 1997".

SEC. 518. None of the funds made available in this Act may be used to pay the expenses of an election officer appointed by a court to oversee an election of any officer or trustee for the International Brotherhood of Teamsters.

SEC. 519. Subsection (k) of section 9302 of the Balanced Budget Act of 1997, as added by section 1604(f)(3) of the Taxpayer Relief of Act of 1997, is repealed.

TITLE VI—OTHER PROVISIONS

SEC. 601. The amount of the DSH allotment for the State of Minnesota for fiscal year 1998, specified in the table under section 1923(f)(2) of the Social Security Act (as amended by section 4721(a)(1) of Public Law 105-33) is deemed to be $33,000,000.

SEC. 602. Notwithstanding section 1923(f)(2) of the Social Security Act (42 U.S.C. 1396r-4(f)(2)) (as amended by section 4721(a)(1) of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 511)), the amount of the DSH allotment for Wyoming for fiscal year 1998 is deemed to be $67,000.

PARKINSON'S DISEASE RESEARCH

SEC. 603. (a) SHORT TITLE.—This section may be cited as the "Morris K. Udall Parkinson's Research Act of 1997".

(b) FINDING AND PURPOSE.—

(1) FINDING.—Congress finds that to take full advantage of the tremendous potential for finding a cure or effective treatment, the Federal investment in Parkinson's must be expanded, as well as the coordination strengthened among the National Institutes of Health research institutes.

(2) PURPOSE.—It is the purpose of this section to provide for the expansion and coordination of research regarding Parkinson's, and to improve care and assistance for afflicted individuals and their family caregivers.

(c) PARKINSON'S RESEARCH.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following:

"PARKINSON'S DISEASE

"SEC. 409B. (a) IN GENERAL.—The Director of NIH shall establish a program for the conduct and support of research and training with respect to Parkinson's disease (subject to the extent of amounts appropriated under subsection (e)).

"(b) INTER-INSTITUTE COORDINATION.—

"(1) IN GENERAL.—The Director of NIH shall provide for the coordination of the program established under subsection (a) among all of the national research institutes conducting Parkinson's research.

"(2) CONFERENCE.—Coordination under paragraph (1) shall include the convening of a research planning conference not less frequently than once every 2 years. Each such conference shall prepare and submit to the Committee on Appropriations and the Committee on Labor and Human Resources of the Senate and the Committee on Appropriations and the Committee on Commerce of the House of Representatives a report concerning the conference.

"(c) MORRIS K. UDALL RESEARCH CENTERS.—

"(1) IN GENERAL.—The Director of NIH is authorized to award Core Center Grants to encourage the development of innovative multidisciplinary research and provide training concerning Parkinson's. The Director is authorized to award not more than 10 Core Center Grants and designate each center funded under such grants as a Morris K. Udall Center for Research on Parkinson's Disease.

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—With respect to Parkinson's, each center assisted under this subsection shall—

"(i) use the facilities of a single institution or a consortium of cooperating institutions, and meet such qualifications as may be prescribed by the Director of the NIH; and

"(ii) conduct basic and clinical research.

"(B) DISCRETIONARY REQUIREMENTS.—With respect to Parkinson's, each center assisted under this subsection may—

"(i) conduct training programs for scientists and health professionals;

"(ii) conduct programs to provide information and continuing education to health professionals;

"(iii) conduct programs for the dissemination of information to the public;

"(iv) separately or in collaboration with other centers, establish a nationwide data system derived from patient populations with Parkinson's, and where possible, comparing relevant data involving general populations;

"(v) separately or in collaboration with other centers, establish a Parkinson's Disease Information Clearinghouse to facilitate and enhance knowledge and understanding of Parkinson's disease; and

"(vi) separately or in collaboration with other centers, establish a national education program that fosters a national focus on Parkinson's and the care of those with Parkinson's.

(3) STIPENDS REGARDING TRAINING PROGRAMS.—A center may use funds provided under paragraph (1) to provide stipends for scientists and health professionals enrolled in training programs under paragraph (2)(B).

(4) DURATION OF SUPPORT.—Support of a center under this subsection may be for a period not exceeding five years. Such period may be extended by the Director of NIH for one or more additional periods of not more than five years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(d) MORRIS K. UDALL AWARDS FOR EXCELLENCE IN PARKINSON'S DISEASE RESEARCH.—The Director of NIH is authorized to establish a grant program to support investigators with a proven record of excellence and innovation in Parkinson's research and who demonstrate potential for significant future breakthroughs in the understanding of the pathogensis, diagnosis, and treatment of Parkinson's. Grants under this subsection shall be available for a period of not to exceed 5 years.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and

section 301 and title IV of the Public Health Service Act with respect to research focused on Parkinson's disease, there are authorized to be appropriated up to $100,000,000 for fiscal year 1998, and such sums as may be necessary for each of the fiscal years 1999 and 2000.".

SEC. 604. (a) Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking "fiscal year 1995, fiscal year 1996, and fiscal year 1997" and inserting "each of fiscal years 1998 and 1999".

(b) The amendment made by subsection (a) shall take effect October 1, 1997.

SEC. 605. Subparagraphs (B) and (C) of section 1143(a)(2) of the Social Security Act (42 U.S.C. 1320b–13(a)(2)(B), (C)) are each amended by striking "employee" and inserting "employer, employee,".

SEC. 606. (a) Notwithstanding any other provision of law, the payments described in subsection (b) shall not be considered income or resources in determining eligible for, or the amount of benefits under, a program or State plan under title XVI or XIX of the Social Security Act.

(b) The payments described in this subsection are payments made by the Secretary of Defense pursuant to section 657 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2584).

SEC. 607. In addition to amounts otherwise made available for payment of obligations in carrying out 49 U.S.C. 5338(a), $50,000,000 shall remain available until expended and to be derived from the Highway Trust Fund: Provided, That $50,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants accounts: Provided further, That subsection (c) of section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1998 is amended by inserting after "House and Senate Committees on Appropriations", the following: "and the Senate Committee on Commerce, Science, and Transportation".

SEC. 608. Clauses (i)(I) and (ii)(II) of section 403(a)(5)(A) of the Social Security Act are amended by striking "during the fiscal year" in each place it appears and inserting "during the period permitted under subparagraph (C)(vii) of this paragraph for the expenditure of funds under the grant".

EMERGENCY STUDENT LOAN CONSOLIDATION

SEC. 609. SHORT TITLE.—This section may be cited as the "Emergency Student Loan Consolidation Act of 1997".

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) DEFINITION OF LOANS ELIGIBLE FOR CONSOLIDATION.—Section 428C(a)(4) (20 U.S.C. 1078–3(a)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) made under part D of this title, except that loans made under such part shall be eligible student loans only for consolidation loans for which the application is received by an eligible lender during the period beginning on the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and ending on October 1, 1998;".

TERMS OF CONSOLIDATION LOANS.—Section 428C(b)(4)(C)(ii) is amended—

(1) in subclause (I), by inserting after "consolidation loan" the following: "for which the application is received by an eligible lender before the date of enactment of the Emergency Student Loan Consolidation Act of 1997, or on or after October 1, 1998,";

(2) by striking "or" at the end of subclause (I);

(3) by inserting "or (II)" before the semicolon at the end of subclause (II);

(4) by redesignating subclause (II) as subclause (III), and

(5) by inserting after subclause (I) the following new subclause:

"(II) by the Secretary, in the case of a consolidation loan for which the application is received by an eligible lender on or after the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and before October 1, 1998, except that the Secretary shall pay such interest only on that portion of the loan that repays Federal Stafford Loans for which the student borrower received an interest subsidy under section 428 or Federal Direct Stafford Loans for which the borrower received an interest subsidy under section 455; or".

(d) NONDISCRIMINATION IN LOAN CONSOLIDATION.—Section 428C(b) is amended by adding at the end the following new paragraph:

"(6) NONDISCRIMINATION IN LOAN CONSOLIDATION.—An eligible lender that makes consolidation loans under this section shall not discriminate against any borrower seeking such a loan—

"(A) based on the number or type of eligible student loans the borrower seeks to consolidate;

"(B) based on the type or category of institution of higher education that the borrower attended;

"(C) based on the interest rate to be charged to the borrower with respect to the consolidation loan; or

"(D) with respect to the types of repayment schedules offered to such borrower.".

(e) INTEREST RATE.—Section 428C(c)(1) is amended—

(1) in the first sentence of subparagraph (A), by striking "(B) or (C)" and inserting "(B), (C), or (D)"; and

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

"(D) A consolidation loan for which the application is received by an eligible lender on or after the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and before October 1, 1998, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the rate specified in section 427A(f), except that the eligible lender may continue to calculate interest on such a loan at the rate previously in effect and defer, until not later than April 1, 1998, the recalculation of the interest on such a loan at the rate required by this subparagraph if the recalculation is applied retroactively to the date on which the loan is made.".

(f) AMENDMENTS EFFECTIVE FOR PENDING APPLICANTS.—The consolidation loans authorized by the amendments made by this section shall be available notwithstanding any pending application by a student for a consolidation loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), upon withdrawal of such application by the student at any time prior to receipt of such a consolidation loan.

(g) FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS.—

(1) PARENTS' AVAILABLE INCOME.—Section 475(c)(1) (20 U.S.C. 1087oo(c)(1)) is amended—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end of the following new subparagraph:

"(F) the amount of any tax credit taken by the parents under section 25A of the Internal Revenue Code of 1986.".

(2) STUDENT CONTRIBUTION FROM AVAILABLE INCOME.—Section 475(g)(2) is amended—

(A) by striking "and" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting ";and"; and

(C) by inserting after subparagraph (D) the following new subparagraph:

"(E) the amount of any tax credit taken by the student under section 25A of the Internal Revenue Code of 1986.".

(h) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(b)(1)(A) (20 U.S.C. 1087pp(b)(1)(A)) is amended—

(1) by striking "and" at the end of clause (iv); and

(2) by inserting after clause (v) the following new clause:

"(vi) the amount of any tax credit taken under section 25A of the Internal Revenue Code of 1986; and".

(i) FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(b)(1) (20 U.S.C. 1087qq(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ";and"; and

(3) by adding at the end the following new subparagraph:

"(F) the amount of any tax credit taken under section 25A of the Internal Revenue Code of 1986.".

(j) TOTAL INCOME.—Section 480(a)(2) (20 U.S.C. 1087vv(a)(2)) is amended

(1) by striking "individual, and" and inserting "individual,"; and

(2) by inserting "and no portion of any tax credit taken under section 25A of the Internal Revenue Code of 1986," before "shall be included".

(k) OTHER FINANCIAL ASSISTANCE.—Section 480(j) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986 shall not be treated as estimated financial assistance for purposes of section 471(3).".

(l) IN GENERAL.—Section 458(a)(1) (20 U.S.C. 1087(a)(1)) is amended by striking "$532,000,000" and inserting "$507,000,000".

(m) CONSTRUCTION.—Nothing in this Act or an amendment made by this Act shall be construed to prohibit the Secretary of Education from using funds that are returned or otherwise recovered by the Secretary under section 422(g) of the Higher Education Act of 1965 (20 U.S.C. 1072(g)) including the balances of returned reserve funds, formerly held by the Higher Education Assistance Foundation, that are currently held in Higher Education Assistance Foundation Claims Reserves, Treasury account number 91X6192, for expenditure for expenses pursuant to section 458 of such Act (20 U.S.C. 1087h).

TITLE VII—NATIONAL HEALTH MUSEUM

SEC. 701. SHORT TITLE.

This title may be cited as the "National Health Museum Development Act".

SEC. 702. AMENDMENTS TO THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995.

Section 1067 of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 176 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding "and" at the end;

(B) in paragraph (2), by striking "; and" and inserting a period; and

(C) by striking paragraph (3);

(2) in subsection (b)—

(A) in the subsection heading, by striking "AND SITE OF FACILITY";

(B) in paragraph (1), by striking "; and" and inserting a period;

(C) by striking paragraph (2); and

(D) by striking "Pathology—" and all that follows through "shall" in paragraph (1) and inserting "Pathology shall"; and

(3) by striking subsections (c) through (e).

SEC. 703. NATIONAL HEALTH MUSEUM SITE.

(a) SITE.—The facility known as the National Health Museum shall be located on or near the Mall on land owned by the Federal Government or the District of Columbia (or both) in the District of Columbia.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(c) DEFINITION.—In this section, the term "the Mall" means—

(1) the land designated as "Union Square", United States Reservation 6A; and

(2) the land designated as the "Mall", United States Reservations 3, 4, 5, and 6.

SEC. 704. NATIONAL HEALTH MUSEUM COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Health Museum Commission (hereafter referred to in this title as the "Commission") that shall be comprised of 8 members.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Commission shall be appointed for the life of the Commission as follows:

(A) 2 members shall be appointed by the President.

(B) 2 members shall be appointed by the Speaker of the House of Representatives.

(C) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(D) 2 members shall be appointed by the Majority Leader of the Senate.

(E) 1 member shall be appointed by the Minority Leader of the Senate.

(2) PERSONS ELIGIBLE.—The members of the Commission shall be individuals who have knowledge or expertise in matters to be studied by the Commission.

(3) CHAIRPERSON.—The President shall designate 1 member as the Chairperson of the Commission.

SEC. 705. DUTIES OF THE COMMISSION.

(a) STUDY.—It shall be the duty of the Commission to conduct a comprehensive study of the appropriate Federal role in the planning and operation of the National Health Museum, as well as any other issues deemed appropriate to the development of the National Health Museum.

(b) REPORT.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report of the Commission's findings and conclusions, together with any recommendations of the Commission.

SEC. 706. COMMISSION ADMINISTRATION MATTERS.

(a) APPLICATION OF FACA.—The National Health Museum, Inc. shall be responsible for administering all Commission activities in accordance with the Federal Advisory Committee Act (5 U.S.C. App.)

(b) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for Level IV of the executive schedule under section 5315 of title 5, United States Code.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section, $500,000 for fiscal year 1998, to remain available until expended.

SEC. 708. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the Commission submits the report required under section 705(b).

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998".

[And the Senate agree to the same.]

JOHN EDWARD PORTER,
BILL YOUNG,
HENRY BONILLA,
DAN MILLER,
JAY DICKEY,
ROGER F. WICKER,
ANNE M. NORTHUP,
BOB LIVINGSTON,
DAVID OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
ROSA L. DELAURO,
Managers on the Part of the House.

ARLEN SPECTER,
THAD COCHRAN,
SLADE GORTON,
KIT BOND,
JUDD GREGG,
LARRY E. CRAIG,
LAUCH FAIRCLOTH,
KAY BAILEY HUTCHISON,
TED STEVENS,
FRITZ HOLLINGS,
TOM HARKIN,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) making appropriations for the Department of Labor, Health and Human Services, and Education and Related Agencies, and for other purposes, submit the following joint statement of the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 105–205 and Senate Report 105–58.

In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1998 budget or the underlying authorizing statute and should give careful consideration to the items allocating specific funding included in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds the conferees have reviewed each and have included those in which they concur in this joint statement.

The conferees specifically endorse the provisions of the House Report (105–205) directing "* * * the Departments of Labor, Health and Human Services, and Education and the Social Security Administration and the Railroad Retirement Board to submit operating plans with respect to discretionary appropriations to the House and Senate Committees on Appropriations. These plans, which are to be submitted within 30 days of the enactment of the Act must be signed by the respective Departmental Secretaries, the Social Security Commissioner and the Chairman of the Railroad Retirement Board."

The conferees expect the Departments and agencies covered by this directive to meet with the House and Senate Committees as soon as possible after enactment of the bill to develop a methodology to assure adequate and timely information on the allocation of funds within accounts within this conference report while minimizing the need for unnecessary and duplicative submissions.

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement appropriates $5,238,226,000, instead of $5,141,601,000 as proposed by the House and $5,260,053,000 as proposed by the Senate.

The conference agreement provides that $250,000,000 for Opportunity Areas for Out-of-School Youth is appropriated as an advance appropriation for fiscal year 1999 if job training reform legislation specifically authorizing this type of at-risk youth initiative is enacted by July 1, 1998. If such legislation is not enacted by that date, the funds will not become available. This is substantially similar to the Senate bill except that the Senate specified that the legislation must be enacted by April 1, 1998. The House bill appropriated $100,000,000 as an advance appropriation to be available for the period July 1, 1999 through June 30, 2000 if specifically authorized by subsequent legislation. The conference agreement also includes $25,000,000 for this activity for fiscal year 1998 under pilots and demonstrations.

The agreement includes language authorizing the use of demonstration funds under title III of the Job Training Partnership Act (dislocated workers) for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. The House had no similar language. In conjunction with this, the conferees concur in the Senate Report language with respect to a manufacturing technology training demonstration project.

The agreement includes $9,000,000 for the National Occupational Information Coordinating Committee, instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate. In addition, the agreement includes language proposed by the Senate that authorizes the National Occupational Information Coordinating Committee to charge fees for publications, training and technical assistance and provides that the fees collected shall be credited to the Committee and available without further appropriation for authorized activities of the Committee. The House had no similar language.

The conference agreement includes $3,000,000 under national activities to assist States in meeting the costs of joining an existing labor market exchange network for providing job seekers with access to America's Job Bank by telephone. The agreement includes $12,500,000 under pilots and demonstrations for concentrated programs serving youth who are or have been under criminal justice system supervision and $2,000,000 to support training, education, employment,

and entrepreneurial opportunities to improve the economic and social health and welfare of adults on the neighbor islands of Hawaii, and in Alaska. The conferees concur in the Senate Report language concerning the Samoan/Asian Pacific Island job training program in Hawaii. The conferees urge the Department to continue funding the Vietnam Veterans Leadership program which provides training and employment services to veterans in southwestern Pennsylvania. And the conferees urge the Department to give careful consideration to a proposal from a foundation to establish a community employment alliance to create public-private partnerships to promote job opportunities for individuals making the transition from welfare to work. The conferees further encourage the Secretary to utilize the discretionary authority available to provide assistance for programs that will support the training needs of incumbent and dislocated workers in the shipbuilding industry (in southeastern Pennsylvania) where base closures have had a significant negative impact on the workforce.

The Department of Labor should continue to examine options for serving more at-risk youth through Job Corps. In addition to considering the establishment of new Job Corps centers, the Department should also consider lower-cost options such as expanding slots at existing high performing centers and constructing satellite centers in proximity to existing high-performing centers. In planning any expansion of Job Corps capacity, the Department should give priority to States that are now without a Job Corps campus and should also give priority to suitable facilities that can be provided to Job Corps at little or no cost, including facilities made available through military base closings. The conference agreement includes $4,000,000 for these purposes. The Department should include funds in its FY 1999 budget request to compete the facility expansion.

The conferees are aware that employment-related skills development is an essential component of sustained recovery from addiction. From within the funds provided for pilots and demonstrations, the conferees urge the Secretary to collaborate with treatment providers who have successfully infused employment-related skills services into their recovery programs to design a curriculum which will successfully prepare addicts to make the transition from addiction to employment.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement appropriates $440,200,000 as proposed by the House instead of $453,000,000 as proposed by the Senate.

STATEMENT UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement appropriates $3,495,928,000, instead of $3,478,928,000 as proposed by the House and $3,461,928,000 as proposed by the Senate. Included in the total is $200,000,000 for Year 2000 computer conversion costs, of which $40,000,000 is provided as an advance appropriation for fiscal year 1999. The Administration has informed the conferees that providing the funds in this manner is an appropriate way to finance these costs. The House bill included $183,000,000 for this and the Senate bill included $150,000,000; neither bill included an advance appropriation for fiscal year 1999. For unemployment insurance contingency costs, the agreement includes $196,333,000 as proposed by the House instead of $212,333,000 as proposed by the Senate.

PROGRAM ADMINISTRATION

The conference agreement appropriates $131,593,000, instead of $125,593,000 as proposed by the House and $129,593,000 as proposed by the Senate. Included in the total is $6,000,000 for administration of the new welfare-to-work program. The agreement also includes language providing that a majority of the new staff hired for this program will be limited term appointments.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $300,653,000 as proposed by the Senate, instead of $299,000,000 as proposed by the House. The agreement includes language proposed by the House modified to set aside $500,000 in the Office of Labor-Management Standards to begin the development of a system for the electronic filing of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959 and for a computer database of the information for each submission by whatever means that is indexed and easily searchable by the public through the Internet. The Senate had no similar provision.

The conferees are concerned about the difficulty the public has obtaining full and complete information on these reports. Further, the conferees expect the Department to continue pursuing this project by including funding for it in future budget requests. As part of the FY 1999 hearing process, the Department should be prepared to present its multi-year implementation plan for this initiative to the Committees.

The General Accounting Office is expected to review the Department's implementation plan and other activities to determine whether these efforts will achieve the goal of improving the timeliness, accuracy and availability of the information contained in the reports filed under the Labor-Management Reporting and Disclosure Act. The General Accounting Office shall report its findings to the Appropriations Committees after it has made its review.

The conferees urge the Department to resolve by the end of the year all outstanding child labor issues relating to the Amish community. The Department needs to take into account the special needs of this community.

The conferees are agreed that the Inspectors General of both the Department of Labor and the Social Security Administration shall prepare a joint report to the House and Senate Appropriations Committees relative to the Memorandum of Understanding between the agencies providing for DOL administrative services with respect to Part B of the Black Lung program. This report shall include narrative and statistical information concerning the number of beneficiaries served, benefits disbursed, quality of services provided, and an assessment of whether the objectives of the MOU to provide enhanced services at reduced costs are being achieved. the first report shall include activity from the date the MOU was signed to the end of fiscal year 1998 and shall be due to the Committees by April 30, 1999. Subsequent reports shall be due on April 30 of each year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $336,480,000, instead of $336,205,000 as proposed by the House and the Senate.

The House and Senate Reports included directives to OSHA field officers to facilitate compliance with the new methylene chloride standard. As a matter of clarification, the conferees note that the covered facilities are engaged primarily in furniture stripping, urethane form manufacturing and urethane foam fabrication. Thus, the conferees intend the compliance assistance efforts by OSHA to extend to facilities with fewer than 150 employees in these industries.

Public Law 105-62, the fiscal year 1998 Energy and Water Development Appropriations Act, transferred responsibility for administering the Formerly Utilized Sites Remedial Action Program (FUSRAP) from the Department of Energy to the U.S. Army Corps of Engineers. The conferees are aware that the Occupational Safety and Health Administration is concerned that the transfer of FUSRAP may have resource and programmatic implications for the agency. As outlined in House Report 105-271, the conference report to accompany Public Law 105-62, fiscal year 1998 will be a year of transition as the program continues and DOE would maintain jurisdiction for safety and health within the existing contractual framework established by the Department of Energy. Any issues pertaining to the regulatory framework of the program will be identified during this transition period and will be addressed during the fiscal year 1999 budget deliberations.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement appropriates $203,334,000, instead of $199,159,000 as proposed by the House and $205,804,000 as proposed by the Senate.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

The conference agreement appropriates $380,457,000 as proposed by the House instead of $372,671,000 as proposed by the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement appropriates $152,535,000, instead of $152,481,000 as proposed by the House and $152,413,000 as proposed by the Senate. The conferees concur with the Senate Report language concerning Women's Bureau support for technical assistance and training on displaced homemaker programming.

The conferees recognize the extreme shortage of available skilled labor in the maritime-related industries of south Louisiana. The conferees further recognize the billions of dollars that this industry contributes to this nation's economy. In an effort to protect the integrity of this important domestic market, the conferees strongly encourage the United States Department of Labor in conjunction with the Louisiana Department of Labor to work to devise an immediate solution to this problem.

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

The conference agreement includes $181,955,000 as proposed by both the House and Senate. The agreement includes $2,000,000 for the National Veterans Training Institute within the Federal administration activity as proposed by the House.

OFFICE OF INSPECTOR GENERAL

The conference agreement appropriates $46,250,000, instead of $45,750,000 as proposed by the House and $46,750,000 as proposed by the Senate.

GENERAL PROVISIONS

JOB CORPS SALARY LIMITATION

The conference agreement includes a general provision (section 101) limiting the use

of Job Corps funds to pay the compensation of an individual at a rate not in excess of $125,000 as proposed by the Senate, instead of $100,000 as proposed by the House.

ERGONOMICS-TECHNICAL

The conference agreement includes a general provision (section 104) as proposed by the House that restricts the use of funds for OSHA ergonomics standards and guidelines. The Senate bill contained essentially the same provision with only minor technical changes.

FAIR LABOR STANDARDS ACT

The conference agreement includes a general provision (section 105) proposed by the Senate modified to amend the Fair Labor Standards Act to ensure that nonprofit organizations that deliver water for agricultural purposes are exempt from the maximum hour requirements of the Act if at least 90 percent of the water delivered by these organizations during the preceding calendar year was for agricultural purposes. The House bill contained no similar provision.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $3,618,137,000 instead of $3,607,068,000 as proposed by the House and $3,449,071,000 as proposed by the Senate.

The conference agreement does not include the legal citation for title XVI of the Public Health Service Act as proposed by the Senate. The House bill did not include the citation. The conferees have instead included bill language creating a broader authority to fund health care and other facilities construction and renovation projects.

The conference agreement includes the legal citation for the Native Hawaiian Health Care program as proposed by the Senate. The House bill did not include the citation. The conferees believe that the health care activities funded under the Native Hawaiian Health Care program can be supported at the fiscal year 1997 level under the broader consolidated health centers line if the agency feels it is appropriate.

The conferences agreement includes $2,500,000 for facilities renovations at the Gillis W. Long Hansen's Disease Center as proposed by the House. The Senate bill did not include funding for this activity. Funds are necessary to complete renovations prior to the facility's transfer to the State of Louisiana.

The conference agreement includes bill language identifying $203,452,000 for the family planning program instead of $208,452,000 as proposed by the Senate and $194,452,000 as proposed by the House.

The conference agreement earmarks in bill language $285,500,000 for the Ryan White Title II State AIDS drug assistance programs rather than $217,000,000 as proposed by the Senate and $299,000,000 as proposed by the House. Total funding for the Ryan White program has been increased by $153,948,000 from the fiscal year 1997 level to a total of $1,150,200,000.

The conferees commend the Department on the recent release of draft guidelines for the use of antiretroviral agents in treating HIV-infected individuals. These recommendations reflect the significant advances in treatment options for individuals with HIV disease that have resulted from the substantial investment in AIDS research. The conferees are concerned that policies adopted by some State AIDS Drug Assistance Programs (ADAP) are inconsistent with these new recommended standards of care. In particular, restricting access to recommended therapy options until late stage disease or until failure on suboptimal therapy, may actually predispose patients to failure once appropriate therapy is initiated. Therefore, the conferees direct the Secretary to work closely with State programs to ensure that ADAP policies within States are consistent with recognized standards of care.

The conferees are concerned about the wide variation in State ADAP's and Medicaid polices regarding eligibility, benefits, and formularies. The conferees are also concerned about the wide variation in State contributions to funding of ADAPs and urge that States receiving more than $1,000,000 under the targeted formula match no less than twenty percent of the Federal contribution. The conferees direct the program to use all means necessary to reduce the purchase price of AIDS drugs and encourage HRSA to accelerate the award of 1998 program grants to help address the increased program needs that have been identified in the current program year.

The conferees reiterate that Department of Veterans Affairs facilities are eligible to receive Ryan White Title I funding through local Title I health services planning councils. The conferees are concerned about recent attempts by agency contracting officials to deny funding for important HIV services provided at these facilities.

The conference agreement includes language proposed by the Senate allocating up to $6,000,000 of the funds provided for consolidated health centers for loan guarantees totaling $80,000,000 for the construction and renovation of community and migrant health centers and for the costs of developing managed care networks. The House bill provided that $4,600,000 could be used for loan guarantees totaling $53,300,000 only for the costs of developing managed care networks.

The conference agreement includes bill language designating $103,863,000 of the funds provided for the Maternal and Child Health block grant for special projects of regional and national significance (SPRANS). This designation provides $3,000,000 more for SPRANS activities than would otherwise be the case under the statutory formula. The House and Senate bills had similar provisions. The conferees intend that this amount be used for the continuation of the traumatic brain injury State demonstration projects supported last year under this authority. The conferees also expect the agency to allocate $500,000 of the SPRANS set-aside to continue the fluoridation program begun last year in States with fluoridation levels below 25 percent.

The conferees urge the agency to use SPRANS funding to initiate a one-year planning and development grant prior to a multi-year study examining research integration for children with special medical needs.

The conferees are concerned about children with special health care needs and the ability of their families to obtain sufficient and appropriate health care for them in the current rapidly changing health care environment. The Secretary is urged to develop ongoing mechanisms for providing information and services to these families. Such mechanisms should enhance family efforts to make well-informed decisions and obtain appropriate health care for their children.

The conferees concur with the Senate report language encouraging the use of block grant funds for screening infants for hearing loss.

The conferees believe there are sufficient amounts within the SPRANS set-aside to support a multi-State demonstration project on ocular screening services for young children.

Within the increase provided to the consolidated health centers line, the conferees expect the agency to allocate a sufficient amount of this increase to expand the Healthy Schools, Healthy Communities initiative. The conferees expect the agency to report to the Committees on the funding and status of the Healthy Schools, Healthy Communities initiative and other similar health centers no later than March, 1998.

The conferees encourage the agency to strengthen its primary care partnerships with metropolitan public housing authorities and public health care provider organizations.

The conferees encourage the agency to carefully examine existing models for 24-hour, bilingual community-based pediatric health clinics for high-risk, minority children which are linked with full-service pediatric hospitals which have formed public and private partnerships with foundations and local organizations to expand access to uninsured and Medicaid eligible children. The conferees further encourage the agency to work collaboratively with pediatric hospitals with extensive experience in administering community-based clinics to expand these models to areas designated by the Public Health Service as medically underserved and to improve existing models in urban areas which provide clinical and supportive services to adolescents at risk for STDs, HIV infection, and early pregnancy, provide access to low-cost preventive and pediatric treatment services for chronic illness and provide outcomes research, parenting education and child abuse and neglect prevention and education.

The conferees intend that the agency may use up to $3,000,000 of the funding provided for the National Health Service Corps (NHSC) for State offices of rural health.

The conferees are concerned about the lack of geriatric medicine and geriatric psychiatry participation in the NHSC scholarship and repayment programs. The conferees encourage the NHSC to address this problem by providing recruitment, retention, and loan repayment incentives to those entering training programs in geriatric medicine and geriatric psychiatry.

The conferees concur with language in the House report indicating that the Administration's budget request to transfer Hansen's disease research funding to the National Institutes of Health appropriation has not been approved.

The conferees are aware that the Department is continuing to consider final rulemaking for the Organ Procurement and Transplantation Network (OPTN), which is operated under contract by the United Network for Organ Sharing (UNOS). As expressed in the fiscal year 1997 conference report, the conferees appreciate the complex nature of establishing equitable organ allocation policies and expect UNOS and the Department to continue to take into consideration a number of important factors, including, but not limited to, regional success in increasing organ donation, the need to increase the supply of organs available for transplantation, the need to provide a fair system to allocate organs, the impact on access to transplants for low and middle income individuals, patient waiting times and

the severity of illness of patients awaiting a transplant. The conferees expect the Department to consult with and inform the Committees on Appropriations and the Congress prior to the promulgation of any OPTN or Departmental rulemaking on organ allocation policies.

The conferees intend that funds provided for rural outreach grants be allocated for the two projects identified in the Senate report, as well as for a $750,000 telemedicine communication network linking the Melvin R. Laird Center to geographically remote sites; a $1,000,000 grant to a community health center in Franklin County, MA to establish a rural school-based health center network; and $1,500,000 to establish a technology-based ambulatory outreach demonstration that will improve the coordination and dissemination of health information to rural health sites through the use of a software package that provides on-line, real-time medical records access, education, scheduling and infrastructure linkages to a health network that includes multiple hospital and primary care sites.

The conferees intend that funding provided for rural health research be allocated for the three projects identified in the Senate report.

The conference agreement includes bill language designating a total of $28,000,000 for the construction and renovation of health care and other facilities. These funds are to be used for the facilities described in the Senate report, as well as for facilities for the Pulaski County, Kentucky health department; the Clearwater Free Clinic in Florida; the Tuskegee University Bioethics Center in Alabama; the National Center for Nanofabrication and Molecular Self-Assembly at Northwestern University, Evanston, Illinois; the Greater Houston Community Health Network in Houston, Texas; the Barbara Bush Children's Hospital of the Maine Medical Center; and construction and renovation associated with transition grants for small, rural hospitals in Iowa. The Senate bill provided $10,000,000 for facility construction; the House bill did not provide funding.

The conferees concur with language contained in the House report indicating that total administrative costs for the agency as defined in the budget justification increase by no more than one percent from 1997 to 1998.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $2,378,552,000 instead of $2,395,737,000 as proposed by the House and $2,368,113,000 as proposed by the Senate.

The conference agreement includes bill language designating $21,504,000 for Centers for Disease Control and Prevention (CDC) buildings and facilities instead of $23,007,000 as proposed by the Senate and $20,000,000 as proposed by the House.

The conference agreement includes bill language designating $59,232,000 to be available to the National Center for Health Statistics under the Public Health Service one percent evaluation set-aside instead of $48,400,000 as proposed by the House and $70,063,000 as proposed by the Senate.

The conference agreement includes bill language designating $51,000,000 for violence against women programs financed from the Violent Crime Reduction Trust Fund as proposed by the Senate instead of $45,000,000 as proposed by the House. The conference agreement includes the legal citation for the community demonstration programs as proposed by the Senate. The House bill contained the citation only for the State block grant program.

The conferees are aware that States carried over $109,000,000 in immunization infrastructure funds from 1996 to 1997 and that $60,000,000 to $65,000,000 is estimated to be carried over at the end of calendar year 1997. The conferees urge CDC to work with the States to reduce these carryover amounts so that the resources provided by Congress can be used as intended for important immunization activities.

The conferees concur in language contained in the Senate report regarding promising research on plant-delivered oral vaccines being undertaken at the Thomas Jefferson University Center for Biomedical Research. The conferees note other promising research being conducted at the Center involving the treatment and diagnosis of hepatitis B and C viruses and glycoprocessing inhibitors. The conferees encourage the Director to give consideration to supporting these important areas of research.

The conferees concur with Senate report language indicating that funds are included within the AIDS program line to maintain and strengthen hemophilia and other hematologic program activities.

The conference agreement includes $113,671,000 for the sexually transmitted diseases program, a $7,468,000 increase over fiscal year 1997, to provide increases for both the chlamydia prevention program and the syphilis in the South initiative.

The conference agreement includes $34,097,000 over the Administration request for the following chronic and environmental disease prevention program priorities: pfiesteria; the diabetes prevention and control priorities mentioned in the House and Senate reports; cancer registries; birth defects; cardiovascular disease; limb loss; the health effects of radioactive fallout; the health effects of inadequate provision of safe drinking water in remote arctic communities; oral health activities; and prevention of iron overload diseases. The conferees urge CDC to give consideration to integrating multiple cancer registries within a single State. The conference agreement supports increases above the 1997 level for tobacco control programs.

The conferees are aware of current conditions in eastern seaboard waterways that have triggered the microorganism pfiesteria or pfiesteria-like organisms to convert into at least 24 different forms, some of which are toxic. Several of these forms have led to fish kills of over a billion in North Carolina and in the tens of thousands in Maryland. The human effects may include skin lesions, respiratory problems, memory loss, and immune system suppression. The CDC is in a unique position to lead the public health response to the emerging threat of human exposure to this newly identified estuarine toxin. The conferees have provided an increase within the chronic and environmental disease program to support the development of a multi-State plan to address the public health impact of pfiesteria and pfiesteria-like conditions in the seven most impacted States, presently Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia, and Florida. The conferees expect that the funding will be used to develop and implement a multi-State disease surveillance system that will identify and monitor health effects in people who may have been exposed to estuarine waters likely to contain pfiesteria or pfiesteria-like organisms, to initiate case-control studies when new incidents of illness purported to be due to exposure to the toxin are identified, and to develop a biological test of human exposure so that when the structure of this toxin is identified, a rapid response can be assembled between the CDC and State health departments. In distributing these funds, the conferees expect the CDC to give priority to those State health departments which have documented human health cases related to pfiesteria or pfiesteria-like conditions.

The conferees concur with the House report language regarding the need for a comprehensive cardiovascular program, with particular emphasis on risk factors and the promotion of healthy behaviors. The conferees are aware of the capabilities of a number of foundations in the areas of ischemic injury and preventive measures to reduce cardiovascular disease, and encourage CDC to include these groups in the development of its cardiovascular program.

The conferees support the recent effort by CDC to develop a national plan for addressing the large and growing public health problem of arthritis. The conferees encourage CDC to continue to expand the arthritis knowledge base necessary to better identify an appropriate public health response for the nation's leading cause of disability.

The conference agreement provides increases above the 1997 level within the infectious disease program for Lyme disease, food safety, and emerging and reemerging infectious diseases. The conferees expect the 1997 funding level for the H. pylori public education program to be maintained in 1998 to complete the project.

The conferees encouraged the CDC as part of the food safety initiative outlined in the budget request to consider supporting applied research to improve the reliability and effectiveness of electronic pasteurization to reduce food borne diseases. The conferees are particularly concerned about recent reports of *E. coli* and encourage the CDC to enhance its focus on improving public health strategies to better educate the public and improve the prevention of foodborne diseases such as *E. coli*.

The conferees concur with the Senate report language concerning the need to recognize thalassemia patients in the implementation of improved blood safety plans.

The conference agreement provides increases above the 1997 level for the following activities within the injury control program: fire injury prevention; community-based strategies against youth violence and suicide; domestic violence prevention; traumatic brain injury; suicide prevention among the elderly; and prevention of accidental injury among older Americans.

The conference agreement provides increases above the 1997 level for occupational safety and health for the following activities: intramural research at the Morgantown, West Virginia facility; the fire fighter safety initiative; and the national occupational research agenda.

The conferees are pleased with the progress made in the national health nutrition examination survey (NHANES). Within the funds made available to the National Center for Health Statistics, sufficient funds are included to fully fund this important survey at the requested level.

The conferees encourage the CDC to develop a plan of action to ascertain whether children of mothers exposed to environmental contaminants may be experiencing adverse health effects, including childhood cancers, birth defects, and neurobehavioral disorders. The conferees encourage the CDC

to build upon relevant ongoing studies when formulating this plan of action.

The conferees concur with House report language indicating that CDC administrative costs as defined in the budget justification should not increase by more than one percent from 1997 to 1998.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conference agreement includes $2,547,314,000 instead of $2,513,020,000 as proposed by the House and $2,558,377,000 as proposed by the Senate.

The conferees are aware of the extraordinary research opportunities that exist in cancer genetics, preclinical models of cancer, detection technologies, developmental diagnostics and investigator-initiated research. Millions of Americans are alive today as a result of progress in cancer research. These advances have allowed Congress to address the critical role of early detection for breast and cervical cancer, colorectal cancer and prostate cancer in Medicare. While working within difficult budget constraints, the conferees have sought to respond to the cancer research challenge. Twenty-five years have passed since the passage of the National Cancer Act, and it is now time to take full advantage of the unparalleled scientific opportunities in cancer prevention, detection, and treatment.

The conferees are aware of the unique research resources available within the network of bone marrow transplantation centers that are associated with the National Bone Marrow Donor Registry. Advances in medical technology provide new opportunities to utilize these resources to clinically evaluate innovative therapies that have the potential to decrease the toxicity and side effects experienced by bone marrow donor recipients. Accordingly the conferees request the Institute to provide a report to the Committee prior to the consideration of next's year's request on a proposal to collaborate with the National Bone Marrow Donor Program and its network of transplant centers for this purpose.

The conferees encourage the Institute to participate in the hepatitis C research initiative recommended by the March 1997 consensus conference.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

The conference agreement includes $1,531.061,000 instead of $1,513,004,000 as proposed by the House and $1,539,989,000 as proposed by the Senate.

The conferees concur with the Senate report language concerning the possible development of a network of collaborative clinical centers to study the effectiveness of new clinical interventions for Cooley's anemia.

The conferees encourage the Institute to participate in the hepatitis C research initiative recommended by the March 1997 consensus conference.

NATIONAL INSTITUTE OF DENTAL RESEARCH

The conference agreement includes $209,415,000 instead of $209,403,000 as proposed by the House and $211,611,000 as proposed by the Senate.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement includes $873,860,000 instead of $874,337,000 as proposed by the House and $883,321,000 as proposed by the Senate.

The conferees concur with the Senate report language concerning the need for iron measurement and chelation research related to Cooley's anemia.

The conferees are concerned about treatments for the consequences of *E. coli* infections and request that the Institute prepare and submit a report by January 15, 1998 outlining the present scientific consensus on medical treatments for *E. coli* and other foodborne infections and setting forth additional research that should be pursued in this area.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

The conference agreement includes $780,713,000 instead of $763,325,000 as proposed by the House and $781,351,000 as proposed by the Senate.

The conferees understand from NIH that sufficient funds are available within the amounts provided for the Institute to expand research on Parkinson's disease.

Approximately 2,500,000 people suffer from epilepsy, a chronic brain disorder characterized by spontaneous, recurrent seizures which, in a substantial number of cases, cannot be controlled. The conferees encourage the Institute to enhance its research in the field of epilepsy to take advantage of new scientific opportunities in genetics, brain imaging and surgery, and clinical trials.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The conference agreement includes $1,351,655,000 instead of $1,339,459,000 as proposed by the House and $1,359,688,000 as proposed by the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The conference agreement includes $1,065,947,000 instead of $1,047,963,000 as proposed by the House and $1,058,969,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement includes $674,766,000 instead of $666,682,000 as proposed by the House and $676,870,000 as proposed by the Senate.

The conferees concur with the Senate report language indicating that the Director of the Institute should be take the lead in convening the national panel to assess the status of research-based knowledge on the effectiveness of various approaches of teaching children to read.

The conferees encourage the Institute to support research in the area of brain development, mechanisms that underlie learning and memory, the acquisition and storage of information in the nervous system, and the neural processes underlying emotional memories as they relate to intellectual development and cognitive growth.

The conferees encourage the Institute to carry out research on the prevalence, causes and treatment of vulvodynia.

NATIONAL EYE INSTITUTE

The conference agreement includes $355,691,000 instead of $354,032,000 as proposed by the House and $357,695,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement includes $330,108,000 instead of $328,583,000 as proposed by the House and $331,969,000 as proposed by the Senate.

The conferees encourage the Institute to conduct research into the physiologic and pathologic effects of exposure to the pfiesteria organism.

The conferees concur in the language in the House and Senate reports regarding the Institute's involvement in World Expo '98.

NATIONAL INSTITUTE ON AGING

The conference agreement includes $519,279,000 instead of $509,811,000 as proposed by the House and $520,705,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The conference agreement includes $274,760,000 instead of $269,807,000 as proposed by the House and $272,631,000 as proposed by the Senate.

The conferees understand that the Institute has recently reduced the number of Specialized Centers of Research (SCORs) in Osteoporosis from three to one and that these centers play an important role in the translation of research findings to patient care. The conferees urge the Institute to review the impact this decision may have on osteoporosis research specifically and on the rapid transfer of research to treatment and to consider taking steps that ensure adequate support of translational research, including the restoration of funding for the full SCOR program. In addition, the conferees understand that important strides have been made with the establishment of an osteoporosis and related bone disease national clearinghouse center. The conferees encourage the Institute to continue this initiative and to give consideration to strengthening its support for the center's activities in order to allow broader information services.

NATIONAL INSTITUTE OF DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $200,695,000 instead of $198,373,000 as proposed by the House and $200,428,000 as proposed by the Senate.

NATIONAL INSTITUTE ON NURSING RESEARCH

The conference agreement includes $63,597,000 instead of $62,451,000 as proposed by the House and $64,016,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement includes $227,175,000 instead of $226,205,000 as proposed by the House and $228,585,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $527,175,000 instead of $525,641,000 as proposed by the House and $531,751,000 as proposed by the Senate.

The conferees encourage the Institute to participate in the hepatitis C research initiative recommended by the March 1997 consensus conference.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $750,241,000 instead of $744,235,000 as proposed by the House and $753,334,000 as proposed by the Senate.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement includes $217,704,000 instead of $211,772,000 as proposed by the House and $218,851,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $453,883,000 instead of $436,961,000 as proposed by the House and $455,805,000 as proposed by the Senate.

The conferees are aware of concerns regarding shortages in the available supply of human cell cultures used in disease and drug therapy research in Federal and private sector laboratories. The conferees understand

that the Coriell Institute for Medical Research is in the process of expanding its cell culture storage capacity and urge the Center to give full and fair consideration to an application from the Institute.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $28,289,000 instead of $27,620,000 as proposed by the House and $28,468,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

The conference agreement includes $161,185,000 instead of $161,171,000 as proposed by the House and $162,825,000 as proposed by the Senate.

The conferees understand from the NIH that they intend to provide a $7,000,000 increase for high performance computing and communications within the total provided for the Library.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $296,373,000 instead of $298,339,000 as proposed by the House and $292,196,000 as proposed by the Senate.

The conference agreement includes a designation in bill language of $40,536,000 for the operations of the Office of AIDS Research. The Senate bill designated $40,266,000 for the Office; the House bill had no similar provision. The conferees understand that within the total funding for NIH provided in the conference agreement, NIH would intend to spend $1,595,453,000 on AIDS research. The conferees understand that this total may be modified depending on changing scientific opportunities and the recommendations of various advisory bodies.

The conference agreement includes a designation in bill language of $20,000,000 for the Office of Alternative Medicine. The Senate bill designated $13,000,000 for this activity. The House bill contained no similar provision. The conference agreement also includes language not included in either the House or Senate bill providing that not less than $7,000,000 of the $20,000,000 made available for the Office of Alternative Medicine shall be for peer reviewed complementary and alternative medicine research grants and contracts that respond to program announcements and requests for proposals issued by the Office. The conferees encourage the Office to use these mechanisms to solicit and support high quality clinical trials that will validate promising alternative and complementary medicine therapies. The conferees understand that the Office has existing authority to issue program announcements and requests for proposals.

The conference agreement includes bill language permitting the National Foundation for Biomedical Research to transfer funds to the National Institutes of Health. The House and Senate bills had no similar provision.

The conferees understand from the NIH that within the total funding provided for the various Institutes, centers and divisions the NIH estimates it will support $38,500,000 in funding for the pediatric research initiative. These funds are made available directly to the Institutes through the NIH Areas of Special Emphasis, which target those areas of research opportunity most likely to yield greater returns on the Federal investment in biomedical research. The conferees expect the Director to provide overall leadership for and coordination of these research activities.

The conferees understand from the NIH that within the total funding provided for the various Institutes, centers and divisions the NIH estimates it will support $22,000,000 in funding for the neurodegenerative disease initiative. These funds are allocated directly to the Institutes through the NIH Areas of Special Emphasis. The Director will provide overall leadership for and coordination of these research activities. The conferees note that the research focused on the biology of brain disorders in highlighted in the NIH Areas of Special emphasis to denote areas of high priority research that will yield a greater return on the Federal investment in biomedical research. The conferees believe that in addition to brain disorders, research in neurodegenerative disorders should receive special attention. The recent discovery of a genetic abnormality that causes some cases of Parkinson's disease demonstrates the promise of intensified research on neurodegenerative disorders.

The conferees are concerned about treatments for the consequences of E. coli and other foodborne infections and request the Director to consider using available funds for high priority research in this area.

The conferees are concerned by the delays in initiating the study on the status and funding of research on cancer among minorities and the medically underserved. The conferees expect all components of the NIH to give higher priority and full cooperation to this study as well as timely access to requested data to enable the Institute of Medicine to complete the study in an expeditious fashion. The conferees continue to place high priority on this effort and request that the Director be prepared to report on the study's progress during the hearings on the fiscal year 1999 budget request.

The conferees believe that minority programs at NIH should be supported at a level commensurate with the increases provided for NIH as a whole.

The conferees concur with House report language regarding the definition of administrative costs and the limitation of fiscal year 1998 administrative costs to no more than one percent above the fiscal year 1997 level.

BUILDINGS AND FACILITIES

The conference agreement includes $206,957,000 instead of $223,100,000 as proposed by the House and $203,500,000 as proposed by the Senate.

The conference agreement includes language not contained in either the House or Senate bills extending the proviso allowing a contract for the full scope of the NIH clinical research center to the construction of the vaccine research facility on campus.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement provides a program level of $2,196,743,000 instead of $2,201,943,000 as proposed by the House and $2,176,643,000 as proposed by the Senate. These figures include $50,000,000 in permanent appropriations for fiscal year 1998 provided in P.L. 104-121.

The conference agreement includes a provision proposed by the Senate designating $10 million for grants to rural and Native American projects. The House bill contained no similar provision.

The conference agreement includes a provision proposed by the Senate which requires that each State receive the same allotments under the mental health and substance abuse block grant programs in fiscal year 1998 as it did in fiscal year 1997. The conferees do not intend to consider future increases for the substance abuse or mental health block grants until the authorizing committees of jurisdiction, SAMHSA, and the substance abuse and mental health services communities have implemented a consensus policy regarding block grant formulas whether through legislation or existing administrative authority.

The conference agreement provides $28,000,000 for the data initiative requested by the Administration. Of this amount, $18,000,000 is provided through new appropriations, and $10,000,000 is available through the 5 percent set-aside within the substance abuse block grant for administrative activities. The conferees understand that the annual out-year costs of this proposal may exceed the $28,000,000 currently proposed and intend that all future funding for the initiative will be provided through the 5 percent administrative set-aside within the substance abuse block grant.

The conferees provide funding for this new initiative with the understanding that it must be used by the agency to improve the provision of treatment and prevention services in States with high incidence of substance abuse. Accordingly, the conferees direct SAMHSA to report to the Appropriations Committees no later than January 15, 1998 regarding its plans to require changes in service delivery to improve treatment and prevention services in such States through the State Improvement Grant and substance abuse block grant application processes. In addition, the conferees direct that the results of the data initiative be distributed to each State and that all States shall analyze their relative performance in preventing substance abuse as a component of the substance abuse block grant application. The conferees direct SAMHSA to require States with rates of substance abuse above the median for all States to provide a plan to improve their performance in preventing substance abuse as part of the block grant application.

The conferees intend that SAMHSA comply fully with the House report directive regarding monitoring of youth access to tobacco and enforcement of the Synar amendment.

The conferees concur with the Senate report directive regarding allocation of funds set aside for rural and Native American grants.

The conferees have included funds to continue and expand the supplemental demonstration and evaluation of enhanced children's services as part of the Residential Women and Children and Pregnant and Postpartum Women programs.

The conferees intend that SAMHSA comply with the Senate report directive regarding the State Incentive Grant program.

The conferees direct SAMHSA to comply with House report instructions regarding St. Elizabeth's Hospital.

The conferees have included sufficient funds for planning, implementation, and evaluation of a model initiative in San Francisco for comprehensive and community-based treatment on demand and substance abuse prevention, which has significant implications for other urban areas.

The conference agreement includes funding for the budget request to expand the Marijuana Treatment Initiative for Adolescents.

The conferees are aware of a successful public service crime prevention advertising campaign sponsored by the National Crime Prevention Council and encourage SAMHSA to give full consideration to this organization's experience during implementation of

the agency's public service advertising campaign regarding youth substance abuse.

The conferees concur that SAMHSA should give priority consideration to successful community schools grantees that have been effective in providing substance abuse prevention services to at-risk youth. The agency shall provide the Committees with ninety days notice prior to terminating any Community Schools grantee funded in fiscal year 1997.

The conferees intend that SAMHSA comply with the Senate report directive regarding the submission of operational and allocation plans for fiscal year 1998.

The conference report provides $6,000,000 for high risk youth grants instead of $10,000,000 proposed by the Senate. The House bill contained no similar provision.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement includes $90,229,000 instead of $101,588,000 as proposed by the House and $77,587,000 as proposed by the Senate.

The conference agreement designates $56,206,000 to be available to the Agency for Health Care Policy and Research under the Public Health Service one percent evaluation set-aside instead of $47,412,000 as proposed by the House and $65,000,000 as proposed by the Senate.

The conferees concur with language in the House report indicating that the agency's administrative costs as defined in the budget justification should not increase by more than one percent from 1997 to 1998.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

The conference agreement provides $71,602,429,000 for current year funding as proposed by the Senate instead of $71,530,429,000 as proposed by the House. This funding level reflects the current law estimate of the cost of the Medicaid program.

PAYMENTS TO THE HEALTH CARE TRUST FUNDS

The conference agreement provides $60,904,000,000 instead of $63,581,000,000 as proposed by both the House and the Senate. This funding level reflects the most recent estimates of the cost of this entitlement program.

PROGRAM MANAGEMENT

The conference agreement makes available $1,743,066,000 instead of $1,679,435,000 as proposed by the House and $1,719,241,000 as proposed by the Senate. An additional appropriation of $500,000,000 has been provided for this activity in the Health Insurance Portability and Accountability Act of 1996.

The conference agreement includes bill language proposed by the Senate making available to the Health Care Financing Administration (HCFA) administrative fees collected related to Medicare overpayment recovery activities. The House bill had no similar provision.

The conference agreement includes with slight modification bill language proposed by the Senate identifying $900,000 of the funds provided for the costs of the National Bipartisan Commission on the Future of Medicare. The language also directs the Commission to examine the impact health research has on Medicare costs as well as the potential for coordinating Medicare with cost-effective long-term care services. The House bill had no similar provision.

The conference agreement includes bill language identifying $40,000,000 for the transition to a single Part A and Part B processing system and makes that funding available until expended. The Senate bill contained similar language providing $54,100,000 for the Medicare Transaction System. The House bill did not provide funding for this activity. The conferees expect HCFA to refrain from obligating any additional funding for the Medicare Transaction System aside from the $40,000,000 and contract closeout activities until they have notified the Committees on Appropriations of their plan to redesign the system.

The conference agreement adds language not contained in either the House or Senate bill establishing the authority for HCFA to collect $95,000,000 in user fees for the costs of beneficiary enrollment and dissemination of information for the managed care activities now permitted under the Medicare program. This provision fulfills the intent of the Balanced Budget Act of 1997. The conferees understand that there are several activities specified in the statute and believe that HCFA's first priority for these funds should be to publish a comparative booklet to be mailed to beneficiaries describing Medicare+Choice options and comparing these options to fee-for-service Medicare and Medigap policies. The agency should determine whether it is more cost-effective to mail the booklet to each individual Medicare beneficiary or to identify shard dwellings and mail one to each household. The conferees believe that HCFA's second priority should be to contract for a toll-free number and to implement and maintain an internet site for inquiries regarding Medicare+Choice options. As a third priority, the conferees encourage the agency to operate Medicare+Choice health information fairs and to fund the future dissemination of information regarding Medicare+Choice options through local beneficiary information centers and other forms of public relations.

While the agreement provides authority to collect $95,000,000 in user fees for the Medicare+Choice Program, the conferees direct the Secretary to utilize these resources on a pro-rata basis, with the understanding that the amount may be reduced after the Appropriations Committees have the opportunity to conduct hearings to review the need for resources to implement this program.

The conference agreement does not include language contained in the Senate bill earmarking $2,000,000 of research funding for demonstration projects of Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by consumers to select and manage their attendant care services. The conferees are agreed, however, that $2,000,000 is included for this purpose within funds provided.

The conference agreement does not include language contained in the Senate bill directing that $50,000,000 of 1997 appropriated funds be obligated in 1997 to increase Medicare provider audits and to implement the corrective action plan to the HCFA Chief Financial Officer's audit. The House bill contained no similar provision. The Senate language could not be implemented because 1997 funds had been obligated by the time of the 1998 conference agreement. The conferees have instead included bill language allowing HCFA to use Program Management funds to increase Medicare provider audits and to implement the Department's corrective action plan to the Chief Financial Officer's audit.

The conferees are concerned about the findings of the 1996 Chief Financial Officer's audit, most specifically the reported payment error rate. In response to this concern, it is the conferees' understanding that HCFA will reallocate funds within the Peer Review Organization funding for medical and utilization review activities. Peer review organizations determine whether medical services and items provided under the Medicare program are reasonable and medically necessary and meet professionally-recognized standards of care.

The conferees concur in the language contained in the Senate report relating to continuing the telemedicine pilot sites.

The conferees strongly urge HCFA to extend the chronic ventilator-dependent unit demonstration projects that are currently operating and which have consistently produced superior clinical outcomes according to independent evaluation.

The conferees concur with Senate report language indicating that sufficient funds are included to demonstrate and evaluate model programs developed by nonprofit community and family services organizations which help vulnerable populations understand how to use managed care.

The conference agreement includes $1,000,000 within research to conduct a demonstration of residential treatment facilities at the AIDS Healthcare Foundation in Los Angeles.

The conferees concur with House report language indicating that funds have been included above the Administration's request for research and demonstrations to support the costs of studies and demonstration projects that are mandated in the Balanced Budget Act of 1997.

The conferees recognize that the forthcoming study by the Secretary of Health and Human Services regarding coverage of medical nutrition therapy by registered dietitians in the part B portion of Medicare needs to be comprehensive in documenting the value of this service for all applicable diseases or medical conditions. Separate cost estimates should be prepared for conditions for which the Secretary expects significant utilization of such services, and these costs should be prepared separately for therapy in individual as well as group settings. The conferees recommended that the Secretary take care not to exclude medical conditions such as malnutrition and obesity from the study, recognizing that obesity is the second leading preventable cause of death in the United States.

The conferees note that coronary artery disease is a leading cause of morbidity and mortality among the Medicare population and urges the agency to initiate cost-effectiveness evaluations of advanced noninvasive imaging technologies, such as coronary artery scanning by ultrafast computerized tomography, and their potential impact on lowering Medicare expenditures.

The conferees encourage HCFA to provide grants to those rural health hospitals or equivalent consortia which to date have received only first or second year grants under the rural health transition grant program.

The conferees concur with Senate report language indicating that the agreement includes $824,200,000 for Medicare contractors in 1998 as requested by the Administration. Any modification of this funding level is subject to normal reprogramming procedures.

The conferees encourage HCFA to utilize commercially available software to detect and stop Medicare billing abuse.

The conferees encourage HCFA to issue a directive to Medicare contractors regarding the extension of claims considered timely filed stating that Medicare will consider

claims timely filed if received within one year from the date of the contractor's response to the request for status change to Medicare as primary payer or completion of enrollment in Part B by the Social Security Administration.

The conferees are concerned that HCFA's new Medicare payment policy for erythropoietin may negatively impact the quality of care received by patients with end-stage renal disease (ESRD), and may increase overall health care costs. The conferees urge the Secretary to carefully expedite review of the policy to ensure continued quality care for ESRD patients.

The conference agreement includes increases in Federal administration for the costs of converting computer systems to accommodate the millennium date change and the administrative burdens associated with the new agency activities mandated by the Balanced Budget Act of 1997.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

The conference agreement includes a provision as proposed by the Senate and not included in the House bill to correct an error in the allocation of certain child care funds in fiscal year 1997.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes $1,100,000,000 in advance funding for the Low Income Home Energy Assistance Program (LIHEAP) for fiscal year 1999 instead of $1,000,000,000 as proposed by the House and $1,200,000,000 as proposed by the Senate. The conferees agree that up to 27,500,000 may be used for the leveraging incentive program.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement provides $415,000,000 for Refugee and Entrant Assistance programs as proposed by the House instead of $392,332,000 as proposed by the Senate. The conferees intend that ORR comply with the directives in the House report regarding communities with large concentrations of refugees whose cultural differences make assimilation especially difficult, refugees and communities impacted by recent changes in Federal assistance programs relating to welfare reform, and Cuban and Haitian entrants and refugees. The conferees intend that ORR comply with the directive in the Senate report regarding the Voluntary Agency Grant program.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement appropriates $65,672,000 as a supplement to the fiscal year 1998 appropriation that was enacted last year, instead of $26,120,000 as proposed by the Senate and no additional funding as proposed by the House. In addition, the agreement appropriates $1,000,000,000 as an advance appropriation for fiscal year 1999 as proposed in both the House and Senate bills. The agreement further provides that of the $19,120,000 that became available on October 1, 1997 for child care resource and referral and school-aged child care activities, $3,000,000 shall be derived by transfer from funds appropriated in the welfare reform act, instead of $6,120,000 as proposed by the Senate. The House had no similar transfer provision. Lastly, the conferees are concerned about the inadequate supply of quality child care for infants. Therefore, the agreement includes language that was not in either bill that requires the States to utilize $50,000,000 above the amount required by the basic law for activities that improve the quality of child care. These new funds should supplement, not supplant, current and planned activities to increase the supply of quality child care for infants and toddlers.

The basic law requires that not less than four percent of the appropriation be used for such activities.

SOCIAL SERVICES BLOCK GRANT

The conference agreement includes $2,299,000,000 for the Social Services Block Grant program instead of $2,245,000,000 provided in the House and Senate bills. The conference agreement also includes a provision setting the amount specified for allocation under section 2003(c) of the Social Security Act at $2,299,000,000 instead of $2,245,000,000 as proposed by the Senate. The House bill included no similar provision. The conferees intended that ACF comply with the reporting directive in the House report.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

The conference agreement appropriates $5,682,916,000, instead of $5,598,052,000 as proposed by the House and $5,611,094,000 as proposed by the Senate. In addition, the agreement rescinds $21,000,000 from permanent appropriations as proposed by the House and Senate.

The agreement includes a parenthetical legal citation to section 105(a)(2) of the Child Abuse Prevention and Treatment Act as proposed by the Senate. The conferees agree that within the amount provided for child abuse discretionary activities, $1,000,000 is available for carrying out activities authorized by that section.

The agreement includes an earmark of $279,250,000 for the Early Head Start program for children under the age of three, instead of Senate bill language that would have required that 10 percent of any additional Head Start funds over the fiscal year 1997 amount be used for this purpose. The House bill had no separate provision.

The agreement appropriates $93,000,000 from the Violent Crime Reduction Trust Fund as proposed by the Senate instead of $99,000,000 as proposed by the House.

The conferees concur in the Senate Report language concerning the job creation demonstration authorized under section 505 of the Family Support Act of 1988 and the language concerning the Alaska Federation of Natives, the donations of surplus property and the prekindergarten initiative for start-up costs and renovation. The conferees support continuing efforts to address the needs of families in public housing, such as American Samoans, who are in danger of becoming homeless.

The conferees strongly recommend that the Department provide sufficient resources to allow for implementation and oversight of the tribal Temporary Assistance for Needy Families (TANF) and Native Employment Works (NEW) programs.

Within the amount provided for Runaway and Homeless Youth, the conference agreement includes the fiscal year 1997 funding level for Center County Youth Services of State College and Three Rivers Youth of Pittsburgh.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement appropriates $865,050,000, instead of $815,270,000 as proposed by the House and $894,074,000 as proposed by the Senate. The agreement includes statutory earmarks of $4,449,000 for the State ombudsman program and $4,732,000 for prevention of elder abuse proposed by the Senate; the House bill included no earmarks. The agreement includes a legislative provision as proposed by the Senate that requires the Assistant Secretary for Aging when considering grant applications for nutrition services for elder Indian recipients to provide maximum flexibility to applicants who seek to take into account certain factors that are appropriate to the unique cultural, regional and geographic needs of the American Indian, Alaskan and Hawaiian native communities to be served. The House had no similar provision.

The conferees concur in Senate Report language concerning aging research and training activities; however, the conference agreement includes $2,000,000 for social research into Alzheimer's disease, as described in the Senate Report.

The conferees expect the Administration on Aging to ensure that States that have previously received or are currently grant funding for senior legal hotlines are not disqualified from competing for future grant funding.

The conferees recognize the Council of Senior Centers and Services of New York City, Inc. for its grassroots model program to detect and report inaccurate Medicare billings and strongly urge the Department to continue to work with CSCS on this effort.

In view of the regional office consideration, the conferees expect the Administration on Aging to ensure that States will experience no decline in policy and procedural direction or technical assistance and support so that the needs of the elderly continue to be met in a timely and comprehensive fashion.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement appropriates $177,482,000, instead of $165,487,000 as proposed by the House and $180,439,000 as proposed by the Senate. The agreement includes a legal citation proposed by the Senate for the United States-Mexico Border Health Commission but does not include a legal citation proposed by the Senate for research studies under section 1110 of the Social Security Act.

The conferees concur with the Senate Report language concerning the human services transportation technical assistance program.

The conference agreement contains an increase of $3,712,000 over the President's budget request for traditional departmental management activities. These funds are not intended to be used for any other activity. Should the Secretary decide to use any part of these funds for a different purpose, she must first submit a reprogramming request to the Appropriations Committees.

The conference agreement includes $800,000 to conduct research into the possible links between chemical and biological exposures and the illnesses suffered by tens of thousands of Persians Gulf War veterans. The conferees concur in the House Report language with respect to the conduct of this research.

The conference agreement includes $800,000 to support the activities of the United States-Mexico Border Health Commission as authorized by Public Law 103-400. The Commission will assist in assessing and resolving current and potential health problems that affect the general population of the United States-Mexico border area. The conferees understand that the Secretary may utilize funds provided to the agencies of the Public Health Service to support the activities of the Commission. The conferees strongly urge the Commission to focus upon the identification, evaluation, and potential resolution of current and possible health problems affecting the population of the area. The conferees

expect the Department to expend funds appropriated for this purpose for needed health assessments, research and studies conducted along and across the United States-Mexico border. The Commission should use a multidisciplinary approach in identifying and assessing health problems in the area so that a variety of viewpoints, including those from the scientific, social, consumer and patient communities, may be included. The conferees emphasize the importance of cultural sensitivity in the conduct of the Commission's activities.

The conference agreement includes $500,000 for the costs of the National Health Museum Commission. This commission is authorized in title VII of this Act.

The conference agreement includes $1,500,000 in the Office of Minority Health for an extramural construction grant for the University of Arkansas at Pine Bluff, an historically black institution, for the purpose of upgrading health-related facilities and equipment. In addition, funds are included in the Office of Minority Health for the Cook County/Rush Health Center (CORE Center) in Chicago and the north Philadelphia Cancer Awareness and Prevention Program. The funds for the CORE Center will be used for the implementation of an information technology infrastructure. The conferees instruct the Department to maintain the current level of support for Meharry Medical College to continue a cooperative agreement to support the development of an integrated health delivery system in a historically underserved community. The conferees expect the Office of Minority Health to provide no more than $1,000,000 of the total amount provided by the Department to Meharry.

The conferees intend that the minority male initiative described in the House Report be funded as a cooperative agreement and not as a consortium.

The conferees are aware of the work being carried out by the President's Advisory Commission on Consumer Protection and Quality. The conferees are concerned that the various proposals developed by the Commission may not include sufficient analysis of the potential impact of each proposal. Consequently, the conferees strongly urge the Commission to include in its report a thorough cost analysis of the Commission's recommendations.

The conferees concur with the Senate Report language concerning the need for a national public education campaign on osteoporosis.

The conferees encourage the Secretary to consider a transagency initiative that might incorporate promising telecommunications and computing technologies into a national health information infrastructure serving not only providers, payors, researchers and policymakers, but also patients, consumers and caregivers.

The conferees request that the following information regarding the Commissioned Corps of the U.S. Public Health Service be provided to the Committee on Appropriations in the Congressional budget justification on an annual basis: aggregate staffing levels by grade, rank and agency of assignment; the number of officers on detail outside the Department by their agency of assignment, including those detailed to international organizations; and total salaries paid to corps officers, including special or incentive pays.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement appropriates $31,921,000 as proposed by the Senate instead of $30,921,000 as proposed by the House.

POLICY RESEARCH

The conference agreement appropriates $14,000,000 as proposed by the House instead of $9,500,000 as proposed by the Senate.

The conference agreement includes $5,000,000 for a study on the outcomes of welfare reform. The conferees recommend that this study involve state-specific surveys and data sets, survey data on the impacts of state waiver programs, and administrative data such as Food Stamp, Social Security and Internal Revenue Service records. The study should measure outcomes in both low and high economic growth areas of the country. The conferees strongly urge the Department to submit its research plan to the National Academy of Sciences to provide guidance on research design and recommend further research. The conferees further expect an interim report to be submitted to the Appropriations Committees within six months.

In addition, the agreement includes $500,000 for carrying out the HELP DESK initiative described in the Senate Report.

GENERAL PROVISIONS

TRANSFER OF HANSEN'S DISEASE FACILITY

The conference agreement includes a provision in the House bill transferring the Gillis W. Long Hansen's disease facility in Carville, Louisiana to the State of Louisiana. The Senate bill had no similar provision.

PARENTAL PARTICIPATION IN FAMILY PLANNING SERVICES

The conference agreement includes a provision in the House bill prohibiting the funding of family planning grantees unless the grantee certifies that it encourages family participation in the decision of a minor to seek family planning services and that it provides counseling to minors on resisting attempts to coerce them into engaging in sexual activities. The Senate bill had no similar provision.

INSTITUTE OF MEDICINE STUDY OF NIH PRIORITY SETTING

The conference agreement includes in modified form language contained in the Senate bill directing the Secretary of Health and Human Services to contract with the Institute of Medicine to conduct a comprehensive study of the policies and processes used by the National Institutes of Health to determine funding allocations for biomedical research. The conference agreement drops the $300,000 earmark for the study contained in the Senate language. The House bill contained no similar provision.

PARKINSON'S DISEASE RESEARCH REAUTHORIZATION ACT

The conference agreement includes in modified form (section 603) language contained in the Senate bill authorizing funding for Parkinson's disease research at the National Institutes of Health (NIH). The agreement drops Senate language directing NIH to support particular research mechanisms and authorizes up to $100,000,000 in fiscal year 1998 and such sums thereafter for these research activities. The House bill contained no similar provision. The conferees acknowledge the importance of Parkinson's disease research, but are concerned that inclusion of this language may set an unfortunate precedent for using the appropriations bill as a vehicle whenever the authorizing committees fail to act.

While currently there is no cure for Parkinson's disease, the conferees are encouraged by recent scientific advances. Scientists have for the first time identified a gene abnormality that causes some cases of Parkinson's disease and which suggests an important new link between Parkinson's and Alzheimer's. This may ultimately help prevent or delay the cell death that is responsible for degenerative brain disease. Due to these promising research discoveries and the threat of more individuals being diagnosed with Parkinson's disease in future years, the conferees urge NIH to place stronger emphasis on research in this area.

FETAL ALCOHOL SYNDROME AUTHORIZATION

The conference agreement does not include a provision in the Senate bill authorizing a program of research, public awareness, and education to help prevent fetal alcohol syndrome. The House bill contained no similar provision. This matter is one that is more appropriately considered by the authorizing committees; those committees have objected to the inclusion of the provision in the conference agreement.

REFUGEE PROGRAM EXTENSION

The conference agreement includes a provision (section 604) proposed by the Senate extending the authorization for the Refugee and Entrant Assistance programs for two years, through fiscal year 1999. The House bill contained no similar provision.

PERCHLORATE STUDY

The conferees have deleted without prejudice a provision in the Senate bill requiring the Secretary of Health and Human Services to conduct a study of the health effects of perchlorate on humans and to report the findings within nine months after enactment of the appropriations bill. The House bill contained no similar provision. The conferees believe that this is an important health issue and urge the Department to conduct such a study.

PEBES EMPLOYER STUDY

The conference agreement includes a provision (section 605) proposed by the Senate to require the Social Security Administration to provide information regarding employer contributions on all Personal Earnings and Benefit Estimates Statements (PEBESs). The conferees note that the SSA is currently redesigning the PEBES and direct the agency to expeditiously revise the PEBES to add information regarding employer contributions. This initiative should be fully implemented prior to the first mailing to all workers age 25 and over scheduled for fiscal year 2000. The House bill contained no similar provision.

MEDICAID AND SSI ELIGIBILITY FOR VIET NAMESE COMMANDOS

The conference agreement includes (section 606) language contained in the Senate bill clarifying that payments made by the United States to Viet Namese commandos imprisoned by North Viet Nam are not considered income or resources for the Supplemental Security Income and Medicaid programs for those commandos now in the United States. The House bill contained no similar provision.

ORGAN DONATION STUDY

The conference agreement deletes without prejudice the provision included in the Senate bill directing the Secretary of Health and Human Services, in consultation with the General Accounting Office, to conduct a comprehensive study of efforts underway at hospitals to improve organ and tissue procurement. The House bill contained no similar provision. The conferees encourage the Secretary to conduct such a study and to report to the Committees on best practices for identifying donors and communicating with relatives of potential donors.

SENSE OF THE SENATE ON ORGAN PROCUREMENT

The conference agreement does not include language contained in the Senate bill expressing the sense of the Senate urging hospitals through education, establishment of protocols, and assignment of staff teams to ensure that a skilled and sensitive request for organ donation is provided to eligible families. The House bill contained no similar provision. The conferees concur in the sentiment expressed by this sense of the Senate resolution.

FAMILY VIOLENCE WAIVER UNDER WELFARE REFORM

The conference agreement deletes without prejudice a provision included in the Senate bill amending the Social Security Act to clarify that the welfare reform statute does not limit the provision of waivers to victims of domestic violence. The House bill contained no similar provision.

E. COLI RESEARCH AND PUBLIC EDUCATION

The conference agreement has deleted without prejudice language included in the Senate bill earmarking $5,000,000 for research, public education and evaluation relating to the E. coli health threat. The House bill had no similar provision. The conferees have included in the statement of the managers for the National Institutes of Health and the Centers for Disease Control and Prevention language expressing their concern about the E. coli health threat and urging these agencies to strengthen their research and surveillance in this area.

MEDICAID DISPROPORTIONATE SHARE PAYMENTS

The conference agreement includes (sections 601 and 602) bill language not contained in either the House or Senate bill correcting an error in the Balanced Budget Act of 1997 which displayed incorrect information about the level of Medicaid disproportionate share hospital payments for the States of Minnesota and Wyoming. The bill corrects these errors only for fiscal year 1998. The conferees expect the authorizing committees to enact the correction on a permanent basis.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $1,275,035,000 for Education Reform, instead of the $1,107,165,000 proposed by the House and $1,310,035,000 as proposed by the Senate. For Goals 2000, the conference provides $491,000,000 instead of the $530,000,000 provided by the Senate and $387,165,000 provided by the House.

The conference agreement also provides $25,000,000 for parental assistance instead of $15,000,000 as proposed by the House and $30,000,000 as proposed by the Senate. The conferees agree that the increase provided will permit expansion of voluntary parent centers to additional States bringing the total number of States and Territories participating in the program to at least 52. It has been brought to the conferees' attention that many of the grantees currently receiving funding under the parental assistance program are making only minimal efforts to implement Parents as Teachers (PAT) or Home Instruction for Preschool Youngsters (HIPY) programs. The conferees urge the Department to provide at least 50 percent of each grant award for PAT or HIPY and to report to the House and Senate Appropriations Committees by April 1, 1998, on steps being taken to assure that the dollars are being spent in accordance with PAT and HIPY program requirements.

For education technology, the agreement provides $584,035,000 instead of $520,000,000 as proposed by the House and $580,035,000 as proposed by the Senate.

The President's fiscal year 1998 budget requested funding for the Technology Literacy Challenge Fund in the Education Reform account and, as in previous years, proposed to fund all other educational technology programs within the Office of Education Research and Improvement (OERI). The House bill followed this structure. The Senate bill included both the Technology Literacy Challenge Fund and the Technology Innovation Challenge Grants within the Education Reform Account with other programs being funded within OERI. The conference agreement includes all educational technology funds within the Education Reform Account including the Challenge Fund and Challenge Grants, Star Schools, Ready to Learn TV and the Telecommunications Demonstration Project for Mathematics. In funding these programs within the Education Reform account, the conferees make no determination as to the offices within the Department best suited to administer these programs, believing that this decision is best left to the Secretary.

Under the Star Schools program, the conferees have included $8,000,000 to continue and expand the Iowa Communications Network state-wide fiber optics demonstration project.

The conferees continue to be concerned by the rapid increase in funding for technology programs and the ability of LEAs to absorb these funds and spend them wisely. The conferees therefore instruct the Department of Education to continue to provide the reports relating to educational technology outlined in the Conference Report on the fiscal year 1997 Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act.

For Technology Innovation Challenge Grants, the conference agreement includes $116,000,000, instead of $85,000,000 as proposed by the House. Included within the funds provided is $30,000,000, as proposed by the Senate, for a new competitive grants program to consortia that have developed exemplary programs to train new and current teachers, administrators and other educators to use advanced technology and to integrate education technology into teaching methods that improve instruction. The House bill contained no similar provision.

The conference agreement includes $5,000,000 for a demonstration project for hospitals, universities, businesses and schools for the Delaware Valley Region of Pennsylvania. Funds would be used for a demonstration project to develop a supercomputer infrastructure with broad-based networking applications for elementary and secondary schools, colleges, and universities with access to science and medical technology.

The conference agreement also includes $7,300,000 to allow the Secretary of Education to fund an effort to integrate technology into eighth grade algebra classrooms. The conferees believe that this level of funding will support three years of funding for the "I Can Learn" project.

The conference agreement includes $800,000 to allow the Secretary of Education to fund an initiative to provide technology training to teachers through a distance education network involving nine school districts and Nicolet Area Technical College. This level of funding will support three years of funding to support a three-tiered training program in the use of technology for all teachers in grades K through eight in the nine participating school districts.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $8,021,827,000 for Education for the Disadvantaged, instead of the $8,204,217,000 included in the House and $7,807,349,000 as proposed by the Senate. Of the funds made available for basic grants, $1,448,396,000 becomes available on October 1, 1998 for the academic year 1998–99.

The agreement includes $6,273,212,000 for basic state grants and $1,102,020,000 for concentration grants.

The conferees have provided no funding for the targeted grants program. The House bill provided $400,000,000 for this purpose. The Senate bill contained no similar provision.

The conferees have included a provision proposed by the Senate which provides that in allocating the fiscal year 1998 appropriation for basic and concentration grants under title I, part A of the Elementary and Secondary Education Act of 1965 as amended, the Secretary shall apply a 100 percent hold harmless based on total 1997 grants, including supplemental appropriations provided under Public Law 105–18. The conferees concur with the language outlined in the Senate report regarding this issue. The House bill contained no similar provision.

The conference agreement provides $150,000,000 for comprehensive school reform, including $120,000,000 under the title I program, $26,000,000 under the fund for the improvement of education, and $4,000,000 under the regional educational laboratories. The House bill included $205,000,000 for comprehensive school reform, including $150,000,000 under the title I program, $50,000,000 under the fund for the improvement of education, and $5,000,000 under the regional educational laboratories. The Senate bill included no comparable provisions.

The conferees agree that the purpose of this initiative is to provide financial incentives for schools to develop comprehensive school reforms, based on reliable research and effective practices and including an emphasis on basic academics and parental involvement, so that all children can meet challenging state content and performance goals. The conference agreement establishes a floor of 83% of the total funds provided for local educational agencies (LEAs) eligible for title I basic grants; all LEAs may compete for the remaining funds provide under the fund for the improvement of education. The conferees believe that focusing the bulk of the incentive funding on schools eligible for title I funds will leverage systemic improvements in student achievement throughout the $8 billion title I program.

The conferees are impressed by gains in student performance in a number of schools across the country that are using new comprehensive models for school-wide change covering virtually all aspects of school operations, rather than a piecemeal, fragmented approach to reform. Examples of such comprehensive school reform models including Accelerated Schools, ATLAS Communities, Audrey Cohen College, Coalition of Essential Schools, Community for Learning, Co-NECT, Direct Instruction, Expeditionary Learning Outward Bound, High Schools That Work, Modern Red Schoolhouse, National Alliance for Restructuring Education, Paideia, Roots and Wings, School Development Program, Success for All, Talent Development High School and Urban Learning Center.

While no single school improvement plan can be best for every school, the conferees believe that more schools should be encouraged to examine successful, externally developed comprehensive school reform approaches that can be adapted in their own

communities. the conference agreement includes funding under the fund for the improvement of education to enable the Department, in consultation with outside experts, to identify and disseminate information to schools about such approaches. Such approaches must be based on rigorous research and effective practices. However, schools are not restricted to using only those approaches identified by the Department are free to develop their own school-wide reform programs that are based on rigorous research and meet the criteria listed below. Further, the conferees direct that funds made available to schools under this initiative shall be used only for comprehensive school reform programs that:

(a) employ innovative strategies and proven methods for student learning, teaching, and school management that are based on reliable research and effective practices, and have been replicated successfully in schools with diverse characteristics,

(b) have a comprehensive design for effective school functioning, including instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, professional development into a school-wide reform plan designed to enable all students to meet challenging state content and performance standards and addresses needs identified through a school needs assessment,

(c) provide high-quality and continuous teacher and staff professional development and training,

(d) have measureable goals for student performance and benchmarks for meeting those goals,

(e) are supported by school faculty, administrators and staff,

(f) provide for the meaningful involvement of parents and the local community in planning and implementing school improvement activities,

(g) utilize high-quality external technical support and assistance from a comprehensive school reform entity (which may be a university) with experience or expertise in school-wide reform and improvement,

(h) include a plan for the evaluation of the implementation of school reforms and the student results achieved, and

(i) identify how other resources (federal/state/local/private) available to the school will be utilized to coordinate services to support and sustain the school reform effort.

The conferees direct that the Secretary of Education allocate title I comprehensive school reform funds based on each state's relative share of prior-year title I grants under section 1124 to state educational agencies (SEAs), upon application to the Secretary. In cases where a SEA declines to apply for its formula-based allocation, the Secretary shall reallocate the funds to other states that have a need for additional funds to implement comprehensive school reform programs. The Secretary may reserve up to one percent of the funds for grants to schools supported by the Bureau of Indian Affairs and in the territories, and up to one percent of the funds to conduct national evaluation activities to assess results achieved by the implementation of comprehensive school reform in title I schools. The conferees anticipate that initial evaluation activities will include development of a plan for a third-year national evaluation, collection of baseline data, and assessment of the first-year implementation activities. The plan for a national evaluation should focus on the results achieved by schools undertaking comprehensive school reform and assess the effectiveness of various school reform initiatives in schools with diverse characteristics (urban/rural, title I/non-title I, elementary/middle school/high school, etc.). Prior to the completion of the third-year national evaluation, the Secretary shall submit an interim report to the House and Senate appropriations and authorizing committees.

The conferees direct that each SEA receiving funds under this initiative use such funds to award grants, on a competitive basis, to enable LEAs within the state to implement comprehensive school reform programs. Each SEA application to the Secretary shall describe (1) the process and selection criteria by which the SEA, using expert review, will make competitive grants to eligible LEAs, (2) how the SEA will ensure that only high quality, well-defined, and well-documented comprehensive school reform programs meeting the criteria listed above are funded, (3) how the SEA will disseminate materials developed by the Department identifying research-based comprehensive school reform models and provide technical assistance to assist LEAs and schools in evaluating, selecting, developing and implementing comprehensive school reforms, (4) how the SEA will evaluate the implementation of comprehensive school reforms and measure the results achieved in improving student academic performance, and (5) such other criteria as the Secretary may reasonably require. The conferees direct that each SEA provide assurances that the financial assistance provided shall supplement, not supplant, federal, state and local funds the LEAs and schools would otherwise receive. The conferees further direct that SEAs provide such information as the Secretary may require, including the names of the LEAs and the individual schools receiving allocations and the amount allocated to each school.

In awarding competitive grants to LEAs using title I funds, the conferees direct SEAs to make awards that are of sufficient size and scope to support the initial start-up costs for particular comprehensive reform plan selected or designed by the schools identified in the LEA application, but that are not less than $50,000 per school and renewable for two additional year after the initial award. In allocating comprehensive school reform funds under this account, the conferees encourage SEAs to award grants to LEAs that will use these funds in schools in need of improvement under section 1116(c) of part 1 of Title I of ESEA. The conferees also encourage SEAs to award grants to LEAs in different parts of the state, including rural urban and rural communities, to LEAs proposing to serve schools at different grade levels (elementary/middle/high school), and to LEAs that demonstrate a commitment to assisting schools with budget reallocation strategies necessary to ensure that comprehensive school reforms are properly implemented and sustained in the future. SEAs may reserve up to five percent of these funds for administrative, evaluation and technical assistance expenses, including expenses necessary to inform LEAs and schools about research-based comprehensive school reform approaches.

The conferees direct that each LEA application to the SEA for comprehensive school reform funds (1) identify which schools eligible for title I funds within the LEA will implement a comprehensive school reform program and the level of funding requested, (2) describe the research-based comprehensive school reform programs that such schools will implement, (3) describe how the LEA will provide technical assistance and support for the effective implementation of the comprehensive school reform programs selected by such schools, and (4) describe how the LEA will evaluate the implementation of comprehensive school reforms in such schools and measure the results achieved in improving student academic performance.

IMPACT AID

The conference agreement provides $808,000,000 for the Impact Aid programs instead of $796,000,000 as proposed by the House and $794,500,000 as proposed by the Senate. The conference agreement includes legislative provisions regarding eligibility for assistance for heavily impacted districts, the distribution of funds for Federal Property, timely filing of applications, overpayments, and construction.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement provides $1,538,188,000 for School Improvement Programs, instead of $1,507,388,000 as proposed by the House and $1,542,293,000 as proposed by the Senate. For the Eisenhower professional development activities, the agreement provides $335,000,000 instead of the $310,000,000 provided in both the House and Senate bills. The conferees have included an additional $25,000,000 to improve professional development activities relating to literacy and expect that these funds be used for teacher training which is based on reliable, replicable research to improve student performance in reading. Within the overall amount for School Improvement, the conference agreement provides $556,000,000 for Safe and Drug Free Schools, and Communities, as proposed by the House. The Senate provided $555,978,000 for this purpose.

The conferees have provided sufficient funds within the safe and drug free schools and communities, national programs to permit the Secretary of Education to establish a program to protect student victims and witnesses of violence in school. The program would provide training and technical assistance to State and local educational agencies to assist them in establishing, and implementing programs designed to protect victim of, and witnesses to, violence in elementary and secondary schools.

The conferees have also set aside $450,000 for student safety toll-free hotlines. The funds are to be provided for pilot programs to provide students in elementary and secondary schools with confidential assistance regarding school crime, violence, drug dealing, and threats to personal safety.

Also within the Safe and Drug Free Schools National Programs, the conferees have set aside $350,000 for the Yonkers School System to allow the expansion of school safety and drug prevention activities in those schools with especially severe drug and violence problems. Funds will help to expand model programs providing peer mediation at the elementary and secondary school level, the training of school personnel and parents to prevent drug use and violent behavior and other activities.

The conferees also encourage the Secretary of Education, working with the Department of Justice, to give consideration to funding comprehensive action plans that pool community, law enforcement and educational resources and stress rehabilitated role models, sustained self-sufficiency and reciprocal restitution to reduce juvenile delinquency.

The conferees agree that of the $10,500,000 provided for Arts in Education, $1,000,000 has been included to support the International Very Special Arts Festival.

The conference agreement includes $80,000,000 for Charter Schools, instead of $100,000,000 as proposed by the House and $50,987,000 as proposed by the Senate. The conferees agree that the Secretary should take appropriate steps, including issuing guidance to relevant State authorities, to enable charter schools to receive other federal funds in their first year operation. These funds include Title I and all other federal educational assistance monies, that they would otherwise receive notwithstanding the fact that the identity and characteristics of the students enrolling in the school will not be fully and completely determined until it actually opens. The conferees direct the Secretary to report to the Congress within six months on the steps taken to implement this directive. The report should also address the timing problem that accompanies the expansion of enrollment in a school's subsequent years of operation.

The conference agreement deletes language proposed by the Senate earmarking $3,000,000 for continuation costs for innovative programs for magnet schools. The conferees understand that it is the Department's intent to provide continuation costs for this purpose.

For training and advisory services the agreement provides $7,334,000, the same as the House and Senate bills. The funds are provided to continue the 10 regional desegregation centers. No funds are included for civil rights units in State education agencies.

CHILD LITERACY INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For fiscal year 1998, the conference agreement includes $85,000,000 for child literacy initiatives allocated under existing statutory authorities: Even Start Program, Eisenhower Professional Development, Fund for the Improvement of Education, and The Corporation for National and Community Service. The conferees agree that funds are to be used for child literacy initiatives consistent with applicable statutory authorities, and the goals and concepts of a child literacy initiative described in House Report 105–116. Where funds are used for training teachers how to teach reading, the conferees expect such activities to be based on reliable, replicable research.

The conference agreement includes a fiscal year 1999 advance appropriation of $210,000,000 for a child literacy initiative, instead of $260,000,000 proposed by the House and the Senate. The House proposed that if an authorization for child literacy is not enacted by April 1, 1998, funds are to be made available for Special Education for the 1999–2000 school year. The Senate bill provided funds only if specifically authorized by April 1, 1998. The conference agreement provides that if an authorization for child literacy is not enacted by July 1, 1998, funds are to be made available for Special Education State grant program for the 1999–2000 school year.

SPECIAL EDUCATION

The conference agreement includes $4,810,646,000 for Special Education, instead of the $4,428,647,000 proposed by the House and $4,958,073,000 as proposed by the Senate. Included in these funds is $3,801,000,000 for Grants to the States, instead of $3,425,911,000 proposed by the House bill and $3,941,837,000 proposed by the Senate.

The conferees are aware that the Department of Education supports an effective program of clearinghouses to collect and disseminate information for students with disabilities about education from preschool through college and graduate school. These clearinghouses, which provide valuable information to assist students with disabilities in planning successful education outcomes, reach millions of children, youth and adults with disabilities and their families and the professionals who work with them. The conferees encourage the Department to continue to support these activities.

The conferees note that both the House and Senate reports identify funding for the Easter Seal Society's Early Childhood Development Project for the Mississippi River Delta Region. The conferees endorse this project and have set aside funds as outlined in the Senate report. Within the Research and Innovation to Improve Services account, the conferees agree that sufficient funds are included for a comprehensive study of the disproportionate number of students from minority backgrounds in special education programs. The conferees direct that the Department of Education contract with the National Academy of Sciences no later than 90 days after the enactment of this Act to conduct this study. The conferees further direct that the study be completed no later than 24 months after the date on which the contract is finalized. As part of this study, the National Academy of Sciences will convene a study panel including appropriate minority representatives. The National Academy of Sciences shall be directed, as part of the contract, to consult with the House and Senate Committees on Appropriations regarding appointments to the study panel.

Included in the conference agreement is $32,523,000 for technology and media services, as proposed by the House, instead of the $32,023,000 as proposed by the Senate bill. The conferees have included within the amounts provided for this activity, $500,000 for a project to develop, refine, and disseminate information on adaptive technologies. Funds would be used to conduct research, develop state-of-the-art personnel preparation programs and for a pilot project using technology to link parents and their children with disabilities to public school districts and community service providers.

The conference agreement includes $6,000,000 for Recordings for the Blind and Dyslexic as described in the House and Senate Reports. The increase provided will finance services to an increasing number of visually impaired students and will allow the use of other funds to support the conversion of its analog tape system to a digital format.

The conference agreement also provides $1,500,000 for the Readline Program as proposed by the Senate, and endorses the language included in the Senate report.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,591,195,000 for Rehabilitation Services and Disability Research, instead of $2,589,176,000 as proposed by the House and $2,591,286,000 proposed by the Senate.

For the National Institute for Disability and Rehabilitation Research (NIDR) the conference agreement includes $76,800,000 the same level as proposed by the House, instead of the $71,000,000 as proposed by the Senate.

The conference agreement includes $5,000,000, as proposed by the House, within the funds provided for the National Institute for Disability and Rehabilitation Research to permit the establishment of 15 model systems and a national data center for traumatic brain injury. The Senate bill provided $2,500,000 for this purpose.

The conferees also note that similar language was included in both the House and Senate reports concerning the establishment of a rehabilitation engineering research center focusing on the unique needs of landmine survivors. The conferees have included $850,000 within the amounts for the National Institute for Disability and Rehabilitation Research for this purpose.

The conferees specifically endorse the provisions of the Senate report urging the Secretary to set aside $1,000,000 to support new assisted living programs that develop state-of-the-art electronic technology.

Also included are sufficient funds within the National Institute for Disability and Rehabilitation Research for a demonstration designed to provide summer recreational and residential programs for orthopedically impaired, multiple handicapped and medically frail children and adults. Funds would be used to operate programs with progressive educational and therapeutic techniques that would maximize each individual's mobility and potential for independent living. The conferees note that the Hebrew Academy for Special Education in New York City would be especially suited for such a demonstration.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

The conference agreement provides $8,186,000 for the American Printing House for the Blind as proposed by the House instead of $7,906,000 as proposed by the Senate.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

The conference agreement provides $44,141,000 for the National Technical Institute for the Deaf as proposed by the Senate instead of $43,841,000 as proposed by the House.

GALLAUDET UNIVERSITY

The conference agreement provides $81,000,000 for Gallaudet University as proposed by the Senate instead of $80,682,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

The conference agreement includes $1,507,698,000 for Vocational and Adult Education instead of the $1,506,975,000 as proposed by the House and $1,487,698,000 as proposed by the Senate. Included in the agreement for Vocational Education basic state grants, is $1,027,550,000, instead of the $1,035,550,000 as proposed by the House and $1,015,550,000 proposed by the Senate and for Adult Education the agreement provides $345,339,000, instead of the $340,339,000 provided in both the House and Senate bills.

The conferees also endorse language contained in the Senate report under the national programs account regarding a demonstration project to develop work force skills for this nation's expanding audio-visual communications industry.

STUDENT FINANCIAL ASSISTANCE

The conference agreement provides $8,978,934,000 for Student Financial Assistance instead of $9,046,407,000 as proposed by the House and $8,591,641,000 as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $3,000 and provides a program level of $7,154,000,000 for current law Pell Grants which includes $7,058,000,000 in new appropriations and $96,000,000 in carryover funds from the previous year as authorized by law. The agreement provides an additional $286,000,000 which may be used, if not needed to fund the maximum $3,000 Pell Grant according to the latest available estimates at the time the Pell Grant schedules are published, to increase the income protection allowances

(IPAs) for independent and dependent students in the need analysis formula used for all need-based student financial assistance programs.

To the extent that Pell Grant funds are available in excess of the amount needed to fund a $3,000 maximum award at the time the Pell Grant payment schedule is issued, the Secretary may increase the IPAs above the statutory amounts previously in effect, up to the amounts established in this conference agreement. The conferees expect the Secretary to provide a full $3,000 maximum Pell Grant. However, in the event that future estimates indicate that the amounts available are not sufficient to fully fund a $3,000 maximum Pell Grant at the IPA levels in effect prior to enactment of this Act, the conference agreement requires the Secretary to reduce Pell Grant awards in accord with the award reduction provisions in this Act. These provisions have been included in each appropriations Act beginning with fiscal year 1994. The conferees wish to emphasize that if Pell Grant funds are projected to be insufficient to support the higher IPA levels permitted by this Act at the time the Pell Grant payment schedules are published, the Secretary must first reduce the IPA levels, and then, if funds are estimated to be insufficient to support a maximum $3,000 Pell Grant at the IPA levels in effect prior to enactment of this Act, reduce Pell Grant award levels below $3,000.

The conferees expect that the Secretary will use the most recent data available to update program and funding estimates and will not artificially alter such estimates for any purpose including masking a potential funding shortfall. While the conferees understand the difficulty of projecting Pell Grant costs several years in the future, they direct the Secretary to determine IPA adjustments based on the best program and funding estimates available, without regard to margins of error associated with statistical estimates. The conferees further direct the Secretary to notify the Appropriations Committees of the Pell Grant program and funding estimates, the related IPA levels to be established for award year 1998–1999, and the methodologies for calculating the above at least 15 days prior to issuing the Pell Grant payment schedule.

The legislative changes described above are included in the conference report with the full concurrence of the authorizing committees of jurisdiction. The IPA changes authorized in this conference agreement are temporary, and the conferees expect the authorizing committees of jurisdiction to establish permanent IPAs in a reauthorization of the Higher Education Act.

The conference agreement deletes two provisions proposed by the Senate and not included in the House bill making available funding for the State Student Incentive Grant program and the Education Infrastructure program from unobligated balances previously appropriated for Pell Grants. The State Student Incentive Grant program is separately funded in the conference agreement through new appropriations. The conferees have provided $135,000,000 for new capital contributions under the Perkins Loan program, the amount necessary to maintain the same new loan volume in fiscal year 1998 as was provided for fiscal year 1997.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

The conference agreement provides $46,482,000 for the Federal Family Education Loan Program Account as proposed by the Senate instead of $47,688,000 as proposed by the House.

HIGHER EDUCATION

The conference agreement provides $946,738,000 for Higher Education instead of $909,893,000 as proposed by the House and $929,752,000 as proposed by the Senate. The conference agreement deletes a provision in the House bill and not included in the Senate bill which requires Byrd Scholarships to be prorated in order to fund the same number of new scholarships in fiscal year 1998 as was funded in fiscal year 1997. The conference agreement includes a provision as proposed by the Senate to permit the Department to award new and continuing Javits Fellowships. The House bill permitted the award of continuing but not new scholarships. The conference agreement includes a provision not included in either the House or Senate bills providing $3,000,000 for an education technology and distance learning center at Empire State College in New York.

The conferees have included $1,000,000 for the Advanced Technical Center at Mexico, Missouri, for the coordinated delivery of technical education in cooperation with community colleges and secondary education systems including State technical schools. Funds will be used to provide participants with high-capacity voice, video and data line connections to couple the facilities to each other and to satellite up-links. Funds will also be used for training of vocational school instructors, and community college faculty.

The conferees encourage the Department to provide the amounts suggested and to provide full and fair consideration to the potential applicants designated in the Senate report under the heading "Funding for the Improvement of Postsecondary Education".

Regarding International Education and Foreign Language Studies domestic programs, the conferees are aware of the success of the American Overseas Research Center Program and commend the Department for its support of the Centers. However, the conferees are concerned that qualified applicants were denied awards due to the overall funding limits. To support more overseas centers, the conferees urge the Secretary to allocate $100,000 for grants to additional centers to be awarded on a competitive basis.

It has been brought to the conferees attention that a problem exists in the distribution of funds to Historically Black Graduate Institutions by the Department of Education. The conferees question the wisdom of removing funds from one institution to transfer them to another institution unless a particular institution is unable to meet the prior year matching requirement. The inequities in the distribution of these funds should be addressed in the reauthorization of the Higher Education Act.

HOWARD UNIVERSITY

The conference agreement provides $210,000,000 for Howard University as proposed by the House instead of $198,000,000 as proposed by the Senate. The agreement includes a provision proposed by the House to permit Howard University to allocate funds for the endowment as authorized by law. The Senate bill designated for the endowment and made available until expended not less than $3,530,000. The conferees intend that Howard University and the Department comply with the House report directive regarding the endowment.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $431,438,000 for Education Research, Statistics and Improvement, instead of the $423,252,000 as proposed by the House and $323,190,000 as proposed in the Senate. As noted in the section of this Statement on Education Reform, all of the separate technology activities formerly funded in this account are now funded as part of Education Reform.

The conferees note that section 931 of P.L. 103–227 gives the Office of Research, Statistics and Improvement the authority to renew research center grants for five additional years after the first competitive award, based on recommendations of a 1992 National Academy of Sciences review of OERI. The conferees encourage OERI to consider renewal for centers performing high quality research as indicated by the third-year external review.

For regional education laboratories, the conferees provide $56,000,000, instead of the $57,000,000 as proposed in the House bill, and $53,500,000 as proposed by the Senate. The conferees agree that $4,000,000 of this amount shall be used in accordance with the direction in House Report 105–205 regarding comprehensive school reform. Further, the conferees intend that the regional laboratory governing boards set the research and development priorities to guide the work funded and that the funds be obligated and distributed in accordance with the fiscal year 1997 allocations by December 1, 1997. The conferees further agree that $1,000,000, as proposed by House, shall be for the third year evaluation of the laboratories instead of the $42,500,000 as proposed by the Senate.

For the fund for the improvement of education (FIE), the conferees provide $108,100,000 instead of the $80,000,000 as proposed by the House and $50,000,000 as proposed by the Senate. Except as modified below, the conferees have reviewed and concur in the items identified in the House and Senate reports.

Within the funds provided, the conferees encourage the Department to conduct a competition for a project to document the educational readiness of at-risk children from birth to age six which could identify at-risk pregnant mothers who would be especially suited to document how different types of support systems promote the development and learning of young children.

Also within FIE, the conferees have included a provision which provides up to $1,000,000 to a State education agency to pay the cost of appraisals, resource studies and other expenses associated with the exchange of state trust land which lies within the boundaries of the Grand Staircase-Escalante National Monument for other lands outside of the monument. This provision would reimburse the state of Utah for certain costs associated with the exchange of this land.

Within FIE, the conferees specifically endorse the language contained in the House report (105–205) relating to the Jump Start program and the Model Youth program and have provided $225,000 for the National Student and Parent Mock Elections.

The conferees have included within the funding available for the fund for the improvement of education, $55,000 for community based projects to assist with the education and mentoring of children who are at-risk. The After School program of the St. Stephen Life Center in Louisville, Kentucky provides assistance to at-risk students with homework, tutoring, computer literacy, humanities instruction and personal finance skills, while stressing self-sufficiency, innovation, respect and quality of life for students.

The conferees have also provided $350,000 for the White Plains City School District to expand the after-school program housed in the schools and run by the City's Youth Bureau. The current program provides child care and recreational activities to low-income families. These funds will be used to add an academic component to the program including computer instructions, literacy and parenting education to parents and expansion of the program to the summer months.

The agreement includes $500,000 for a demonstration project to support public broadcasting of student performed classical music. The Young Performance series, which affords six to eighteen-year-old musicians the opportunity to air their talents, would be especially suited to carry out such a demonstration.

The conferees have included $1,000,000,000 for the National Museum of Women in the Arts for activities associated with the archiving of works by women artists. The conferees have also included $5,000,000 for programs to provide at-risk children with innovative learning opportunities in safe learning environments. Monies have been provided to the Children's Museums in Philadelphia, Baltimore, Boston and Children's museums in Chicago and the Museum of Science and Industry in Chicago to operate these programs which will include multidisciplinary cultural programming that integrates the arts and humanities with mathematics and science.

Within the funds provided for FIE, the conferees have included $8,000,000 for a demonstration of public school facilities repair and construction to be awarded to the Iowa Department of Education. Also included within the funds provided for FIE is $100,000 for a project in Montgomery County Pennsylvania to develop and install computer networking and telecommunications.

The conferees have included $500,000 for enhanced teacher training for longitudinal project "Early Interventions for Children and Reading Problems" involving nine public elementary schools in the District of Columbia. Such a project will focus upon research-based components critical to success in learning to read and spell (phonemic awareness, alphabetic and orthographic knowledge, and comprehension strategy instruction) all within a literature-rich environment. The Teacher training component will involve five activities; general coordination/training, generic teacher training, comprehension training, teacher processes and curriculum-based assessments.

The conference agreement includes $26,000,000 for comprehensive school reform, instead of $50,000,000 proposed by the House and no funding proposed by the Senate. The agreement also provides for extended availability of $25,000,000.

The conferees direct that the $25,000,000 be awarded by the Secretary of Education to SEAs for grants to LEAs, to be used in conjunction with $120,000,000 provided under title I. These funds shall be allocated based on each state's relative share of the school-age (ages 5–17) population to SEAs, upon application to the Secretary, except that the Secretary may utilize other reasonable criteria to determine state allocations. In cases where a SEA declines to apply for its formula-0based allocation, the Secretary shall reallocate the funds to other states that have a need for additional funds to implement comprehensive school reform programs. The Secretary may reserve up to one percent of the funds for grants to Indian schools and the territories, and up to one percent of the funds, that combined with the title I evaluation set-aside, shall be used for national evaluation activities.

The conferees intend that schools receiving financial assistance under this account select or develop comprehensive school reform approaches that meet the criteria outlined under title I—demonstration of innovative practices, and that requirements for state and LEA applications outlined under title I—demonstration of innovative practices also apply, except that any school within an LEA may be included in the LEA's application for financial assistance provided under this account. The conferees further agree that the Secretary shall administer the comprehensive school reform initiative as a unified program, and that each SEA and LEA may develop a consolidated application for funds provided under both this and the title I account.

In awarding competitive grants to LEAs using FIE funds, the conferees direct SEAs to make awards that are of sufficient size and scope to support the initial start-up costs for the particular comprehensive reform plan selected or designed by the schools identified in the LEA application, but that are not less than $50,000 per school and renewable for two additional years after the initial award. The conferees encourage SEAs to award grants to LEAs in different parts of the state, including urban and rural communities, and to LEAs proposing to serve schools at different grade levels (elementary/middle/high school), and to LEAs that demonstrate a commitment to assisting schools with budget reallocation strategies necessary to ensure that comprehensive school reforms are properly implemented and sustained in the future. SEAs may reserve up to five percent of these funds for administrative, evaluation and technical assistance expenses, including expenses necessary to inform LEAs and schools about research-based comprehensive school reform approaches.

The conference agreement also includes $1,000,000 that the department shall use to identify research-based approaches to comprehensive school reforms that show the most promise of meeting the objectives of this initiative, and disseminate that information to SEAs, LEAs, and schools so that they can make informed choices about what strategies will work best in their communities. In identifying such approaches, the Department shall consult with outside experts in disciplines relevant to school-wide transformation, which may include effective teaching and learning methods, child development, assessment, school finance, school organization and management, and evaluation, on whether such approaches are based on reliable research and effective practices. The Department shall report to the appropriations and authorizing committees on the process and criteria used to determine whether such approaches are based on rigorous, reliable research and effective practices.

The conference agreement includes $40,000,000 for 21st Century Community Learning Centers, instead of $50,000,000 as proposed by the House and $1,000,000 as proposed by the Senate. The conferees agree that the 21st Century Community Learning Centers program presents an excellent opportunity to engage at-risk young people in productive and constructive activities during their non-school hours. The conferees urge the Department of Education and the Corporation for National and Community Service to seek ways to use volunteers to help in the process of identifying and developing a cadre of local community volunteers to maximize and leverage community resources to the fullest extent.

For Eisenhower professional development national activities, the conferees provide $23,300,000 instead of the $21,000,000 as proposed by the House and the $25,000,000 proposed by the Senate. Included within this amount is $18,500,000 for the Board of Professional Teaching Standards, of which $16,000,000 shall be for assessment development and $2,500,000 shall be for teacher subsidies.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

The conference agreement provides $146,340,000 for the Institute of Museum and Library Services instead of $142,000,000 as proposed by the House and $146,369,000 as proposed by the Senate. The agreement provides funding under the heading "Institute of Museum and Library Services" as proposed by the Senate instead of "Libraries" as proposed by the House. The conference agreement deletes a provision of the Senate bill not included in the House bill designating $15,455,000 for national leadership grants. The conferees concur in the provisions of the Senate report regarding a project to digitize a card catalog, a project regarding an historic medical library collection, a one-of-a-kind historical library in Pennsylvania, and a demonstration of interactive Internet connections.

DEPARTMENTAL MANAGEMENT

The conference agreement includes $432,806,000 for Departmental Management, instead of the $415,270,000 as proposed by the House and $429,586,000 in the Senate.

The conferees recognize that Public Service Recognition Week has educated America as to the value of the career workforce which carries out the day-to-day operations of government. This program, which has existed for over ten years, plays an important role in educating our nation's youth and providing them with timely information about their government. The conferees urge the Secretary to support the elementary and secondary education projects of Public Service Recognition Week.

The conferees have deleted without prejudice a provision included in the Senate which provided $1,100,000 for the Millennium 2000 project.

The conferees endorse the language outlined in the Senate report regarding research programs on reading development and disability, and also concur in the directive to the Secretary of Education to consult with the Director of the National Institute of Child Health and Human Development to convene a panel to assess the current status of research and effective approaches to teaching children to read.

The conferees agree that sufficient funds are included to enable the Department to expand its Internet website in order to provide enhanced information to students on public and private student financial assistance programs pursuant to section 409(A)(1) of the Higher Education Act.

GENERAL PROVISIONS

SPACE AND TECHNOLOGY ADVISORY BOARD

The agreement does not include a provision in the House bill prohibiting the use of funds for the National Academy of Sciences, Space and Technology Advisory Board.

STRENGTHENING INSTITUTIONS ENDOWMENTS

The conference agreement includes a provision proposed by the House and not included in the Senate bill to permit grantees

under Title III A and B of the Higher Education Act to use funds for the purposes of endowment as authorized under Part C of the Act.

DEFINITION OF ELIGIBLE LENDERS

The conference agreement deletes two provisions proposed by the House and not included in the Senate bill to clarify the definition of "eligible lender" for the purposes of the Federal Family Education Loan program.

STUDENT LOAN GUARANTY AGENCY RESERVE RECAPTURE

The conference agreement provides for the recapture of $282,000,000 in student loan guaranty agency reserves previously held by the Higher Education Assistance Foundation.

SCHOOL VIOLENCE

The conferees have deleted Section 305 of the Senate bill without prejudice. The conferees have indicated in this Statement that funds for elementary and secondary school witnesses and victims of violence is included in Safe and Drug Free Schools and Communities National Programs.

SCHOOL VIOLENCE HOTLINES

The agreement deletes Section 306 of the Senate bill without prejudice. The conferees have included funding for school violence hotlines in Safe and Drug Free Schools and Communities National Programs.

95% OF FUNDS TO LOCAL SCHOOLS

The conference agreement deletes section 307 as proposed by the Senate regarding certification from the Department of Education that 95 percent of the funds provided be used directly for teachers and students. The House bill contained no similar provision.

The conferees direct the Secretary of Education to provide to the Committee on Labor and Human Resources, the Committee on Education and the Workforce, and the House and Senate Committees on Appropriations by April 1, 1998, a certification that not less than 95 percent of the amount appropriated to the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being used for this purpose.

SMALLER CLASS SIZE

The conference agreement deletes section 308 as proposed by the Senate requiring the Secretary of Education to conduct a study regarding enrollments. The House bill contained no similar provision.

The conferees direct the Secretary to conduct a study examining the economic, educational and societal costs of the increase in enrollment of secondary school students during the period 1998–2008; the creation of smaller class sizes for students enrolled in grades 1 through 3; and the increase in enrollments in relation to the creation of smaller class sizes. The study should also include the cost to state and local school districts. The conferees further direct the Secretary to report to the Congress within 9 months of enactment of this Act. This report should include recommendations regarding what local school districts, States and the Federal Government can do to address the issue of increased enrollments of secondary school students and the need for smaller class sizes in grades 1 through 3.

PELL GRANTS

The conference agreement deletes a provision proposed by the Senate and not included in the House bill expressing the sense of the Senate regarding Pell Grants.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

The conference agreement provides $68,669,000 for the Armed Forces Retirement Home instead of $70,277,000 as proposed by the House and $65,452,000 as proposed by the Senate. The conference agreement includes a provision not contained in the House or Senate bills which permits the Armed Forces Retirement Home to contract for planned renovation activities specified in the budget request. Due to budgetary constraints, the conferees have not included the full amount requested for capital projects but have provided legislative authority to allow the Home to contract for the completion of the requested capital activities pending future appropriations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement provides $256,604,000 for the Domestic Volunteer Service programs instead of $227,547,000 as proposed by the House and $232,604,000 as proposed by the Senate.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes the citation for the Federal Mediation and Conciliation Service proposed by the House.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

The conference agreement includes $8,600,000 as proposed by the Senate instead of $8,400,000 as proposed by the House.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,900,000 for the Occupational Safety and Health Review Commission as proposed by the House instead of $7,800,000 as proposed by the Senate.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,015,000 for the consolidated Medicare Payment Advisory Commission. The House bill provided $3,258,000 for the Physician Payment Review Commission and $3,257,000 for the Prospective Payment Assessment Commission. The Senate bill provided $3,508,000 for the Physician Payment Review Commission and $3,507,000 for the Prospective Payment Assessment Commission. The Prospective Payment Assessment Commission and the Physician Review Commission were consolidated into the Medicare Payment Advisory Commission pursuant to section 1805 of P.L. 105–33, the Budget Reconciliation Act for 1997.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

The conference agreement provides $193,500,000 for dual benefits payments as proposed by the Senate instead of $194,000,000 as proposed by the House.

LIMITATION ON ADMINISTRATION

The conference agreement includes a limitation on transfers from the railroad trust funds of $87,228,000 for administrative expenses instead of $85,728,000 as proposed by the House and $87,728,000 as proposed by the Senate.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

The conference agreement includes a limitation on transfers from the railroad trust funds of $5,794,000 for the Office of Inspector General instead of $5,000,000 as proposed by the House and $5,394,000 as proposed by the Senate. The conference agreement includes a provision by the House prohibiting the use of funds other than those provided under this heading for the Office of Inspector General. The conference agreement includes a provision proposed by the House prohibiting the use of funds for any audit, investigation or review of the Medicare program.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $16,370,000,000 for the Supplemental Security Income Program instead of $16,380,000,000 as proposed by the House and $16,417,525,000 as proposed by the Senate. The agreement deletes without prejudice a provision proposed by the Senate and not included in the House bill designating $2,225,000 for a limb loss disability return to work demonstration project.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $6,409,040,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative activities instead of $6,418,040,000 as proposed by the House and $6,462,708,000 as proposed by the Senate. The conference agreement includes the citation for section 10203 of Public Law 105–33 as proposed by the Senate. The conference agreement includes a provision not proposed in either the House or Senate bills allowing the Social Security Administration to use unexpended fiscal year 1997 funds for fiscal year 1998 activities.

The conference agreement includes a provision proposed by the House and not included in the Senate bill requiring the Secretary of the Treasury to reimburse the trust funds from general revenues for expenditures related to union activities performed on official time. The conferees request that Social Security coordinate with the government-wide reporting effort which will be undertaken by the Office of Personnel Management in consultation with the Office of Management and Budget as required by Public Law 105–61.

The conferees support the Social Security Administration's unique, cooperative training program for Administrative Law Judges which is recognized by State Bar Associations for continuing legal education credits. The conferees encourage the Office of Hearings and Appeals to continue this training program and to expand financial support to enable greater ALJ participation.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $48,424,000 for the Office of Inspector General through a combination of general revenues and limitations on trust fund transfers instead of $52,424,000 as proposed by the House and $37,354,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

DISTRIBUTION OF STERILE NEEDLES

Both the House and Senate bills contained restrictions on the use of federal funds for the distribution of sterile needles for the injection of any illegal drug (section 505). The Senate bill repeated language from previous appropriations bills allowing the Secretary to waive the prohibition if she determined that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs. The House bill removed the Secretary's authority over this issue.

The conference agreement includes the House language prohibiting the use of federal funds for carrying out any program for the distribution of sterile needles or syringes for the injection of any illegal drug. This provision is consistent with the goal of discouraging illegal drug use and not increasing the number of needles and syringes in communities.

The conference agreement also includes bill language limiting the use of federal funds for sterile needle and syringe exchange projects until March 31, 1998. After that date such projects may proceed if (1) the Secretary of Health and Human Services determines that exchange projects are effective in preventing the spread of HIV and do not encourage the use of illegal drugs; and (2) the project is operated in accordance with criteria established by the Secretary for preventing the spread of HIV and for ensuring that the project does not encourage the use of illegal drugs. This provision is consistent with the goal of allowing the Secretary maximum authority to protect public health while not increasing the overall number of needles and syringes in communities.

With respect to the first criteria, the conferees expect the Secretary to make a determination based on a review of the relevant science. If the Secretary makes the necessary determination, then the conferees expect the Secretary to require the chief public health officer of the State or political subdivision proposing to use federal funds for exchange projects to notify the Secretary that, at a minimum, all of the following conditions are met: (1) a program for preventing HIV transmission is operating in the community; (2) the State or local health officer has determined that an exchange project is likely to be an effective component of such a prevention program; (3) the exchange project provides referrals for treatment of drug abuse and for other appropriate health and social services; (4) such project provides information on reducing the risk of transmission of HIV; (5) the project complies with established standards for the disposal of hazardous medical waste; and (6) the State or local health officer agrees that, as needs are identified by the Secretary, the officer will collaborate with federally supported programs of research and evaluation that relate to exchange projects.

It is hoped that the delay in implementation of the provision with regard to exchange projects will allow the authorizing committees sufficient time to conduct a complete review and evaluation of the scientific evidence, as well as any conditions proposed by the Secretary, and consider the need for legislation with regard to these programs. It is the intent of the conferees that the Appropriations Committees refrain from further restrictions on the Secretary's authority over exchange after March 31, 1998.

TECHNICAL

The conference agreement inserts the word "the" before the word "Departments" in section 516 as proposed by the House.

SALARIES AND EXPENSES REDUCTION

The conference agreement deletes section 517 of the Senate bill that would have reduced salaries and expenses appropriations for all agencies in the bill by a total of $75,500,000 to be allocated by the Office of Management and Budget. The House had no similar provision.

TEAMSTERS ELECTION

The conference agreement includes a general provision (section 518) proposed by the House that prohibits the use of funds in this Act for the election of officers of the International Brotherhood of Teamsters. The conference agreement deletes section 106 of the Senate bill which included a related provision. The conferees are aware that the U.S. District Court is currently supervising the election of IBT officers pursuant to a consent decree between the IBT and the Department of Justice. This consent decree provided, in part, a Federal government option to order supervision of the 1996 election at government expense. While the Department of Labor contributed a portion of the funding to assist the Department of Justice in financing the 1996 election supervision expenses, it is the understanding of the conferees that the cost to rerun this election is expected to be significantly less than the original election and will be partially borne by the union. No Department of Labor contribution is provided in this bill.

TOBACCO PROVISIONS

The conferees have deleted four provisions included by the Senate relating to a national tobacco settlement. The conferees concur that these matters should be debated and resolved during consideration of tobacco settlement implementing legislation. The conferees believe, however, that any national tobacco settlement should include a provision requiring public disclosure of all private attorneys' fees paid by all parties in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related costs affected by any federal tobacco settlement. Furthermore, the conferees agree that the authorizing committees with jurisdiction over the implementing legislation should consider whether the legislation should limit the rate and/or total or private attorneys' fees paid on behalf of attorneys or the plaintiffs or defendants in connection with any action maintained by a State against one or more tobacco companies to recover tobacco-related expenses. Finally, the conferees believe that tobacco growers and tobacco growing communities should be fairly compensated as part of any settlement legislation.

EDUCATION BLOCK GRANTS

The agreement deletes Section 523 of the Senate bill regarding education block grants. The House bill contained no similar provision. The conferees remain concerned by the paperwork and inefficiency associated with the need to apply for the many different federal education programs. The House and Senate Committees on Appropriations want to work with the Department of Education and the General Accounting Office to determine the true paperwork and dollar cost to localities associated with application and record keeping of these various programs.

PROHIBITION ON VOLUNTARY NATIONAL TESTING

The House bill contained a prohibition on the use of federal funds for the development, planning or administration of any national program for testing in reading or mathematics. The provision exempts the National Assessment of Educational Progress and the Third International Math and Science Study.

The House bill also contained a provision prohibiting the administration of any national tests in 4th grade and reading and 8th grade mathematics until the submission of a final report by the National Academy of Sciences.

The Senate bill contained several provisions. The first required the Office of Educational Research and Improvement to submit to the Senate Appropriations Committee a spending plan for activities under the Education Research, Statistics, and Improvement account prior to obligation.

The second gives the National Assessment Governing Board exclusive authority over the policies direction and guidelines for implementing voluntary national tests for 4th grade reading and 8th grade mathematics. The provision also required that any such tests be voluntary and that within 90 days of enactment the Board shall review the contact for the national tests and, if necessary modify or terminate and renegotiate any contracts. The provision lists the specific authorities of the board.

The third provision also expressly prohibited any State or local educational agency from requiring any private, parochial school student or home-schooled student to take any national test without the written consent of the student.

The fourth provision of the Senate bill changed the composition of the National Assessment Governing Board to add one governor, two mayors, and two business representatives and make ethnical changes to the make-up and process for appointment to the Board.

The conferees and the Administration agree that it is important to have high, voluntary standards in the basic skills of reading and math, to measure whether students are meeting these standards, and to provide that information to students, parents and teachers. The Administration has proposed voluntary national tests in order measure student achievement related to national standards. However, every state already administers a number of tests and many are concerned that an additional, national, test would be an unnecessary burden.

To address this concern, the conference agreement (sec. 305–311) states that the National Academy of Sciences will be commissioned to conduct a study of the feasibility of equating existing state and commercially available tests with other and with the National Assessment of Educational Progress. The purpose of this study is to determine whether it will be possible to use existing tests administered by states and local school districts to compare individual student performance with existing, challenging national content and performance standards. The purpose is also to determine if the same tests can be sued to compare the performance of students in different states and communities, on different tests, to each other. The NAS shall submit a report on this study to the Congress no later than June 15, 1998, and a final report no later than September 1, 1998.

The NAS will conduct this study in consultation with the National Governors' Association (NGA), the National Conference of State Legislatures (NCSL), NAGB, the Congress and the White House. While the NAS study is being conducted, NAGB will have exclusive authority over contract RJ97153001, as stated in this Act, which will be based on the same content and performance standards as are used for NAEP, and which are linked to NAEP to the maximum extent possible.

The conference agreement further provides that the National Academy of Sciences shall submit a written report by September 1, 1998 to the Committee on Education and Workforce in the House of Representatives, the Committee on Labor and Human Resources in the Senate, and the House and Senate Appropriations Committees that evaluates the technical quality, validity and reliability of developed test items on national 4th grade reading and 8th grade mathematics tests; evaluates whether test items are free from racial, cultural or gender bias; evaluates whether the test items address the needs of

disadvantaged, limited English proficient and disabled students; and evaluates whether the test items can be used for tracking, graduation or promotion of students.

The conferees intend that the National Assessment Governing Board shall hold public hearings on these test development activities and on the recommendations submitted by the National Academy of Sciences. The National Assessment Governing Board shall ensure that such hearings are widely publicized, and that activities conducted to publicize such hearings communicate effectively with the broad and diverse populations that may be affected by such tests.

The Administration and the authorizing Committees of the U.S. Congress will work together to incorporate the findings from the NAS study into the reauthorization of NAEP and NAGB. The conferees understand that the Administration agrees that, where it is feasible and practical to validly and reliably equate test scores and link performance levels on State assessments and commercially available standardized tests with the National Assessment of Education Progress, then these tests may serve the same purpose as the proposed national test. To the extent that NAS study demonstrates ways in which existing tests can be equated with each other and with NAEP, or ways in which existing tests can be modified in order to facilitate such equating, the Administration and the House Committee on Education and Workforce intend to work together to implement these recommendations through the reauthorization of NAEP.

In order to inform future deliberations on the appropriate uses of tests measuring student academic performance and to prevent the misuse of such tests, particularly for minority and limited English proficient students, the conference agreement provides for a third study to be conducted by the National Academy of Sciences that makes recommendations on appropriate methods, practices, and safeguards to ensure that existing and new tests that may be used to measure student performance are not used in a discriminatory manner or inappropriately for tracking or other "high stakes" purposes. The NAS is also directed to report on ways to ensure that such tests adequately assess student reading and mathematics comprehension in the form most likely to yield accurate information regarding student achievement in reading and mathematics. The conference agreement provides that this NAS report shall be submitted to the White House, National Assessment Governing Board, the Committee on Education and the Workforce in the House of Representatives and the Committee on Labor and Human Services in the Senate, and the Committees on Appropriations in the House of Representatives and Senate not later than September 1, 1998.

The conferees encourage the National Assessment Governing Board and the National Academy of Sciences, in convening any advisory committees or expert panels needed to carry out the requirements of this Act, to take into account racial, ethnic and gender diversity and balance.

The conference agreement further provides that the federal government shall not require any state, local educational agency or school district to administer or implement any pilot or field test in any subject or grade, or require any student to take any national test in any subject or grade. In addition, no federal, state or local educational agency may require any private or parochial school student, or home-schooled student, to take any pilot or field test developed under this Act without the written consent of the parents or legal guardians.

The Conferees understand that the Administration will submit legislation for a revised school facilities initiative.

LIMITATION ON PENALTIES UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT

The agreement deletes section 521 of the House bill limiting the penalties the Secretary of Education may impose on states not providing special education services to individuals 18 years or older who are incarcerated in adult state prisons.

ABORTION FUNDING RESTRICTION

Both the House and Senate bills contain a revised version of the Hyde amendment. This updated version clarifies the intent of that amendment, approved annually since 1976 by Congress. Since 1993 the Hyde amendment has prohibited federal funding of abortions in Medicaid and other programs governed by the Departments of Labor, Health and Human Services, and Education and Related Agencies appropriations bill, except when the relevant federal agency is notified that the pregnancy is due to rape or incest or that the mother's life would be endangered if the fetus were carried to term.

A technical clarification is deemed necessary because many states are now arranging for delivery of health benefits through managed care, using federal funds to help pay for premiums for health benefits packages instead of suing them to reimburse for specific procedures after the fact. The words "managed care" in subsections 509(c) and 510(c) are intended to cover any arrangement that involves contracting for a package of health benefits, as opposed to providing reimbursement for specific procedures.

The intent of section 509 is to ensure that no federal funds are used to pay for abortions, or to contract with a provider or insurer for a package of health benefits that includes abortions, beyond those abortions specified in subsection 510(a). The amendment does not affect or apply to the use of separate state, local, or private funds, other than Medicaid matching funds, to pay for abortions or to contract for abortion coverage, so long as such coverage is contracted for separately from the federally subsidized contract. It does not bar a state or locality from contracting separately with a managed care provider or insuring organization for abortions or abortion coverage for patients who use a federal program, so long as the State's or locality's contribution of Medicaid matching funds is not used for this purpose. Federal agencies or entities of the federal government may not separately provide or contract for such abortions or abortion coverage, because they are barred from funding abortions or including abortion coverage (beyond those abortions specified in subsection 510(a)) in health benefits packages paid for in whole or in part with funds appropriated under this Act. (The conferees note that Congress has also prohibited the use of federal funds to subsidize contracts including abortion coverage, while allowing states to contract separately for abortion coverage if they choose to do so, under the State Children's Health Insurance Program P.L. 105–33).

This amendment also clarifies the intent of the Hyde amendment's "life of the mother" exception, restricting it to cases "where a woman suffers from a physical disorder, physical injury, or physical illness" that a physician has certified would "place the woman in danger of death unless an abortion is performed." Similar language has been approved repeatedly by Congress as part of a proposed ban on partial-birth abortion. The life-endangering physical condition may be one that is "caused by or arising from the pregnancy itself"—that is, it may be a life-threatening physical illness that did not preexist the woman's pregnancy.

This language is intended to prevent expansive interpretations of the "life of the mother" exception. The exception applies only if the individual woman herself suffers from "a physical disorder, physical injury, or physical illness" that would, "as certified by a physician, place the woman in danger of death unless an abortion is performed."

TITLE VI—OTHER PROVISIONS

The conference agreement includes a number of legislative provisions which the conferees have consolidated into a separate title of the bill. These provisions concern the following subjects: Parkinson's disease research, Minnesota and Wyoming Medicaid disproportionate share hospitals, refugee program authorization, Social Security personal earnings and benefit estimates, a technical correction to the Department of Transportation and Related Agencies Appropriations Act, a technical correction to the Balanced Budget Act of 1997 related to the welfare-to-work program, and Medicaid eligibility for Vietnamese commandos imprisoned by North Vietnam. Most of them are discussed in this joint statement at the places where they originally appeared in the bill.

H.R. 2169, THE DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT TECHNICAL AMENDMENT

The conference agreement includes a provision (section 607) that makes available an additional $50,000,000 in liquidating cash in fiscal year 1998 for trust fund share of expenses. This provision is necessary to provide sufficient liquidating cash in fiscal year 1998 to cover the contract authority made available for transit formula grants in the H.R. 2169, the Department of Transportation and Related Agencies Appropriations Act. This appropriation corrects an error in the fiscal year 1998 Department of Transportation and Related Agencies Appropriations Act and is scored as a mandatory appropriation in the annual budget process.

WELFARE TO WORK TECHNICAL AMENDMENT

The conference agreement includes a technical correction to the Balanced Budget Act of 1997 with respect to the welfare-to-work program. The provision corrects a drafting error with respect to the State matching requirement. This provision was not contained in either the House or the Senate bill.

STUDENT LOAN CONSOLIDATION

The conference agreement includes a new provision (section 609) of the bill which was not included in either the House or Senate bills. This provision amends the Higher Education Act to permit the consolidation of certain student loans and to clarify the treatment of education tax credits in determining the amount of Federal student financial assistance available to individual students.

TITLE VII—NATIONAL HEALTH MUSEUM

The conference agreement includes a new title VII of the bill that inserts the National Health Museum Development Act. This Act specifies that the National Health Museum shall be located on or near the Mall on land owned by the Federal government or the District of Columbia in the District of Columbia. It also establishes a commission to conduct a study of the appropriate Federal role

in the planning and operation of the National Health Museum. The Commission will submit the study within one year of its first meeting and then terminate. The Museum would be the nation's central public resource for education in the health sciences. This provision was not in either the House or Senate bills.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
TITLE I - DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
TRAINING AND EMPLOYMENT SERVICES (1)									
Grants to States:									
Adult Training	895,000	1,063,990	1,042,990	955,000	955,000	+60,000	-87,990	---	D
Youth Training	126,672	129,965	129,965	129,965	129,965	+3,293	---	---	D
Summer Youth Program (2)	871,000	871,000	871,000	871,000	871,000	---	---	---	D
Dislocated Worker Assistance	1,286,200	1,350,510	1,350,510	1,350,510	1,350,510	+64,310	---	---	D
Federally administered programs:									
Native Americans	52,502	52,502	52,502	55,127	53,815	+1,313	+1,313	-1,312	D
Migrant and Seasonal Farmworkers	69,285	69,285	69,285	72,749	71,017	+1,732	+1,732	-1,732	D
Job Corps:									
Operations	1,064,824	1,127,726	1,127,726	1,127,726	1,127,726	+62,902	---	---	D
Construction and Renovation (3)	88,685	118,491	118,491	118,491	118,491	+29,806	---	---	D
Subtotal, Job Corps	1,153,509	1,246,217	1,246,217	1,246,217	1,246,217	+92,708	---	---	
Veterans' employment	7,300	7,300	7,300	7,300	7,300	---	---	---	D

(1) Forward funded except where noted.

(2) Current funded.

(3) 3 year availability.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
National activities:									
Pilots and Demonstrations	27,140	23,717	42,500	83,000	65,717	+38,577	+23,217	-17,283	D
Research, Demos, evaluation	6,196	10,196	8,196	8,196	8,196	+2,000	---	---	D
Opportunity Areas for Youth	---	250,000	---	---	---	---	---	---	D
Opportunity Areas for Youth -- Advance, FY99	---	---	100,000	250,000	250,000	+250,000	+150,000	---	D
Other	13,489	10,489	13,489	16,489	17,489	+4,000	+4,000	+1,000	D
Subtotal, National activities	46,825	294,402	164,185	357,685	341,402	+294,577	+177,217	-16,283	
Current Year: FY97/98	(46,825)	(294,402)	(64,185)	(107,685)	(91,402)	(+44,577)	(+27,217)	(-16,283)	
FY98/99	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	
Subtotal, Federal activities	1,329,421	1,669,706	1,539,489	1,739,078	1,719,751	+390,330	+180,262	-19,327	
Current Year: FY97/98	(1,329,421)	(1,669,706)	(1,439,489)	(1,489,078)	(1,469,751)	(+140,330)	(+30,262)	(-19,327)	
FY98/99	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	
Total, Job Training Partnership Act	4,508,293	5,085,171	4,933,954	5,045,553	5,026,226	+517,933	+92,272	-19,327	
Current Year: FY97/98	(4,508,293)	(5,085,171)	(4,833,954)	(4,795,553)	(4,776,226)	(+267,933)	(-57,728)	(-19,327)	
FY98/99	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Women in Apprenticeship (1)	610	647	647	3,000	1,000	+390	+353	-2,000	D
Skills Standards	7,000	7,000	7,000	9,000	8,000	+1,000	+1,000	-1,000	D
Subtotal, National activities, TES	(54,435)	(302,049)	(171,832)	(369,685)	(350,402)	(+295,967)	(+178,570)	(-19,283)	
School-to-Work (2)	200,000	200,000	200,000	200,000	200,000	---	---	---	D
Homeless Veterans (1)	---	2,500	---	2,500	3,000	+3,000	+3,000	+500	D
Total, Training and Employment Services	4,715,903	5,295,318	5,141,601	5,260,053	5,238,226	+522,323	+96,625	-21,827	
Current Year: FY97/98	(4,715,903)	(5,295,318)	(5,041,601)	(5,010,053)	(4,988,226)	(+272,323)	(-53,375)	(-21,827)	
FY98/99	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	
Subtotal, forward funded	(3,844,293)	(4,421,171)	(4,169,954)	(4,133,553)	(4,113,226)	(+268,933)	(-56,728)	(-20,327)	
Community Serv. Employment Older Americans (3)	463,000	440,200	440,200	453,000	440,200	-22,800	---	-12,800	D
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Trade Adjustment	276,100	304,700	304,700	304,700	304,700	+28,600	---	---	M
NAFTA Activities	48,400	44,300	44,300	44,300	44,300	-4,100	---	---	M
Total	324,500	349,000	349,000	349,000	349,000	+24,500	---	---	

(1) Current funded.

(2) 15-month forward funded availability.

(3) The budget request proposed transfer of this funding to the Administration on Aging.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation (Trust Funds):									
State Operations	(2,115,125)	(2,204,125)	(2,115,125)	(2,115,125)	(2,115,125)	---	---	---	TF*
National Activities	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	---	---	---	TF*
Year 2000 Computer conversion	---	(200,000)	(183,000)	(150,000)	(160,000)	(+160,000)	(-23,000)	(+10,000)	TF*
Advance for FY99	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	TF*
Contingency	(216,333)	(216,333)	(196,333)	(212,333)	(196,333)	(-20,000)	---	(-16,000)	TF*
Subtotal, Unemployment Comp (trust funds)	(2,341,458)	(2,630,458)	(2,504,458)	(2,487,458)	(2,521,458)	(+180,000)	(+17,000)	(+34,000)	
Current year	(2,341,458)	(2,630,458)	(2,504,458)	(2,487,458)	(2,481,458)	(+140,000)	(-23,000)	(-6,000)	
FY99	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	
Employment Service:									
Allotments to States:									
Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	D
Trust Funds	(738,283)	(738,283)	(738,283)	(738,283)	(738,283)	---	---	---	TF*
Subtotal	761,735	761,735	761,735	761,735	761,735	---	---	---	
National Activities:									
Trust Funds (1)	(62,735)	(62,735)	(62,735)	(62,735)	(62,735)	---	---	---	TF*
Subtotal, Employment Service	824,470	824,470	824,470	824,470	824,470	---	---	---	
Federal funds	23,452	23,452	23,452	23,452	23,452	---	---	---	
Trust funds	(801,018)	(801,018)	(801,018)	(801,018)	(801,018)	---	---	---	

(1) Includes $20 million related to the Work Opportunity Tax Credit which is unauthorized for FY98.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
One Stop Career Centers	150,000	150,000	150,000	150,000	150,000	---	---	---	D
Total, State Unemployment	3,315,928	3,604,928	3,478,928	3,461,928	3,495,928	+180,000	+17,000	+34,000	
Federal Funds	173,452	173,452	173,452	173,452	173,452	---	---	---	
Trust Funds	(3,142,476)	(3,431,476)	(3,305,476)	(3,288,476)	(3,322,476)	(+180,000)	(+17,000)	(+34,000)	
Current year	(3,142,476)	(3,431,476)	(3,305,476)	(3,288,476)	(3,282,476)	(+140,000)	(-23,000)	(-6,000)	
FY99	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	
Advances to the UI and Other Trust Funds (1)	373,000	392,000	392,000	392,000	392,000	+19,000	---	---	M

(1) Two year availability.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM ADMINISTRATION									
Adult Employment and Training	25,842	26,486	26,100	26,100	26,100	+258	---	---	D
Trust Funds	(2,237)	(2,331)	(2,259)	(2,259)	(2,259)	(+22)	---	---	TF*
Youth Employment and Training	29,607	31,871	29,903	29,903	29,903	+296	---	---	D
Employment Security	6,081	4,601	6,142	6,142	6,142	+61	---	---	D
Trust Funds	(37,324)	(39,807)	(37,697)	(37,697)	(37,697)	(+373)	---	---	TF*
Apprenticeship Services	16,271	17,367	16,434	16,434	16,434	+163	---	---	D
Executive Direction	5,672	5,889	5,729	5,729	5,729	+57	---	---	D
Trust Funds	(1,316)	(1,291)	(1,329)	(1,329)	(1,329)	(+13)	---	---	TF*
Welfare to Work	---	6,200	---	4,000	6,000	+6,000	+6,000	+2,000	D
Subtotal, Program Administration	124,350	135,843	125,593	129,593	131,593	+7,243	+6,000	+2,000	
Federal funds	83,473	92,414	84,308	88,308	90,308	+6,835	+6,000	+2,000	
Trust funds	(40,877)	(43,429)	(41,285)	(41,285)	(41,285)	(+408)	---	---	
Subtotal, Employment & Training Administration	9,316,681	10,217,289	9,927,322	10,045,574	10,046,947	+730,266	+119,625	+1,373	
Federal funds	6,133,328	6,742,384	6,580,561	6,715,813	6,683,186	+549,858	+102,625	-32,627	
Current Year: FY97/98	(6,133,328)	(6,742,384)	(6,480,561)	(6,465,813)	(6,433,186)	(+299,858)	(-47,375)	(-32,627)	
FY98/99	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	
Trust funds	(3,183,353)	(3,474,905)	(3,346,761)	(3,329,761)	(3,363,761)	(+180,408)	(+17,000)	(+34,000)	
Current Year: FY97/98	(3,183,353)	(3,474,905)	(3,346,761)	(3,329,761)	(3,323,761)	(+140,408)	(-23,000)	(-6,000)	
FY98/99	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
PENSION AND WELFARE BENEFITS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement and Compliance	61,476	67,463	66,100	66,100	66,100	+4,624	---	---	D
Policy, Regulation and Public Service	11,781	13,158	12,281	12,281	12,281	+500	---	---	D
Program Oversight	3,583	3,686	3,619	3,619	3,619	+36	---	---	D
Subtotal, PWBA	76,840	84,307	82,000	82,000	82,000	+5,160	---	---	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration subject to limitation (TF) (1).	(10,330)	(10,625)	(10,433)	(10,433)	(10,433)	(+103)	---	---	TF
Termination services not subject to limitation (NA)	(125,338)	(137,376)	(137,376)	(137,376)	(137,376)	(+12,038)	---	---	NA
Subtotal, PBGC new BA	(10,330)	(10,625)	(10,433)	(10,433)	(10,433)	(+103)	---	---	
Subtotal, PBGC (Program level)	(135,668)	(148,001)	(147,809)	(147,809)	(147,809)	(+12,141)	---	---	

(1) This limitation is scored as BA in FY98; see scorekeeping summary.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	117,904	124,505	121,213	121,213	121,213	+3,309	---	---	D
Office of Labor-Management Standards	25,489	26,382	26,709	26,709	26,709	+1,220	---	---	D
Federal Contractor EEO Standards Enforcement	58,972	68,728	60,618	62,271	62,271	+3,299	+1,653	---	D
Federal Programs for Workers' Compensation	75,670	81,199	77,783	77,783	77,783	+2,113	---	---	D
Trust Funds (1)	(983)	(1,760)	(993)	(993)	(993)	(+10)	---	---	TF
Program Direction and Support	11,366	11,629	11,684	11,684	11,684	+318	---	---	D
Subtotal, ESA salaries and expenses	290,384	314,203	299,000	300,653	300,653	+10,269	+1,653	---	
Federal funds	289,401	312,443	298,007	299,660	299,660	+10,259	+1,653	---	
Trust funds	(983)	(1,760)	(993)	(993)	(993)	(+10)	---	---	
SPECIAL BENEFITS									
Federal employees compensation benefits	209,000	197,000	197,000	197,000	197,000	-12,000	---	---	M
Longshore and harbor workers' benefits	4,000	4,000	4,000	4,000	4,000	---	---	---	M
Subtotal, Special Benefits	213,000	201,000	201,000	201,000	201,000	-12,000	---	---	

(1) This limitation is scored as BA in FY98; see scorekeeping summary.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances	961,665	960,650	960,650	960,650	960,650	-1,015	---	---	M
Employment Standards Adm. S&E	26,053	26,147	26,147	26,147	26,147	+94	---	---	M
Departmental Management S&E	19,621	19,551	19,551	19,551	19,551	-70	---	---	M
Departmental Management, Inspector General	287	296	296	296	296	+9	---	---	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	1,007,626	1,006,644	1,006,644	1,006,644	1,006,644	-982	---	---	
Treasury Adm. Costs (Indefinite)	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,007,982	1,007,000	1,007,000	1,007,000	1,007,000	-982	---	---	
Total, Employment Standards Administration	1,511,366	1,522,203	1,507,000	1,508,653	1,508,653	-2,713	+1,653	---	
Federal funds	1,510,383	1,520,443	1,506,007	1,507,660	1,507,660	-2,723	+1,653	---	
Trust funds	(983)	(1,760)	(993)	(993)	(993)	(+10)	---	---	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards	11,971	12,566	12,091	12,091	12,091	+120	---	---	D
Federal Enforcement	125,907	135,689	127,166	130,606	128,886	+2,979	+1,720	-1,720	D
State Enforcement Programs	77,169	79,175	77,941	77,941	77,941	+772	---	---	D
Technical Support	17,417	17,617	17,591	17,591	17,591	+174	---	---	D
Compliance Assistance: Federal Assistance	37,351	46,285	45,725	41,734	43,729	+6,378	-1,996	+1,995	D
State Consultation Grants	34,477	35,373	34,822	35,373	35,373	+896	+551	---	D
Safety and Health Statistics	14,142	14,460	14,283	14,283	14,283	+141	---	---	D
Executive Direction and Administration	6,521	6,640	6,586	6,586	6,586	+65	---	---	D
Total, OSHA	324,955	347,805	336,205	336,205	336,480	+11,525	+275	+275	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	106,993	107,419	108,063	107,419	107,419	+426	-644	---	D
Metal/Non-Metal Enforcement	41,994	44,315	42,414	44,315	43,681	+1,687	+1,267	-634	D
Standards Development	1,008	1,426	1,018	1,426	1,290	+282	+272	-136	D
Assessments	3,497	3,578	3,532	3,578	3,555	+58	+23	-23	D
Educational Policy and Development	14,782	14,834	14,930	14,834	14,834	+52	-96	---	D
Technical Support	21,268	24,870	21,481	24,870	23,740	+2,472	+2,259	-1,130	D
Program Administration	7,645	9,362	7,721	9,362	8,815	+1,170	+1,094	-547	D
Total, Mine Safety and Health Administration	197,187	205,804	199,159	205,804	203,334	+6,147	+4,175	-2,470	
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	102,169	109,955	109,955	106,415	110,955	+8,786	+1,000	+4,540	D
Labor Market Information (Trust Funds)	(52,053)	(52,848)	(52,848)	(52,574)	(52,848)	(+795)	---	(+274)	TF*
Prices and Cost of Living	100,134	107,028	108,028	107,028	107,028	+6,894	-1,000	---	D
Compensation and Working Conditions	56,834	58,909	58,909	57,402	58,909	+2,075	---	+1,507	D
Productivity and Technology	7,263	7,248	7,248	7,336	7,248	-15	---	-88	D
Economic Growth and Employment Projections	4,640	4,728	4,728	4,686	4,728	+88	---	+42	D
Executive Direction and Staff Services	21,584	23,311	23,311	21,800	23,311	+1,727	---	+1,511	D
Consumer Price Index Revision (1)	16,145	15,430	15,430	15,430	15,430	-715	---	---	D
Total, Bureau of Labor Statistics	360,822	379,457	380,457	372,671	380,457	+19,635	---	+7,786	
Federal Funds	308,769	326,609	327,609	320,097	327,609	+18,840	---	+7,512	
Trust Funds	(52,053)	(52,848)	(52,848)	(52,574)	(52,848)	(+795)	---	(+274)	

(1) Two year availability.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	20,029	19,714	18,209	19,714	18,962	-1,067	+753	-752	D
Legal Services	59,911	64,813	64,813	64,813	64,813	+4,902	---	---	D
Trust Funds	(297)	(282)	(282)	(282)	(282)	(-15)	---	---	TF*
International Labor Affairs	9,465	11,095	13,095	11,095	12,095	+2,630	-1,000	+1,000	D
Administration and Management	13,904	14,259	14,043	14,259	14,151	+247	+108	-108	D
Adjudication	20,483	20,979	20,688	20,688	20,688	+205	---	---	D
Promoting Employment of People with Disabilities	4,358	4,439	4,402	4,439	4,421	+63	+19	-18	D
Women's Bureau	7,743	7,569	7,569	7,743	7,743	---	+174	---	D
Civil Rights Activities	4,535	4,598	4,580	4,580	4,580	+45	---	---	D
Chief Financial Officer	4,394	4,930	4,800	4,800	4,800	+406	---	---	D
Total, Salaries and expenses	145,119	152,678	152,481	152,413	152,535	+7,416	+54	+122	
Federal funds	144,822	152,396	152,199	152,131	152,253	+7,431	+54	+122	
Trust funds	(297)	(282)	(282)	(282)	(282)	(-15)	---	---	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	(81,993)	(80,040)	(80,040)	(80,040)	(80,040)	(-1,953)	---	---	TF*
Local Veterans Employment Program	(75,125)	(77,078)	(77,078)	(77,078)	(77,078)	(+1,953)	---	---	TF*
Subtotal, State Administration	(157,118)	(157,118)	(157,118)	(157,118)	(157,118)	---	---	---	
Federal Administration	(22,733)	(22,837)	(24,837)	(22,837)	(24,837)	(+2,104)	---	(+2,000)	TF*
National Veterans Training Institute	(2,000)	(2,000)	---	(2,000)	---	(-2,000)	---	(-2,000)	TF*
Total, Veterans Employment & Training (TF)	(181,851)	(181,955)	(181,955)	(181,955)	(181,955)	(+104)	---	---	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL									
Program Activities	37,480	37,345	36,345	37,345	36,845	-635	+500	-500	D
Trust Funds	(3,543)	(3,645)	(3,645)	(3,645)	(3,645)	(+102)	---	---	TF*
Executive Direction and Management	5,958	5,760	5,760	5,760	5,760	-198	---	---	D
Total, Office of the Inspector General	46,981	46,750	45,750	46,750	46,250	-731	+500	-500	
Federal funds	43,438	43,105	42,105	43,105	42,605	-833	+500	-500	
Trust funds	(3,543)	(3,645)	(3,645)	(3,645)	(3,645)	(+102)	---	---	
Total, Departmental Management	373,951	381,383	380,186	381,118	380,740	+6,789	+554	-378	
Federal funds	188,260	195,501	194,304	195,236	194,858	+6,598	+554	-378	
Trust funds	(185,691)	(185,882)	(185,882)	(185,882)	(185,882)	(+191)	---	---	
Total, Labor Department	12,172,132	13,148,873	12,822,762	12,942,458	12,949,044	+776,912	+126,282	+6,586	
Federal funds	8,739,722	9,422,853	9,225,845	9,362,815	9,335,127	+595,405	+109,282	-27,688	
Current Year: FY97/98	(8,739,722)	(9,422,853)	(9,125,845)	(9,112,815)	(9,085,127)	(+345,405)	(-40,718)	(-27,688)	
FY98/99	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	
Trust funds	(3,432,410)	(3,726,020)	(3,596,917)	(3,579,643)	(3,613,917)	(+181,507)	(+17,000)	(+34,274)	
Current Year: FY97/98	(3,432,410)	(3,726,020)	(3,596,917)	(3,579,643)	(3,573,917)	(+141,507)	(-23,000)	(-5,726)	
FY98/99	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Consolidated health centers	802,009	809,868	826,000	826,000	826,000	+23,991	---	---	D
National Health Service Corps:									
Field placements	37,244	37,244	37,244	37,244	37,244	---	---	---	D
Recruitment	78,166	78,166	82,756	78,166	78,166	---	-4,590	---	D
Subtotal, National Health Service Corps	115,410	115,410	120,000	115,410	115,410	---	-4,590	---	
Health Professions									
Grants to Communities for Scholarships	532	---	545	---	534	+2	-11	+534	D
Health Professions data systems	236	---	241	---	237	+1	-4	+237	D
Research on Health Professions Issues	450	---	461	---	452	+2	-9	+452	D
Nurse loan repayment for shortage area service	2,197	---	2,251	---	2,205	+8	-46	+2,205	D
Workforce Development Cluster (proposed)	---	623	---	---	---	---	---	---	D
Centers of excellence	24,714	---	27,300	---	24,798	+84	-2,502	+24,798	D
Health careers opportunity program	26,779	---	30,000	---	26,870	+91	-3,130	+26,870	D
Exceptional financial need scholarships	11,332	---	11,610	---	11,371	+39	-239	+11,371	D
Faculty loan repayment	1,061	---	1,087	---	1,065	+4	-22	+1,065	D
Fin. Assistance for disadvantaged HP students	6,718	---	6,883	---	6,741	+23	-142	+6,741	D
Scholarships for disadvantaged students	18,673	---	21,100	---	18,737	+64	-2,363	+18,737	D
Minority/Disadvantaged Cluster (proposed)	---	89,277	---	---	---	---	---	---	D
Family medicine training/departments	49,256	---	50,464	---	49,424	+168	-1,040	+49,424	D
General internal medicine and pediatrics	17,618	---	18,050	---	17,678	+60	-372	+17,678	D

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Physician assistants	6,376	---	6,532	---	6,398	+22	-134	+6,398	D
Public health and preventive medicine	7,998	---	8,194	---	8,025	+27	-169	+8,025	D
Health administration traineeships/projects	1,095	---	1,122	---	1,099	+4	-23	+1,099	D
Primary Care Medicine & Pub Health Cluster (proposed)	---	7,700	---	---	---	---	---	---	D
Area health education centers	28,490	---	29,189	---	28,587	+97	-602	+28,587	D
Border health training centers	3,752	---	3,844	---	3,765	+13	-79	+3,765	D
General dentistry residencies	3,785	---	3,878	---	3,798	+13	-80	+3,798	D
Allied health special projects	3,832	---	3,926	---	3,845	+13	-81	+3,845	D
Geriatric education centers and training	8,881	---	9,099	---	8,911	+30	-188	+8,911	D
Rural interdisciplinary traineeships	4,153	---	4,255	---	4,167	+14	-88	+4,167	D
Podiatric Medicine	677	---	694	---	679	+2	-15	+679	D
Chiropractic demonstration grants	1,025	---	1,050	---	1,029	+4	-21	+1,029	D
Enhanced Area Health Education Cluster (proposed)	---	24,700	---	---	---	---	---	---	D
Advanced Nurse Education	12,467	---	12,773	---	12,510	+43	-263	+12,510	D
Nurse practitioners/nurse midwives	17,586	---	18,017	---	17,646	+60	-371	+17,646	D
Special projects	10,564	---	10,823	---	10,600	+36	-223	+10,600	D
Nurse disadvantaged assistance	3,865	---	3,960	---	3,878	+13	-82	+3,878	D
Professional nurse traineeships	15,941	---	16,332	---	15,995	+54	-337	+15,995	D
Nurse anesthetists	2,765	---	2,833	---	2,774	+9	-59	+2,774	D
Nurse Education / Practice Init Cluster (proposed)	---	7,700	---	---	---	---	---	---	D
Consolidated Title VII programs	---	---	---	165,000	---	---	---	-165,000	D
Consolidated Title VIII programs	---	---	---	55,000	---	---	---	-55,000	D
Subtotal, Health professions	292,818	130,000	306,513	220,000	293,818	+1,000	-12,695	+73,818	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Other HRSA Programs:									
Hansen's Disease Services Cluster (1)	17,094	16,469	17,094	14,424	17,094	---	---	+2,670	D
Maternal & Child Health Block Grant	681,000	681,000	685,000	681,000	683,000	+2,000	-2,000	+2,000	D
Healthy Start	95,982	95,982	95,982	95,982	95,982	---	---	---	D
Organ Transplantation	2,278	3,891	2,278	2,778	2,778	+500	+500	---	D
Health Teaching Facilities Interest Subsidies	297	225	225	225	225	-72	---	---	D
Bone Marrow Program	15,270	15,270	15,270	15,270	15,270	---	---	---	D
Rural outreach grants	27,796	25,092	27,796	30,092	32,592	+4,796	+4,796	+2,500	D
Emergency medical services for children	12,493	12,000	13,000	13,000	13,000	+507	---	---	D
Black lung clinics	4,000	1,906	5,000	5,000	5,000	+1,000	---	---	D
Alzheimer's demonstration grants (2)	5,999	---	5,999	5,999	5,999	---	---	---	D
Payment to Hawaii, treatment of Hansen's (1)	2,045	---	2,045	2,045	2,045	---	---	---	D
Subtotal, Other HRSA programs	864,254	851,835	869,689	865,815	872,985	+8,731	+3,296	+7,170	

(1) Proposed for consolidation.

(2) Proposed for transfer to AoA.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Ryan White AIDS Programs:									
Emergency Assistance	449,943	454,943	471,663	457,943	464,800	+14,857	-6,863	+6,857	D
Comprehensive Care Programs	416,954	431,954	560,994	469,954	543,000	+126,046	-17,994	+73,046	D
AIDS Drug Assistance Program (ADAP) (NA)	(167,000)	(167,000)	(299,000)	(217,000)	(285,500)	(+118,500)	(-13,500)	(+68,500)	NA
Early Intervention Program	69,568	84,568	72,928	79,568	76,300	+6,732	+3,372	-3,268	D
Pediatric Demonstrations	36,000	40,000	37,720	45,000	41,000	+5,000	+3,280	-4,000	D
AIDS Dental Services	7,500	7,500	7,860	7,500	7,800	+300	-60	+300	D
Education and Training Centers	16,287	17,287	17,087	17,287	17,300	+1,013	+213	+13	D
Subtotal, Ryan White AIDS programs	996,252	1,036,252	1,168,252	1,077,252	1,150,200	+153,948	-18,052	+72,948	
Family Planning	198,452	203,452	194,452	208,452	203,452	+5,000	+9,000	-5,000	D
Rural Health Research	8,713	8,713	8,713	11,713	11,713	+3,000	+3,000	---	D
Health Care and Other Facilities	12,902	---	---	10,000	28,000	+15,098	+28,000	+18,000	D
Buildings and Facilities (1)	828	---	2,500	---	2,500	+1,672	---	+2,500	D
National Practitioner Data Bank	6,000	8,000	8,000	8,000	8,000	+2,000	---	---	D
User Fees	-6,000	-8,000	-8,000	-8,000	-8,000	-2,000	---	---	D
Program Management	112,929	110,949	110,949	114,429	114,059	+1,130	+3,110	-370	D
Total, Health resources and services	3,404,567	3,266,479	3,607,068	3,449,071	3,618,137	+213,570	+11,069	+169,066	

(1) Proposed for consolidation.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:									
Interest subsidy program	7,000	6,000	6,000	6,000	6,000	-1,000	---	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):									
New loan subsidies	477	1,020	1,020	1,020	1,020	+543	---	---	M
Liquidating account (NA)	(37,608)	(29,566)	(29,566)	(29,566)	(29,566)	(-8,042)	---	---	NA
HEAL loan limitation (NA)	(140,000)	(85,000)	(85,000)	(85,000)	(85,000)	(-55,000)	---	---	NA
Program management	2,688	2,688	2,688	2,688	2,688	---	---	---	D
Total, HEAL	3,165	3,708	3,708	3,708	3,708	+543	---	---	
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:									
Post-FY88 claims (TF)	50,476	42,448	42,448	42,448	42,448	-8,028	---	---	M
HRSA administration (TF)	3,000	3,000	3,000	3,000	3,000	---	---	---	M
Subtotal, Vaccine injury compensation trust fund	53,476	45,448	45,448	45,448	45,448	-8,028	---	---	
VACCINE INJURY COMPENSATION:									
Pre-FY89 claims (appropriation)	110,000	---	---	---	---	-110,000	---	---	M
Total, Vaccine injury	163,476	45,448	45,448	45,448	45,448	-118,028	---	---	
Total, Health Resources & Services Admin	3,578,208	3,321,635	3,662,224	3,504,227	3,673,293	+95,085	+11,069	+169,066	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
CENTERS FOR DISEASE CONTROL AND PREVENTION									
DISEASE CONTROL, RESEARCH AND TRAINING									
Preventive Health Services Block Grant	153,994	143,940	155,000	143,940	150,000	-3,994	-5,000	+6,060	D
Prevention Centers	8,099	8,099	8,099	8,099	8,099	---	---	---	D
Childhood immunization (1)	467,583	427,312	440,030	445,545	427,312	-40,271	-12,718	-18,233	D
HCFA vaccine purchase (NA)	372,534	437,104	437,104	437,104	437,104	+64,570	---	---	NA
Subtotal, CDC/HCFA vaccine program level	467,583	427,312	440,030	445,545	427,312	-40,271	-12,718	-18,233	
AIDS	616,790	634,266	621,790	646,790	634,266	+17,476	+12,476	-12,524	D
Tuberculosis	119,294	119,236	119,236	119,236	119,236	-58	---	---	D
Sexually Transmitted Diseases	106,203	111,171	111,171	111,171	113,671	+7,468	+2,500	+2,500	D
Chronic and Environmental Disease Prevention	166,874	191,039	228,039	203,454	217,136	+50,262	-10,903	+13,682	D
Breast and Cervical Cancer Screening	139,659	141,897	145,000	141,897	145,000	+5,341	---	+3,103	D
Infectious Diseases	87,720	112,428	118,000	112,428	115,214	+27,494	-2,786	+2,786	D
Lead Poisoning Prevention	38,181	38,154	38,200	38,200	38,200	+19	---	---	D
Injury Control	43,182	49,033	55,933	45,063	50,507	+7,325	-5,426	+5,444	D
Occupational Safety and Health (NIOSH)	141,340	148,463	148,840	148,463	152,840	+11,500	+4,000	+4,377	D
Mine Safety and Health	31,913	32,000	32,000	40,000	36,000	+4,087	+4,000	-4,000	D
Epidemic Services	69,608	69,322	69,322	69,322	69,322	-286	---	---	D

(1) Request includes bill language exempting from the excise tax vaccine purchased with appropriated funds; savings are estimated at $25 million.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
National Center for Health Statistics:									
Program Operations	37,612	18,963	37,612	18,033	26,780	-10,832	-10,832	+8,747	D
1% evaluation funds (NA)	(48,400)	(70,063)	(48,400)	(70,063)	(59,232)	(+10,832)	(+10,832)	(-10,831)	NA
Subtotal, health statistics	(86,012)	(89,026)	(86,012)	(88,096)	(86,012)	---	---	(-2,084)	
Buildings and Facilities	30,553	23,007	20,000	23,007	21,504	-9,049	+1,504	-1,503	D
Program Management	2,563	2,465	2,465	2,465	2,465	-98	---	---	D
Subtotal, Centers for Disease Control	2,261,168	2,270,795	2,350,737	2,317,113	2,327,552	+66,384	-23,185	+10,439	
Crime Bill Activities:									
Rape Prevention and Education	35,000	45,000	45,000	45,000	45,000	+10,000	---	---	D
Domestic Violence Community Demonstrations	6,000	---	---	6,000	6,000	---	+6,000	---	D
Subtotal, Crime bill activities	41,000	45,000	45,000	51,000	51,000	+10,000	+6,000	---	
Total, Disease Control	2,302,168	2,315,795	2,395,737	2,368,113	2,378,552	+76,384	-17,185	+10,439	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	2,389,065	2,217,482	2,513,020	2,558,377	2,547,314	+158,249	+34,294	-11,063	D
AIDS (NA)	---	(224,256)	---	---	---	---	---	---	NA
Subtotal, NCI	(2,389,065)	(2,441,738)	(2,513,020)	(2,558,377)	(2,547,314)	(+158,249)	(+34,294)	(-11,063)	
National Heart, Lung, and Blood Institute	1,431,830	1,404,770	1,513,004	1,539,898	1,531,061	+99,231	+18,057	-8,837	D
AIDS (NA)	---	(62,419)	---	---	---	---	---	---	NA
Subtotal, NHLBI	(1,431,830)	(1,467,189)	(1,513,004)	(1,539,898)	(1,531,061)	(+99,231)	(+18,057)	(-8,837)	
National Institute of Dental Research	197,063	190,081	209,403	211,611	209,415	+12,352	+12	-2,196	D
AIDS (NA)	---	(12,750)	---	---	---	---	---	---	NA
Subtotal, NIDR	(197,063)	(202,831)	(209,403)	(211,611)	(209,415)	(+12,352)	(+12)	(-2,196)	
National Institute of Diabetes and Digestive and Kidney Diseases	813,149	821,164	874,337	883,321	873,860	+60,711	-477	-9,461	D
AIDS (NA)	---	(12,638)	---	---	---	---	---	---	NA
Subtotal, NIDDK	(813,149)	(833,802)	(874,337)	(883,321)	(873,860)	(+60,711)	(-477)	(-9,461)	
National Institute of Neurological Disorders & Stroke	729,259	722,712	763,325	781,351	780,713	+51,454	+17,388	-638	D
AIDS (NA)	---	(25,116)	---	---	---	---	---	---	NA
Subtotal, NINDS	(729,259)	(747,828)	(763,325)	(781,351)	(780,713)	(+51,454)	(+17,388)	(-638)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Allergy and Infectious Diseases.	1,257,794	634,272	1,339,459	1,359,688	1,351,655	+93,861	+12,196	-8,033	D
AIDS (NA)	---	(678,230)	---	---	---	---	---	---	NA
Subtotal, NIAID	(1,257,794)	(1,312,502)	(1,339,459)	(1,359,688)	(1,351,655)	(+93,861)	(+12,196)	(-8,033)	
National Institute of General Medical Sciences	995,471	992,032	1,047,963	1,058,969	1,065,947	+70,476	+17,984	+6,978	D
AIDS (NA)	---	(28,160)	---	---	---	---	---	---	NA
Subtotal, NIGMS	(995,471)	(1,020,192)	(1,047,963)	(1,058,969)	(1,065,947)	(+70,476)	(+17,984)	(+6,978)	
National Institute of Child Health & Human Development	631,628	582,032	666,682	676,870	674,766	+43,138	+8,084	-2,104	D
AIDS (NA)	---	(65,247)	---	---	---	---	---	---	NA
Subtotal, NICHD	(631,628)	(647,279)	(666,682)	(676,870)	(674,766)	(+43,138)	(+8,084)	(-2,104)	
National Eye Institute	331,606	330,955	354,032	357,695	355,691	+24,085	+1,659	-2,004	D
AIDS (NA)	---	(9,476)	---	---	---	---	---	---	NA
Subtotal, NEI	(331,606)	(340,431)	(354,032)	(357,695)	(355,691)	(+24,085)	(+1,659)	(-2,004)	
National Institute of Environmental Health Sciences	307,562	313,583	328,583	331,969	330,108	+22,546	+1,525	-1,861	D
AIDS (NA)	---	(6,324)	---	---	---	---	---	---	NA
Subtotal, NIEHS	(307,562)	(319,907)	(328,583)	(331,969)	(330,108)	(+22,546)	(+1,525)	(-1,861)	
National Institute on Aging	484,326	495,202	509,811	520,705	519,279	+34,953	+9,468	-1,426	D
AIDS (NA)	---	(1,874)	---	---	---	---	---	---	NA
Subtotal, NIA	(484,326)	(497,076)	(509,811)	(520,705)	(519,279)	(+34,953)	(+9,468)	(-1,426)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Arthritis and Musculoskeletal and Skin Diseases	256,228	258,932	269,807	272,631	274,760	+18,532	+4,953	+2,129	D
AIDS (NA)	---	(4,310)	---	---	---	---	---	---	NA
Subtotal, NIAMS	(256,228)	(263,242)	(269,807)	(272,631)	(274,760)	(+18,532)	(+4,953)	(+2,129)	
National Institute on Deafness and Other Communication Disorders	188,273	192,447	198,373	200,428	200,695	+12,422	+2,322	+267	D
AIDS (NA)	---	(1,774)	---	---	---	---	---	---	NA
Subtotal, NIDCD	(188,273)	(194,221)	(198,373)	(200,428)	(200,695)	(+12,422)	(+2,322)	(+267)	
National Institute of Nursing Research	59,554	55,692	62,451	64,016	63,597	+4,043	+1,146	-419	D
AIDS (NA)	---	(5,360)	---	---	---	---	---	---	NA
Subtotal, NINR	(59,554)	(61,052)	(62,451)	(64,016)	(63,597)	(+4,043)	(+1,146)	(-419)	
National Institute on Alcohol Abuse and Alcoholism	211,254	208,112	226,205	228,585	227,175	+15,921	+970	-1,410	D
AIDS (NA)	---	(11,234)	---	---	---	---	---	---	NA
Subtotal, NIAAA	(211,254)	(219,346)	(226,205)	(228,585)	(227,175)	(+15,921)	(+970)	(-1,410)	
National Institute on Drug Abuse	490,113	358,475	525,641	531,751	527,175	+37,062	+1,534	-4,576	D
AIDS (NA)	---	(163,440)	---	---	---	---	---	---	NA
Subtotal, NIDA	(490,113)	(521,915)	(525,641)	(531,751)	(527,175)	(+37,062)	(+1,534)	(-4,576)	
National Institute of Mental Health	700,701	629,739	744,235	753,334	750,241	+49,540	+6,006	-3,093	D
AIDS (NA)	---	(98,510)	---	---	---	---	---	---	NA
Subtotal, NIMH	(700,701)	(728,249)	(744,235)	(753,334)	(750,241)	(+49,540)	(+6,006)	(-3,093)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
National Human Genome Research Institute	188,957	202,197	211,772	218,851	217,704	+28,747	+5,932	-1,147	D
AIDS (NA)	---	(2,990)	---	---	---	---	---	---	NA
Subtotal, NHGRI	(188,957)	(205,187)	(211,772)	(218,851)	(217,704)	(+28,747)	(+5,932)	(-1,147)	
National Center for Research Resources	414,049	333,868	436,961	455,805	453,883	+39,834	+16,922	-1,922	D
AIDS (NA)	---	(77,053)	---	---	---	---	---	---	NA
Subtotal, NCRR	(414,049)	(410,921)	(436,961)	(455,805)	(453,883)	(+39,834)	(+16,922)	(-1,922)	
John Fogarty International Center	26,504	16,755	27,620	28,468	28,289	+1,785	+669	-179	D
AIDS (NA)	---	(10,413)	---	---	---	---	---	---	NA
Subtotal, FIC	(26,504)	(27,168)	(27,620)	(28,468)	(28,289)	(+1,785)	(+669)	(-179)	
National Library of Medicine	150,376	152,689	161,171	162,825	161,185	+10,809	+14	-1,640	D
AIDS (NA)	---	(3,279)	---	---	---	---	---	---	NA
Subtotal, NLM	(150,376)	(155,968)	(161,171)	(162,825)	(161,185)	(+10,809)	(+14)	(-1,640)	
Office of the Director	286,081	234,247	298,339	292,196	296,373	+10,292	-1,966	+4,177	D
AIDS (NA)	---	(35,912)	---	---	---	---	---	---	NA
Subtotal, OD	(286,081)	(270,159)	(298,339)	(292,196)	(296,373)	(+10,292)	(-1,966)	(+4,177)	
Buildings and Facilities	200,000	190,000	223,100	203,500	206,957	+6,957	-16,143	+3,457	D
Office of AIDS Research	---	1,540,765	---	---	---	---	---	---	D
Total N.I.H.	12,740,843	13,078,203	13,505,294	13,692,844	13,647,843	+907,000	+142,549	-45,001	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION									
Mental Health:									
Knowledge development and application	57,964	58,032	58,032	57,964	57,964	---	-68	---	D
Mental Health Performance Partnership	275,420	275,420	275,420	275,420	275,420	---	---	---	D
Children's Mental Health	69,896	69,927	72,927	69,896	72,927	+3,031	---	+3,031	D
Grants to States for the Homeless (PATH)	20,000	20,000	23,000	20,000	23,000	+3,000	---	+3,000	D
Protection and Advocacy	21,957	21,957	21,957	21,957	21,957	---	---	---	D
Subtotal, mental health	445,237	445,336	451,336	445,237	451,268	+6,031	-68	+6,031	
Substance Abuse Treatment:									
Knowledge Development and Application	155,868	156,000	159,000	155,868	155,868	---	-3,132	---	D
Substance Abuse Performance Partnership -- (BA)	1,310,107	1,320,107	1,320,107	1,310,107	1,310,107	---	-10,000	---	D
P.L. 104-121 funding	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	---	---	---	NA
Subtotal, Substance Abuse Treatment (BA)	1,465,975	1,476,107	1,479,107	1,465,975	1,465,975	---	-13,132	---	
Total, Treatment program level	(1,515,975)	(1,526,107)	(1,529,107)	(1,515,975)	(1,515,975)	---	(-13,132)	---	
Substance Abuse Prevention:									
Knowledge Development and Application	155,869	151,000	151,000	151,000	151,000	-4,869	---	---	D
High Risk Youth Grants	---	---	---	10,000	6,000	+6,000	+6,000	-4,000	D
Subtotal, Substance abuse prevention	155,869	151,000	151,000	161,000	157,000	+1,131	+6,000	-4,000	
Program Management and Buildings and Facilities	54,431	55,500	55,500	54,431	54,500	+69	-1,000	+69	D
Data Collection	---	28,000	15,000	---	18,000	+18,000	+3,000	+18,000	D
1% evaluation funding (NA)	---	---	---	(10,000)	---	---	---	(-10,000)	NA
Total, Substance Abuse and Mental Health (BA)	2,121,512	2,155,943	2,151,943	2,126,643	2,146,743	+25,231	-5,200	+20,100	
Total, Program level	(2,171,512)	(2,205,943)	(2,201,943)	(2,176,643)	(2,196,743)	(+25,231)	(-5,200)	(+20,100)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS									
Retirement payments	139,299	149,217	149,217	149,217	149,217	+9,918	---	---	M
Survivors benefits	10,417	11,643	11,643	11,643	11,643	+1,226	---	---	M
Dependents' medical care	26,363	27,470	27,470	27,470	27,470	+1,107	---	---	M
Military services credits	2,556	2,409	2,409	2,409	2,409	-147	---	---	M
Total, Retirement pay and medical benefits	178,635	190,739	190,739	190,739	190,739	+12,104	---	---	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
AGENCY FOR HEALTH CARE POLICY AND RESEARCH									
Research on Health Care Systems Cost & Access:									
Federal Funds	35,650	17,170	35,573	17,170	25,214	-10,436	-10,359	+8,044	D
1% evaluation funding (NA)	(8,750)	(29,515)	(11,112)	(29,515)	(19,906)	(+11,156)	(+8,794)	(-9,609)	NA
Subtotal	(44,400)	(46,685)	(46,685)	(46,685)	(45,120)	(+720)	(-1,565)	(-1,565)	
Health Insurance & Expenditure Surveys:									
Federal Funds	224	10,000	---	10,000	---	-224	---	-10,000	D
1% evaluation funding (NA)	(38,662)	(26,300)	(36,300)	(26,300)	(36,300)	(-2,362)	---	(+10,000)	NA
Subtotal	(38,886)	(36,300)	(36,300)	(36,300)	(36,300)	(-2,586)	---	---	
Research on Health Care Outcomes & Quality:									
Federal Funds	57,963	57,600	63,785	48,187	62,785	+4,822	-1,000	+14,598	D
1% evaluation funding (NA)	---	(6,185)	---	(9,185)	---	---	---	(-9,185)	NA
Subtotal	(57,963)	(63,785)	(63,785)	(57,372)	(62,785)	(+4,822)	(-1,000)	(+5,413)	
Program Support	2,230	2,230	2,230	2,230	2,230	---	---	---	D
Total, AHCPR	143,479	149,000	149,000	142,587	146,435	+2,956	-2,565	+3,848	
Federal Funds	96,067	87,000	101,588	77,587	90,229	-5,838	-11,359	+12,642	
1% evaluation funding (non-add)	(47,412)	(62,000)	(47,412)	(65,000)	(56,206)	(+8,794)	(+8,794)	(-8,794)	
Total, Public Health Service	21,017,433	21,149,315	22,007,525	21,960,153	22,127,399	+1,109,966	+119,874	+167,246	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	98,210,228	99,144,000	99,144,000	99,144,000	99,144,000	+933,772	---	---	M
State and local administration	4,633,884	4,874,546	4,874,546	4,874,546	4,874,546	+240,662	---	---	M
Vaccines for Children	522,904	365,104	365,104	437,104	437,104	-85,800	+72,000	---	M
Subtotal, Medicaid program level, FY 1997 / 1998	103,367,016	104,383,650	104,383,650	104,455,650	104,455,650	+1,088,634	+72,000	---	
Carryover balance	-2,155,048	-4,864,228	-4,864,228	-4,864,228	-4,864,228	-2,709,180	---	---	M
Less funds advanced in prior year	-26,155,350	-27,988,993	-27,988,993	-27,988,993	-27,988,993	-1,833,643	---	---	M
Total, request, FY 1997 / 1998	75,056,618	71,530,429	71,530,429	71,602,429	71,602,429	-3,454,189	+72,000	---	
New advance 1st quarter, FY 98/99	27,988,993	27,800,689	27,800,689	27,800,689	27,800,689	-188,304	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	59,456,000	63,416,000	63,416,000	63,416,000	60,739,000	+1,283,000	-2,677,000	-2,677,000	M
Hospital insurance for the uninsured	405,000	-52,000	-52,000	-52,000	-52,000	-457,000	---	---	M
Federal uninsured payment	76,000	86,000	86,000	86,000	86,000	+10,000	---	---	M
Program management	142,000	131,000	131,000	131,000	131,000	-11,000	---	---	M
Total, Payments to Trust Funds, current law	60,079,000	63,581,000	63,581,000	63,581,000	60,904,000	+825,000	-2,677,000	-2,677,000	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation: Regular Program	(44,000)	(45,000)	(49,000)	(47,000)	(50,000)	(+6,000)	(+1,000)	(+3,000)	TF*
Medicare Contractors	(1,207,200)	(1,223,000)	(1,134,000)	(1,189,000)	(1,174,000)	(-33,200)	(+40,000)	(-15,000)	TF*
H.R. 3103 funding (non-add)	(440,000)	(500,000)	(500,000)	(500,000)	(500,000)	(+60,000)	---	---	NA
Subtotal, Contractors program level	(1,647,200)	(1,723,000)	(1,634,000)	(1,689,000)	(1,674,000)	(+26,800)	(+40,000)	(-15,000)	
State Survey and Certification	(158,000)	(148,000)	(148,000)	(158,000)	(154,000)	(-4,000)	(+6,000)	(-4,000)	TF*
Federal Administration	(327,173)	(360,434)	(350,369)	(327,173)	(367,000)	(+39,827)	(+16,631)	(+39,827)	TF*
User Fees	(-1,932)	(-1,934)	(-1,934)	(-1,932)	(-1,934)	(-2)	---	(-2)	TF*
Subtotal, Federal Administration	(325,241)	(358,500)	(348,435)	(325,241)	(365,066)	(+39,825)	(+16,631)	(+39,825)	
Total, Program management	(1,734,441)	(1,774,500)	(1,679,435)	(1,719,241)	(1,743,066)	(+8,625)	(+63,631)	(+23,825)	
Medicare Trust Fund Activity: Hospital Insurance TF (1)	(-12,800,000)	(-20,100,000)	(-20,100,000)	(-20,100,000)	(-20,100,000)	(-7,300,000)	---	---	NA
Supplemental Medical Insurance TF (2)	(4,000,000)	(500,000)	(500,000)	(500,000)	(500,000)	(-3,500,000)	---	---	NA
Total, Health Care Financing Administration	164,859,052	164,686,618	164,591,553	164,703,359	162,050,184	-2,808,868	-2,541,369	-2,653,175	
Federal funds	163,124,611	162,912,118	162,912,118	162,984,118	160,307,118	-2,817,493	-2,605,000	-2,677,000	
Current year, FY 1997 / 1998	(135,135,618)	(135,111,429)	(135,111,429)	(135,183,429)	(132,506,429)	(-2,629,189)	(-2,605,000)	(-2,677,000)	
New advance, 1st quarter, FY 1998 / 1999	(27,988,993)	(27,800,689)	(27,800,689)	(27,800,689)	(27,800,689)	(-188,304)	---	---	
Trust funds	(1,734,441)	(1,774,500)	(1,679,435)	(1,719,241)	(1,743,066)	(+8,625)	(+63,631)	(+23,825)	

(1) Intermediate estimates: page 40 of the 1997 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: page 29 of the 1997 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES									
FAMILY SUPPORT PAYMENTS TO STATES (1)									
Payments to territories	---	---	---	---	---	---	---	---	M
Repatriation	---	---	---	---	---	---	---	---	M
Undistributed	9,600,000	---	---	---	---	-9,600,000	---	---	M
Subtotal, Welfare payments	9,600,000	---	---	---	---	-9,600,000	---	---	
Child Support Enforcement: (2) Net welfare reform child support appropriation	2,158,000	---	---	---	---	-2,158,000	---	---	M
Total, Payments, FY 1997 / 1998 program level	11,758,000	---	---	---	---	-11,758,000	---	---	
Less funds advanced in previous years	-4,800,000	---	---	---	---	+4,800,000	---	---	M
Total, payments, current request, FY97/98	6,958,000	---	---	---	---	-6,958,000	---	---	
New advance, 1st quarter, FY98/99	607,000	660,000	660,000	660,000	660,000	+53,000	---	---	M

(1) Funds for these activities for FY98 are provided through permanent appropriations in the Personal Responsibility & Work Opportunity Reconciliation Act of 1996. The President's budget does not request funding for these programs in FY98; the Congressional justification indicates a budget amendment will be transmitted to Congress to request indefinite appropriations for these programs in FY98.

(2) Carry over funds from FY97 and the first quarter advance appropriation for FY98 are estimated to be sufficient to cover necessary costs of this program for FY98.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Job Opportunities and Basic Skills (JOBS)	300,000	---	---	---	---	-300,000	---	---	M
LOW INCOME HOME ENERGY ASSISTANCE									
Advance from prior year (NA)	---	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)	---	---	NA
Adjustment	1,000,000	---	---	---	---	-1,000,000	---	---	D
FY 1997 / 1998 program level	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	---	---	---	
Emergency Allocation -- Advance from prior year (NA)	(300,000)	---	---	---	---	(-300,000)	---	---	NA
New Emergency Allocation (NA)	---	(300,000)	(300,000)	(300,000)	(300,000)	(+300,000)	---	---	NA
Advance funding (FY98/99)	1,000,000	1,000,000	1,000,000	1,200,000	1,100,000	+100,000	+100,000	-100,000	D
REFUGEE AND ENTRANT ASSISTANCE									
Transitional and Medical Services	246,502	227,138	230,698	227,138	230,698	-15,804	---	+3,560	D
Social Services	110,882	110,882	129,990	110,882	129,990	+19,108	---	+19,108	D
Preventive Health	4,835	4,835	4,835	4,835	4,835	---	---	---	D
Targeted Assistance	49,857	49,477	49,477	49,477	49,477	-380	---	---	D
Total, Refugee and entrant assistance (BA)	412,076	392,332	415,000	392,332	415,000	+2,924	---	+22,668	
CHILD CARE AND DEVELOPMENT BLOCK GRANT: Advance funding FY98/99	937,000	1,000,000	1,000,000	1,000,000	1,000,000	+63,000	---	---	D
Forward funding provided in prior year	(934,642)	---	---	---	---	(-934,642)	---	---	NA
Advance funding from prior year (NA)	---	(937,000)	(937,000)	(937,000)	(937,000)	(+937,000)	---	---	NA
Adjustment (current funding)	19,120	63,000	---	26,120	65,672	+46,552	+65,672	+39,552	D
Current year program level (FY97/98)	(953,762)	(1,000,000)	(937,000)	(963,120)	(1,002,672)	(+48,910)	(+65,672)	(+39,552)	
Social Services Block Grant (Title XX)	2,500,000	2,380,000	2,245,000	2,245,000	2,299,000	-201,000	+54,000	+54,000	M

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth, and Families:									
Head Start	3,980,546	4,305,000	4,305,000	4,305,000	4,355,000	+374,454	+50,000	+50,000	D
Consolidated Runaway, Homeless Youth Prog	---	58,602	---	58,602	---	---	---	-58,602	D
Runaway and Homeless Youth	43,653	---	43,653	---	43,653	---	---	+43,653	D
Runaway Youth -- Transitional Living	14,949	---	14,949	---	14,949	---	---	+14,949	D
Subtotal, runaway	58,602	58,602	58,602	58,602	58,602	---	---	---	
Child Abuse State Grants	21,026	21,026	21,026	21,026	21,026	---	---	---	D
Child Abuse Discretionary Activities	14,154	14,154	14,154	14,154	14,154	---	---	---	D
Abandoned Infants Assistance	12,251	12,251	12,251	12,251	12,251	---	---	---	D
Child Welfare Services	291,989	291,989	291,989	291,989	291,989	---	---	---	D
Child Welfare Training	4,000	4,000	4,000	8,000	6,000	+2,000	+2,000	-2,000	D
Adoption Opportunities	13,000	13,000	13,000	18,000	23,000	+10,000	+10,000	+5,000	D
Adoption Initiative	---	21,000	---	---	---	---	---	---	D
Family Violence (1)	62,000	---	---	---	10,000	-52,000	+10,000	+10,000	D
Social Services and Income Maintenance Research	44,000	18,043	21,000	21,000	26,000	-18,000	+5,000	+5,000	D
Community Based Resource Centers	32,835	32,835	32,835	32,835	32,835	---	---	---	D

(1) The request and the bill provide funding for this activity in the Battered Women's Shelter program.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Developmental disabilities program:									
State Councils	64,803	64,803	64,803	65,574	64,803	---	---	-771	D
Protection and Advocacy	26,718	26,718	26,718	27,036	26,718	---	---	-318	D
Developmental Disabilities Special Projects	5,250	5,250	---	5,250	5,250	---	+5,250	---	D
Developmental Disabilities University Affiliated	17,461	17,461	17,461	17,669	17,461	---	---	-208	D
Subtotal, Developmental disabilities	114,232	114,232	108,982	115,529	114,232	---	+5,250	-1,297	
Native American Programs	34,933	34,933	34,933	34,933	34,933	---	---	---	D
Community services:									
Grants to States for Community Services	489,600	414,720	489,600	492,600	490,600	+1,000	+1,000	-2,000	D
Community initiative program:									
Economic Development	27,332	---	30,065	27,332	30,065	+2,733	---	+2,733	D
Rural Community Facilities	3,500	---	3,500	3,500	3,500	---	---	---	D
Subtotal, discretionary funds	30,832	---	33,565	30,832	33,565	+2,733	---	+2,733	
National Youth Sports	12,000	---	14,000	12,000	14,000	+2,000	---	+2,000	D
Community Food and Nutrition	4,000	---	---	4,000	4,000	---	+4,000	---	D
Subtotal, Community services	536,432	414,720	537,165	539,432	542,165	+5,733	+5,000	+2,733	
Program Direction	143,061	143,115	143,115	138,343	140,729	-2,332	-2,386	+2,386	D
Rescission of permanent appropriations	-27,000	---	-21,000	-21,000	-21,000	+6,000	---	---	D
Total, Children & Families Services Programs	5,336,061	5,498,900	5,577,052	5,590,094	5,661,916	+325,855	+84,864	+71,822	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
VIOLENT CRIME REDUCTION PROGRAMS:									
Community Schools	12,800	12,800	---	---	---	-12,800	---	---	D
Runaway Youth Prevention	8,000	15,000	15,000	15,000	15,000	+7,000	---	---	D
Domestic Violence Hotline	1,200	1,200	1,200	1,200	1,200	---	---	---	D
Battered Women's Shelters	10,800	70,000	82,800	76,800	76,800	+66,000	-6,000	---	D
Total, Violent crime reduction programs	32,800	99,000	99,000	93,000	93,000	+60,200	-6,000	---	
Family Support and Preservation	240,000	255,000	255,000	255,000	255,000	+15,000	---	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE									
Foster Care	3,807,143	3,540,300	3,540,300	3,540,300	3,540,300	-266,843	---	---	M
Adoption Assistance	567,888	700,700	700,700	700,700	700,700	+132,812	---	---	M
Independent Living	70,000	70,000	70,000	70,000	70,000	---	---	---	M
Total, Program level: Payment to States	4,445,031	4,311,000	4,311,000	4,311,000	4,311,000	-134,031	---	---	
Less Advances from Prior Year	---	-1,111,000	-1,111,000	-1,111,000	-1,111,000	-1,111,000	---	---	M
Total, request, FY 1997 / 1998	4,445,031	3,200,000	3,200,000	3,200,000	3,200,000	-1,245,031	---	---	
New Advance, 1st quarter, FY 1998/1999	1,111,000	1,157,500	1,157,500	1,157,500	1,157,500	+46,500	---	---	M
Total, Administration for Children and Families	24,898,088	15,705,732	15,608,552	15,819,046	15,907,088	-8,991,000	+298,536	+88,042	
Current year, FY 1997 / 1998	(21,243,088)	(11,888,232)	(11,791,052)	(11,801,546)	(11,989,588)	(-9,253,500)	(+198,536)	(+188,042)	
FY 1998 / 1999	(3,655,000)	(3,817,500)	(3,817,500)	(4,017,500)	(3,917,500)	(+262,500)	(+100,000)	(-100,000)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	300,556	291,375	309,819	317,556	309,500	+8,944	-319	-8,056	D
Preventive Health	15,623	15,623	---	17,623	16,123	+500	+16,123	-1,500	D
Title VII	---	9,181	---	---	---	---	---	---	D
Nutrition:									
Congregate Meals	364,535	359,810	364,535	380,716	374,412	+9,877	+9,877	-6,304	D
Home Delivered Meals	105,339	110,064	110,064	122,064	112,000	+6,661	+1,936	-10,064	D
Frail Elderly In-Home Services	9,263	9,263	---	11,263	9,763	+500	+9,763	-1,500	D
Grants to Indians	16,057	16,057	16,057	20,057	18,457	+2,400	+2,400	-1,600	D
Aging Research, Training and Special Projects	4,000	4,000	---	10,000	10,000	+6,000	+10,000	---	D
Program Administration	14,758	14,795	14,795	14,795	14,795	+37	---	---	D
Alzheimer's Initiative	---	8,000	---	---	---	---	---	---	D
Total, Administration on Aging	830,131	838,168	815,270	894,074	865,050	+34,919	+49,780	-29,024	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	96,135	96,517	101,329	98,517	102,329	+6,194	+1,000	+3,812	D
Trust Funds	(5,851)	(5,851)	(5,851)	(5,851)	(5,851)	---	---	---	TF*
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	(20,552)	(20,552)	---	---	---	NA
Subtotal	(122,538)	(122,920)	(127,732)	(124,920)	(128,732)	(+6,194)	(+1,000)	(+3,812)	
Adolescent Family Life (Title XX)	14,206	14,209	14,209	19,209	16,709	+2,503	+2,500	-2,500	D
Physical Fitness and Sports	998	1,000	998	998	998	---	---	---	D
Minority health	34,584	23,100	23,100	23,600	29,100	-5,484	+6,000	+5,500	D
Office of women's health	12,495	12,500	12,500	18,500	12,495	---	-5	-6,005	D
Anti-Terrorism	13,764	10,000	7,500	13,764	10,000	-3,764	+2,500	-3,764	D
Total, General Departmental Management	178,033	163,177	165,487	180,439	177,482	-551	+11,995	-2,957	
Federal funds	172,182	157,326	159,636	174,588	171,631	-551	+11,995	-2,957	
Trust funds	(5,851)	(5,851)	(5,851)	(5,851)	(5,851)	---	---	---	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds	34,790	31,921	30,921	31,921	31,921	-2,869	+1,000	---	D
H.R. 3103 funding (non-add)	(60,000)	(80,500)	(80,500)	(80,500)	(80,500)	(+20,500)	---	---	NA
Total, Office of the Inspector General	34,790	31,921	30,921	31,921	31,921	-2,869	+1,000	---	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	16,183	17,216	16,345	16,345	16,345	+162	---	---	D
Trust Funds	(3,307)	(3,314)	(3,314)	(3,314)	(3,314)	(+7)	---	---	TF*
Total, Office for Civil Rights	19,490	20,530	19,659	19,659	19,659	+169	---	---	
Federal funds	16,183	17,216	16,345	16,345	16,345	+162	---	---	
Trust funds	(3,307)	(3,314)	(3,314)	(3,314)	(3,314)	(+7)	---	---	
Policy Research	18,486	9,000	14,000	9,500	14,000	-4,486	---	+4,500	D
Total, Office of the Secretary	250,799	224,628	230,067	241,519	243,062	-7,737	+12,995	+1,543	
Federal funds	241,641	215,463	220,902	232,354	233,897	-7,744	+12,995	+1,543	
Trust funds	(9,158)	(9,165)	(9,165)	(9,165)	(9,165)	(+7)	---	---	
Public Health & Social Services Emergency Fund	15,000	---	---	---	---	-15,000	---	---	D
Total, Department of Health and Human Services	211,870,503	202,604,461	203,252,967	203,618,151	201,192,783	-10,677,720	-2,060,184	-2,425,368	
Federal Funds	210,126,904	200,820,796	201,564,367	201,889,745	199,440,552	-10,686,352	-2,123,815	-2,449,193	
Current year, FY 1997 / 1998	(178,482,911)	(169,202,607)	(169,946,178)	(170,071,556)	(167,722,363)	(-10,760,548)	(-2,223,815)	(-2,349,193)	
FY 1998 / 1999	(31,643,993)	(31,618,189)	(31,618,189)	(31,818,189)	(31,718,189)	(+74,196)	(+100,000)	(-100,000)	
Trust funds	(1,743,599)	(1,783,665)	(1,688,600)	(1,728,406)	(1,752,231)	(+8,632)	(+63,631)	(+23,825)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
TITLE III - DEPARTMENT OF EDUCATION									
EDUCATION REFORM (1)									
Goals 2000: Educate America Act:									
State & Local Ed. Systemic Improvement Grants.....	476,000	603,500	370,665	500,000	464,500	-11,500	+93,835	-35,500	D
State & Local Ed. Systemic Improvement Grants (2).	---	1,500	1,500	---	1,500	+1,500	---	+1,500	D
Parental Assistance (2).....	15,000	15,000	15,000	30,000	25,000	+10,000	+10,000	-5,000	D
Subtotal, Goals 2000.....	491,000	620,000	387,165	530,000	491,000	---	+103,835	-39,000	
School-to-work opportunities:									
School-to-Work Opportunities.....	199,973	200,000	200,000	200,000	200,000	+27	---	---	D
Education Technology: (2) (3)									
Technology for Education.....	266,965	510,000	520,000	541,000	541,000	+274,035	+21,000	---	D
Star Schools.....	30,000	26,000	---	30,000	34,000	+4,000	+34,000	+4,000	D
Ready to Learn Television.....	7,000	7,000	---	7,000	7,000	---	+7,000	---	D
Telcom Demo Project for Mathematics.....	1,035	2,035	---	2,035	2,035	+1,000	+2,035	---	D
Subtotal, Education technology.....	305,000	545,035	520,000	580,035	584,035	+279,035	+64,035	+4,000	
Subtotal, Non-Goals 2000 Ed Reform.....	504,973	745,035	720,000	780,035	784,035	+279,062	+64,035	+4,000	
Total.....	995,973	1,365,035	1,107,165	1,310,035	1,275,035	+279,062	+167,870	-35,000	
Subtotal, Forward funded.....	(675,973)	(803,500)	(570,665)	(700,000)	(664,500)	(-11,473)	(+93,835)	(-35,500)	

(1) Forward funded except where noted.

(2) Current funded.

(3) Star Schools, Ready to Learn, Telecommunications Demonstration, and one component of the Technology for Education were funded in the House and Senate bills in the Education Research and Statistics account.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION FOR THE DISADVANTAGED (1)									
Grants to Local Education Agencies (LEAs):									
Basic Grants	6,269,712	6,187,350	6,187,850	6,269,712	6,269,712	---	+81,862	---	D
Basic Grants (2)	3,500	4,000	3,500	4,000	3,500	---	---	-500	D
Subtotal, Basic grants	6,273,212	6,191,350	6,191,350	6,273,712	6,273,212	---	+81,862	-500	
Concentration Grants	1,022,020	999,249	949,249	1,022,020	1,102,020	+80,000	+152,771	+80,000	D
Targeted Grants	---	350,000	400,000	---	---	---	-400,000	---	D
Comprehensive School Reform	---	---	150,000	---	120,000	+120,000	-30,000	+120,000	D
Subtotal, Grants to LEAs	7,295,232	7,540,599	7,690,599	7,295,732	7,495,232	+200,000	-195,367	+199,500	
Capital Expenses for Private School Children	41,119	41,119	41,119	41,119	41,119	---	---	---	D
Even Start	101,992	108,000	108,000	108,000	124,000	+22,008	+16,000	+16,000	D
State agency programs:									
Migrant	305,473	319,500	305,473	305,473	305,473	---	---	---	D
Neglected and Delinquent/High Risk Youth	39,311	40,333	39,311	40,333	39,311	---	---	-1,022	D
State School Improvement	---	8,000	---	---	---	---	---	---	D
Evaluation (2)	6,977	10,000	10,000	6,977	6,977	---	-3,023	---	D
Total, ESEA	7,790,104	8,067,551	8,194,502	7,797,634	8,012,112	+222,008	-182,390	+214,478	

(1) Forward funded except where noted.

(2) Current funded.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Migrant education:									
High School Equivalency Program (1)	7,441	7,634	7,634	7,634	7,634	+193	---	---	D
College Assistance Migrant Program (1)	2,028	2,081	2,081	2,081	2,081	+53	---	---	D
Subtotal, migrant education	9,469	9,715	9,715	9,715	9,715	+246	---	---	
Total, Compensatory education programs	7,799,573	8,077,266	8,204,217	7,807,349	8,021,827	+222,254	-182,390	+214,478	
Subtotal, forward funded	(7,779,627)	(8,053,551)	(8,181,002)	(7,786,657)	(8,001,635)	(+222,008)	(-179,367)	(+214,978)	
IMPACT AID									
Basic Support Payments	615,500	584,000	667,000	623,500	662,000	+46,500	-5,000	+38,500	D
Payments for Children with Disabilities	40,000	40,000	40,000	80,000	50,000	+10,000	+10,000	-30,000	D
Payments for Heavily Impacted Districts (Sec. f)	52,000	20,000	62,000	52,000	62,000	+10,000	---	+10,000	D
Subtotal	707,500	644,000	769,000	755,500	774,000	+66,500	+5,000	+18,500	
Facilities Maintenance (Sec. 8008)	---	10,000	---	10,000	3,000	+3,000	+3,000	-7,000	D
Construction (Sec. 8007)	5,000	4,000	7,000	5,000	7,000	+2,000	---	+2,000	D
Payments for Federal Property (Sec. 8002)	17,500	---	20,000	24,000	24,000	+6,500	+4,000	---	D
Total, Impact aid	730,000	658,000	796,000	794,500	808,000	+78,000	+12,000	+13,500	

(1) Current funded.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SCHOOL IMPROVEMENT PROGRAMS									
Professional development (1)	310,000	360,000	310,000	310,000	335,000	+25,000	+25,000	+25,000	D
Program innovation (1)	310,000	---	350,000	310,000	350,000	+40,000	---	+40,000	D
Safe and drug-free schools:									
State Grants (1)	530,978	590,000	531,000	555,978	531,000	+22	---	-24,978	D
National Programs	25,000	30,000	25,000	---	25,000	---	---	+25,000	D
Subtotal, Safe and drug-free schools	555,978	620,000	556,000	555,978	556,000	+22	---	+22	
Inexpensive Book Distribution (RIF)	10,265	12,000	12,000	12,000	12,000	+1,735	---	---	D
Arts in Education	9,000	9,500	9,500	10,500	10,500	+1,500	+1,000	---	D
Other school improvement programs:									
Magnet Schools Assistance	95,000	95,000	105,000	95,000	101,000	+6,000	-4,000	+6,000	D
Education for Homeless Children & Youth (1)	25,000	27,000	27,000	28,800	28,800	+3,800	+1,800	---	D
Women's Education Equity	2,000	4,000	2,000	4,000	3,000	+1,000	+1,000	-1,000	D
Training and Advisory Services (Civil Rights)	7,334	14,334	7,334	7,334	7,334	---	---	---	D
Ellender Fellowships/Close Up (1)	1,500	---	1,500	1,500	1,500	---	---	---	D
Education for Native Hawaiians	15,000	15,000	---	20,000	18,000	+3,000	+18,000	-2,000	D
Alaska Native Education Equity	8,000	8,000	---	10,640	8,000	---	+8,000	-2,640	D
Charter Schools	50,987	100,000	100,000	50,987	80,000	+29,013	-20,000	+29,013	D
Education Infrastructure	---	---	---	100,000	---	---	---	-100,000	D
Subtotal, other school improvement programs	204,821	263,334	242,834	318,261	247,634	+42,813	+4,800	-70,627	
Comprehensive Regional Assistance Centers	25,554	34,388	27,054	25,554	27,054	+1,500	---	+1,500	D
Total, School improvement programs	1,425,618	1,299,222	1,507,388	1,542,293	1,538,188	+112,570	+30,800	-4,105	
Subtotal, forward funded	(1,177,478)	(977,000)	(1,219,500)	(1,206,278)	(1,246,300)	(+68,822)	(+26,800)	(+40,022)	

(1) Forward funded.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
LITERACY INITIATIVE									
Current year	---	260,000	---	---	---	---	---	---	D
1999 advance funding	---	---	260,000	260,000	210,000	+210,000	-50,000	-50,000	D
Total, Literacy initiative	---	260,000	260,000	260,000	210,000	+210,000	-50,000	-50,000	
INDIAN EDUCATION (1)									
Grants to Local Educational Agencies	58,050	59,750	59,750	59,750	59,750	+1,700	---	---	D
Office of Indian Education	2,943	2,850	2,850	2,850	2,850	-93	---	---	D
Total, Indian Education	60,993	62,600	62,600	62,600	62,600	+1,607	---	---	
BILINGUAL AND IMMIGRANT EDUCATION									
Bilingual education:									
Instructional Services	141,700	160,000	160,000	160,000	160,000	+18,300	---	---	D
Support Services	10,000	14,000	14,000	14,000	14,000	+4,000	---	---	D
Professional Development	5,000	25,000	25,000	25,000	25,000	+20,000	---	---	D
Immigrant Education	100,000	150,000	150,000	150,000	150,000	+50,000	---	---	D
Foreign Language Assistance	5,000	5,000	5,000	5,000	5,000	---	---	---	D
Total, Bilingual and Immigrant Education	261,700	354,000	354,000	354,000	354,000	+92,300	---	---	

(1) Funding for this account for FY97 was provided in the Interior Appropriations Bill and is shown here for purposes of comparability.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL EDUCATION									
State grants: (1)									
Grants to States Part B	3,107,522	3,240,750	3,425,911	3,941,837	3,801,000	+693,478	+375,089	-140,837	D
Preschool Grants	360,409	374,825	388,985	378,985	373,985	+13,576	-15,000	-5,000	D
Grants for Infants and Families	315,754	323,964	340,790	350,790	350,000	+34,246	+9,210	-790	D
Evaluation	1,873	6,300	6,300	6,300	5,000	+3,127	-1,300	-1,300	D
Evaluation (2)	---	1,700	1,700	1,700	1,700	+1,700	---	---	D
Subtotal, State grants	3,785,558	3,947,539	4,163,686	4,679,612	4,531,685	+746,127	+367,999	-147,927	
IDEA National Programs (P.L. 105-17):									
State Program Improvement Grants (1)	26,988	35,200	35,200	35,200	35,200	+8,212	---	---	D
Research and Innovation to Improve Services	62,803	64,508	64,508	64,508	64,508	+1,705	---	---	D
Technical Assistance and Dissemination	34,337	35,056	35,056	44,556	44,556	+10,219	+9,500	---	D
Personnel Preparation	80,735	82,139	82,139	82,139	82,139	+1,404	---	---	D
Parent Information Centers	15,535	15,535	15,535	18,535	18,535	+3,000	+3,000	---	D
Technology and Media Services	30,023	30,023	32,523	32,023	32,523	+2,500	---	+500	D
Public telecom Info/training Dissemination	---	---	---	1,500	1,500	+1,500	+1,500	---	D
Subtotal, IDEA special programs reauthorization	250,421	262,461	264,961	278,461	278,961	+28,540	+14,000	+500	
Total, Special education	4,035,979	4,210,000	4,428,647	4,958,073	4,810,646	+774,667	+381,999	-147,427	
Subtotal, Forward funded	(3,812,546)	(3,981,039)	(4,197,186)	(4,713,112)	(4,565,185)	(+752,639)	(+367,999)	(-147,927)	

(1) Forward funded except where noted.

(2) Current funded.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
REHABILITATION SERVICES AND DISABILITY RESEARCH									
Vocational Rehabilitation State Grants	2,176,038	2,246,888	2,246,888	2,246,888	2,246,888	+70,850	---	---	M
Client Assistance State grants	10,392	10,714	10,714	10,714	10,714	+322	---	---	M
Training	39,629	39,629	39,629	39,629	39,629	---	---	---	M
Special demonstration programs	18,942	16,942	15,942	20,836	15,942	-3,000	---	-4,894	M
Migratory workers	1,850	2,350	2,350	2,350	2,350	+500	---	---	M
Recreational programs	2,596	2,596	2,596	2,596	2,596	---	---	---	M
Protection and advocacy of individual rights (PAIR)	7,657	7,894	9,894	7,894	9,894	+2,237	---	+2,000	M
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	M
Supported employment State grants	38,152	38,152	38,152	38,152	38,152	---	---	---	M
Independent living:									
State grants	21,859	21,859	21,859	21,859	21,859	---	---	---	M
Centers	42,876	44,205	44,205	46,205	45,205	+2,329	+1,000	-1,000	M
Services for older blind individuals	9,952	9,952	9,952	11,947	10,950	+998	+998	-997	M
Subtotal, Independent living	74,687	76,016	76,016	80,011	78,014	+3,327	+1,998	-1,997	
Program Improvement	2,391	3,900	2,900	3,900	2,900	+509	---	-1,000	M
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	M
Helen Keller National Center for Deaf-Blind Youths & Adults	7,337	7,528	7,528	7,549	7,549	+212	+21	---	M
National Institute for Disability and Rehabilitation Research (NIDRR)	69,990	71,000	76,800	71,000	76,800	+6,810	---	+5,800	M
Subtotal, mandatory programs	2,473,319	2,547,267	2,553,067	2,555,177	2,555,086	+81,767	+2,019	-91	
Assistive Technology	36,109	36,109	36,109	36,109	36,109	---	---	---	D
Total, Rehabilitation services	2,509,428	2,583,376	2,589,176	2,591,286	2,591,195	+81,767	+2,019	-91	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND.....	6,680	6,680	8,186	7,906	8,186	+1,506	---	+280	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.....	43,041	43,041	43,841	44,141	44,141	+1,100	+300	---	D
GALLAUDET UNIVERSITY.....	79,182	79,182	80,682	81,000	81,000	+1,818	+318	---	D
Total, Special Inst for Persons with Disabilities.	128,903	128,903	132,709	133,047	133,327	+4,424	+618	+280	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
VOCATIONAL AND ADULT EDUCATION (1)									
Vocational education:									
Basic State Grants	1,015,550	1,043,550	1,035,550	1,015,550	1,027,550	+12,000	-8,000	+12,000	D
Tech-Prep Education	100,000	105,000	105,000	100,000	103,000	+3,000	-2,000	+3,000	D
Tribally Controlled Postsecondary Vocational Institutions (2)	2,919	2,919	3,100	3,100	3,100	+181	---	---	D
National Progams: Research	13,497	20,497	13,497	13,497	13,497	---	---	---	D
Subtotal, Vocational education	1,131,966	1,171,966	1,157,147	1,132,147	1,147,147	+15,181	-10,000	+15,000	
Adult education:									
State Programs	340,339	382,000	340,339	340,339	345,339	+5,000	+5,000	+5,000	D
National programs:									
Evaluation and Technical Assistance	4,998	6,000	4,998	4,998	4,998	---	---	---	D
National Institute for Literacy	4,491	6,000	4,491	5,491	5,491	+1,000	+1,000	---	D
Subtotal, National programs	9,489	12,000	9,489	10,489	10,489	+1,000	+1,000	---	
Literacy Programs for Prisoners	4,723	---	---	4,723	4,723	---	+4,723	---	D
Subtotal, adult education	354,551	394,000	349,828	355,551	360,551	+6,000	+10,723	+5,000	
Total, Vocational and adult education	1,486,517	1,565,966	1,506,975	1,487,698	1,507,698	+21,181	+723	+20,000	
Subtotal, forward funded	(1,483,598)	(1,563,047)	(1,503,875)	(1,484,598)	(1,504,598)	(+21,000)	(+723)	(+20,000)	

(1) Forward funded except where noted.

(2) Current funded.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
STUDENT FINANCIAL ASSISTANCE									
Pell Grant -- maximum grant (NA)	(2,700)	(3,000)	(3,000)	(3,000)	(3,000)	(+300)	---	---	NA
Pell Grants -- Regular Program	5,919,000	7,635,000	7,438,000	6,910,334	7,344,934	+1,425,934	-93,066	+434,600	D
Federal Supplemental Educational Opportunity Grants	583,407	583,407	583,407	634,407	614,000	+30,593	+30,593	-20,407	D
Federal Work Study	830,000	857,000	860,000	830,000	830,000	---	-30,000	---	D
Federal Perkins loans:									
Capital Contributions	158,000	158,000	135,000	158,000	135,000	-23,000	---	-23,000	D
Loan Cancellations	20,000	30,000	30,000	23,900	30,000	+10,000	---	+6,100	D
Subtotal, Federal Perkins loans	178,000	188,000	165,000	181,900	165,000	-13,000	---	-16,900	
State Student Incentive Grants	50,000	---	---	35,000	25,000	-25,000	+25,000	-10,000	D
Total, Student financial assistance	7,560,407	9,263,407	9,046,407	8,591,641	8,978,934	+1,418,527	-67,473	+387,293	
FEDERAL FAMILY EDUCATION LOANS PROGRAM									
Federal Administration	46,482	47,688	47,688	46,482	46,482	---	-1,206	---	D

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
HIGHER EDUCATION									
Aid for institutional development:									
Strengthening Institutions	55,450	55,450	55,450	55,450	55,450	---	---	---	D
Hispanic Serving Institutions	10,800	12,000	12,000	12,000	12,000	+1,200	---	---	D
Hispanic serving institutions (Agriculture bill)	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)	---	---	---	NA
Subtotal, Hispanic serving institutions	(12,800)	(14,000)	(14,000)	(14,000)	(14,000)	(+1,200)	---	---	
Strengthening Historically Black Colleges (HBCUs)	108,990	113,000	120,000	108,990	118,495	+9,505	-1,505	+9,505	D
Strengthening historically black graduate insts	19,606	19,606	25,000	19,606	25,000	+5,394	---	+5,394	D
Endowment Challenge Grants, HBCU set-aside	---	2,015	---	---	---	---	---	---	D
Subtotal, Institutional development	194,846	202,071	212,450	196,046	210,945	+16,099	-1,505	+14,899	
Program development:									
Fund for the Improvement of Postsec. Ed. (FIPSE)	18,000	18,000	18,000	30,000	25,200	+7,200	+7,200	-4,800	D
Minority Teacher Recruitment	2,212	3,727	2,500	2,212	2,212	---	-288	---	D
Minority Science Improvement	5,255	5,255	5,255	5,255	5,255	---	---	---	D
International educ & foreign language studies:									
Domestic Programs	53,481	53,481	54,481	53,481	53,581	+100	-900	+100	D
Overseas Programs	5,270	5,770	5,770	5,870	5,770	+500	---	-100	D
Institute for International Public Policy	1,000	1,000	---	1,000	1,000	---	+1,000	---	D
Subtotal, International education	59,751	60,251	60,251	60,351	60,351	+600	+100	---	
Urban Community Service	9,200	---	---	4,900	4,900	-4,300	+4,900	---	D
Subtotal, Program development	94,418	87,233	86,006	102,718	97,918	+3,500	+11,912	-4,800	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Interest Subsidy Grants for Prior Year Construction...	15,673	13,700	13,700	13,700	13,700	-1,973	---	---	D
Special grants:									
Mary McLeod Bethune Memorial Fine Arts Center.....	1,400	---	6,620	1,400	6,620	+5,220	---	+5,220	D
Federal TRIO Programs.....	499,994	525,000	532,000	525,000	529,667	+29,673	-2,333	+4,667	D
National Early Intervention Scholarships and Partn	3,600	---	---	3,600	3,600	---	+3,600	---	D
Advanced Placement Fees.....	---	6,000	---	3,000	3,000	+3,000	+3,000	---	D
Scholarships:									
Byrd Honors Scholarships.....	29,117	39,288	29,117	39,288	39,288	+10,171	+10,171	---	D
Presidential Honors Scholarships.....	---	132,000	---	---	---	---	---	---	D
George Bush Fellowships.....	3,000	---	---	---	---	-3,000	---	---	D
Edmund Muskie Foundation.....	3,000	---	---	---	---	-3,000	---	---	D
Pell Institute for International Relations.....	3,000	---	---	---	---	-3,000	---	---	D
Calvin Coolidge Memorial Foundation.....	1,000	---	---	---	---	-1,000	---	---	D
Subtotal, Scholarships.....	39,117	171,288	29,117	39,288	39,288	+171	+10,171	---	
Graduate fellowships:									
Javits Fellowships.....	5,931	---	---	---	---	-5,931	---	---	D
Graduate Assistance in Areas of National Need.....	24,069	30,000	30,000	30,000	30,000	+5,931	---	---	D
Subtotal, Graduate fellowships.....	30,000	30,000	30,000	30,000	30,000	---	---	---	
Youth Offender Grants.....	---	---	---	15,000	12,000	+12,000	+12,000	-3,000	D
Total, Higher education.....	879,048	1,035,292	909,893	929,752	946,738	+67,690	+36,845	+16,986	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
HOWARD UNIVERSITY									
Academic Program	166,511	162,981	180,511	164,981	180,511	+14,000	---	+15,530	D
Endowment Program	---	3,530	---	3,530	---	---	---	-3,530	D
Howard University Hospital	29,489	29,489	29,489	29,489	29,489	---	---	---	D
Total, Howard University	196,000	196,000	210,000	198,000	210,000	+14,000	---	+12,000	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:									
Federal Administration	698	1,069	698	698	698	---	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM									
Federal Administration	104	104	104	104	104	---	---	---	D

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT (1)									
Research and statistics:									
Research	72,567	81,035	81,035	72,567	72,567	---	-8,468	---	D
Regional Education Laboratories	51,000	53,500	57,000	53,500	56,000	+5,000	-1,000	+2,500	D
Statistics	50,000	66,250	66,250	52,000	59,000	+9,000	-7,250	+7,000	D
Assessment:									
National Assessment	29,752	35,502	35,502	29,752	32,000	+2,248	-3,502	+2,248	D
National Assessment Governing Board	2,865	2,871	2,865	2,871	3,471	+606	+606	+600	D
Subtotal, Assessment	32,617	38,373	38,367	32,623	35,471	+2,854	-2,896	+2,848	
Subtotal, Research and statistics	206,184	239,158	242,652	210,690	223,038	+16,854	-19,614	+12,348	
Fund for the Improvement of Education	40,000	40,000	80,000	50,000	108,100	+68,100	+28,100	+58,100	D
International Education Exchange	5,000	5,000	---	5,000	5,000	---	+5,000	---	D
21st Century Community Learning Centers	1,000	---	50,000	1,000	40,000	+39,000	-10,000	+39,000	D
Civics Education	4,500	4,500	5,500	4,500	5,500	+1,000	---	+1,000	D
Eisenhower Professional Dvp. National Activities	13,342	30,000	21,000	25,000	23,300	+9,958	+2,300	-1,700	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	15,000	15,000	15,000	15,000	---	---	---	D
Javits Gifted and Talented Education	5,000	7,000	6,000	7,000	6,500	+1,500	+500	-500	D
National Writing Project	3,100	---	3,100	5,000	5,000	+1,900	+1,900	---	D
After School Learning Centers	---	50,000	---	---	---	---	---	---	D
Total, ERSI	293,126	390,658	423,252	323,190	431,438	+138,312	+8,186	+108,248	

(1) Education Technology funded in Education Reform.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
LIBRARIES (1)									
Public libraries:									
Services	100,636	---	---	---	---	-100,636	---	---	D
Construction	16,369	---	---	---	---	-16,369	---	---	D
Interlibrary Cooperation	11,864	---	---	---	---	-11,864	---	---	D
Library Education and Training	2,500	---	---	---	---	-2,500	---	---	D
Research and Demonstrations	5,000	---	---	---	---	-5,000	---	---	D
Institute of Museum and Library Services	---	136,369	142,000	146,369	146,340	+146,340	+4,340	-29	D
Total, Libraries	136,369	136,369	142,000	146,369	146,340	+9,971	+4,340	-29	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION	326,217	341,039	329,579	340,064	341,064	+14,847	+11,485	+1,000	D
OFFICE FOR CIVIL RIGHTS	54,900	61,500	55,449	57,522	61,500	+6,600	+6,051	+3,978	D
OFFICE OF THE INSPECTOR GENERAL	29,943	32,000	30,242	32,000	30,242	+299	---	-1,758	D
Total, Departmental management	411,060	434,539	415,270	429,586	432,806	+21,746	+17,536	+3,220	

(1) The library authorizing statue requires appropriations to be made to the Department of Education and then transferred to the Institute of Museum and Library Services.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
STUDENT LOANS									
New Annual Loan Volume (including consolidation):									
Federal Family Education Loans (FFEL).....	(23,038,000)	(22,995,000)	(22,995,000)	(22,995,000)	(22,995,000)	(-43,000)	---	---	NA
Federal Direct Student Loans (FDSL).....	(13,789,000)	(16,930,000)	(16,930,000)	(16,930,000)	(16,930,000)	(+3,141,000)	---	---	NA
Total Outstanding Loan Volume:									
Federal Family Education Loans (FFEL).....	(88,864,000)	(101,148,000)	(101,148,000)	(101,148,000)	(101,148,000)	(+12,284,000)	---	---	NA
Federal Direct Student Loans (FDSL).....	(23,153,000)	(36,829,000)	(36,829,000)	(36,829,000)	(36,829,000)	(+13,676,000)	---	---	NA
Total, Department of Education.....	28,957,978	32,069,494	32,144,189	31,966,703	32,506,056	+3,548,078	+361,867	+539,353	
Current year.....	(28,957,978)	(32,069,494)	(31,884,189)	(31,706,703)	(32,296,056)	(+3,338,078)	(+411,867)	(+589,353)	
1999 advance.....	---	---	(260,000)	(260,000)	(210,000)	(+210,000)	(-50,000)	(-50,000)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operations and Maintenance: TF Limitation	55,663	55,452	55,452	55,452	55,452	-211	---	---	D
Capital Program: TF Limitation	432	24,525	14,825	10,000	13,217	+12,785	-1,608	+3,217	D
Total, AFRH	56,095	79,977	70,277	65,452	68,669	+12,574	-1,608	+3,217	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE									
Domestic Volunteer Service Programs: (1) Volunteers in Service to America (VISTA)	41,235	54,000	41,235	45,235	65,235	+24,000	+24,000	+20,000	D
National Senior Volunteer Corps: Foster Grandparents Program	77,812	85,972	84,106	85,593	87,593	+9,781	+3,487	+2,000	D
Senior Companion Program	31,244	35,449	34,669	34,368	35,368	+4,124	+699	+1,000	D
Retired Senior Volunteer Program	35,708	45,043	39,408	39,279	40,279	+4,571	+871	+1,000	D
Senior Demonstration Program	---	10,000	---	---	---	---	---	---	D
Subtotal, Senior Volunteers	144,764	176,464	158,183	159,240	163,240	+18,476	+5,057	+4,000	
Program Administration	27,850	29,836	28,129	28,129	28,129	+279	---	---	D
Total, Domestic Volunteer Service Programs	213,849	260,300	227,547	232,604	256,604	+42,755	+29,057	+24,000	
Corporation for Public Broadcasting: FY2000 (current request) with FY99 comparable	250,000	325,000	300,000	300,000	300,000	+50,000	---	---	D
FY99 advance with FY98 comparable (NA)	(250,000)	(250,000)	(250,000)	(250,000)	(250,000)	---	---	---	NA
FY98 advance with FY97 comparable (NA)	(260,000)	(250,000)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	NA
Federal Mediation and Conciliation Service	32,525	33,481	33,481	33,481	33,481	+956	---	---	D
Federal Mine Safety and Health Review Comm'n	6,049	6,060	6,060	6,060	6,060	+11	---	---	D

(1) The request earmarks $38 million for America Reads. Appropriations for Americorps are included in the VA-HUD bill.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
National Commission on Libraries and Info Science.....	897	1,123	1,000	1,000	1,000	+103	---	---	D
National Council on Disability.....	1,791	1,793	1,793	1,793	1,793	+2	---	---	D
National Education Goals Panel.....	1,495	2,000	2,000	2,000	2,000	+505	---	---	D
National Commission on Cost of Higher Education.....	650	---	---	---	---	-650	---	---	D
National Labor Relations Board.....	174,661	186,434	174,661	174,661	174,661	---	---	---	D
National Mediation Board.....	8,284	8,100	8,400	8,600	8,600	+316	+200	---	D
Occupational Safety and Health Review Comm'n.....	7,738	7,800	7,900	7,800	7,900	+162	---	+100	D
Physician Payment Review Commission (TF) (1).....	(3,258)	(3,578)	(3,258)	(3,508)	(3,508)	(+250)	(+250)	---	TF*
Prospective Payment Assessment Commission (TF) (1)....	(3,257)	(3,579)	(3,257)	(3,507)	(3,507)	(+250)	(+250)	---	TF*
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account.....	223,000	206,000	206,000	205,500	205,500	-17,500	-500	---	D
Less Income Tax Receipts on Dual Benefits.....	-9,000	-12,000	-12,000	-12,000	-12,000	-3,000	---	---	D
Subtotal, Dual Benefits.....	214,000	194,000	194,000	193,500	193,500	-20,500	-500	---	
Federal Payment to the RR Retirement Account.....	300	50	50	50	50	-250	---	---	M
Limitation on administration:									
Consolidated Account.....	(87,728)	(88,800)	(85,728)	(87,728)	(87,228)	(-500)	(+1,500)	(-500)	TF*
Inspector General.....	(5,394)	(5,400)	(5,000)	(5,394)	(5,794)	(+400)	(+794)	(+400)	TF*

(1) The conference agreement provides funding for the newly created Medicare Advisory Commission.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	20,923	20,308	20,308	20,308	20,308	-615	---	---	M
Additional Administrative Expenses (1)	10,000	---	---	---	---	-10,000	---	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	625,450	581,470	581,470	581,470	581,470	-43,980	---	---	M
Administration	4,620	4,620	4,620	4,620	4,620	---	---	---	M
Subtotal, Black Lung, FY97/98 program level	630,070	586,090	586,090	586,090	586,090	-43,980	---	---	
Less funds advanced in prior year	-170,000	-160,000	-160,000	-160,000	-160,000	+10,000	---	---	M
Total, Black Lung, current request, FY97/98	460,070	426,090	426,090	426,090	426,090	-33,980	---	---	
New advances, 1st quarter FY98/99	160,000	160,000	160,000	160,000	160,000	---	---	---	M

(1) No-year availability.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	26,559,100	23,710,300	23,710,300	23,710,300	23,710,300	-2,848,800	---	---	M
Beneficiary services	100,000	46,000	46,000	46,000	46,000	-54,000	---	---	M
Research and demonstration	7,000	16,700	16,700	9,225	16,700	+9,700	---	+7,475	M
Administration	1,946,015	2,037,000	2,037,000	2,037,000	2,027,000	+80,985	-10,000	-10,000	D
Automation investment initiative	19,895	50,000	50,000	50,000	50,000	+30,105	---	---	D
Subtotal, SSI FY97/98 program level	28,632,010	25,860,000	25,860,000	25,852,525	25,850,000	-2,782,010	-10,000	-2,525	
Less funds advanced in prior year	-9,260,000	-9,690,000	-9,690,000	-9,690,000	-9,690,000	-430,000	---	---	M
Subtotal, regular SSI current year, FY 1997 / 1998	19,372,010	16,170,000	16,170,000	16,162,525	16,160,000	-3,212,010	-10,000	-2,525	
Additional CDR funding	25,000	75,000	75,000	120,000	75,000	+50,000	---	-45,000	D
User Fee Activities	---	35,000	35,000	35,000	35,000	+35,000	---	---	D
SSI reforms (welfare)	150,000	100,000	100,000	100,000	100,000	-50,000	---	---	D
Total, SSI, current request, FY 1997 / 1998	19,547,010	16,380,000	16,380,000	16,417,525	16,370,000	-3,177,010	-10,000	-47,525	
New advance, 1st quarter, FY98/99	9,690,000	8,680,000	8,680,000	8,680,000	8,680,000	-1,010,000	---	---	M

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES (1)									
OASDI Trust Funds	(3,068,300)	(2,992,440)	(2,934,440)	(2,934,440)	(2,900,440)	(-167,860)	(-34,000)	(-34,000)	TF
HI/SMI Trust Funds	(846,099)	(965,000)	(965,000)	(965,000)	(965,000)	(+118,901)	---	---	TF*
Social Security Advisory Board	(1,268)	(1,600)	(1,600)	(1,268)	(1,600)	(+332)	---	(+332)	TF
SSI	(1,946,015)	(2,037,000)	(2,037,000)	(2,037,000)	(2,027,000)	(+80,985)	(-10,000)	(-10,000)	TF
Subtotal, regular LAE	(5,861,682)	(5,996,040)	(5,938,040)	(5,937,708)	(5,894,040)	(+32,358)	(-44,000)	(-43,668)	
User Fee Activities	---	(35,000)	(35,000)	(35,000)	(35,000)	(+35,000)	---	---	TF
OASDI Automation	(215,000)	(150,000)	(150,000)	(150,000)	(140,000)	(-75,000)	(-10,000)	(-10,000)	TF
SSI Automation	(19,895)	(50,000)	(50,000)	(50,000)	(50,000)	(+30,105)	---	---	TF
Subtotal, automation initative	(234,895)	(200,000)	(200,000)	(200,000)	(190,000)	(-44,895)	(-10,000)	(-10,000)	
TOTAL, REGULAR LAE	(6,096,577)	(6,231,040)	(6,173,040)	(6,172,708)	(6,119,040)	(+22,463)	(-54,000)	(-53,668)	
Additional CDR funding (2)	(160,000)	(190,000)	(145,000)	(190,000)	(190,000)	(+30,000)	(+45,000)	---	TF
SSI reforms (welfare)	(150,000)	(100,000)	(100,000)	(100,000)	(100,000)	(-50,000)	---	---	TF
TOTAL, LAE	(6,406,577)	(6,521,040)	(6,418,040)	(6,462,708)	(6,409,040)	(+2,463)	(-9,000)	(-53,668)	

(1) All trust fund limitations will be scored as BA in FY 98. Comparable adjustments for FY 97 and FY 98 displayed as scorekeeping adjustments.

(2) The request is $45 million above the authorized amount. The recommendation is for the full authorized amount.

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal Funds	6,265	10,164	10,164	6,265	10,164	+3,899	---	+3,899	D
Trust Funds	(31,089)	---	---	---	---	(-31,089)	---	---	TF
Portion treated as budget authority	---	(34,260)	(42,260)	(31,089)	(38,260)	(+38,260)	(-4,000)	(+7,171)	TF*
Total, Office of the Inspector General	37,354	44,424	52,424	37,354	48,424	+11,070	-4,000	+11,070	
Federal funds	6,265	10,164	10,164	6,265	10,164	+3,899	---	+3,899	
Trust funds	(31,089)	(34,260)	(42,260)	(31,089)	(38,260)	(+7,171)	(-4,000)	(+7,171)	
Total, Social Security Administration	36,331,934	32,231,862	32,136,862	32,203,985	32,113,862	-4,218,072	-23,000	-90,123	
Federal funds	29,894,268	25,676,562	25,676,562	25,710,188	25,666,562	-4,227,706	-10,000	-43,626	
Current year FY 1997 / 1998	(20,044,268)	(16,836,562)	(16,836,562)	(16,870,188)	(16,826,562)	(-3,217,706)	(-10,000)	(-43,626)	
New advances, 1st quarter FY 1998 / 1999	(9,850,000)	(8,840,000)	(8,840,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	---	
Trust funds	(6,437,666)	(6,555,300)	(6,460,300)	(6,493,797)	(6,447,300)	(+9,634)	(-13,000)	(-46,497)	
United States Institute of Peace	11,149	11,160	11,160	11,160	11,160	+11	---	---	D
Total, Title IV, Related Agencies	37,411,054	33,450,497	33,272,434	33,342,283	33,279,377	-4,131,677	+6,943	-62,906	
Federal Funds (all years)	30,873,751	26,793,840	26,714,891	26,748,349	26,732,040	-4,141,711	+17,149	-16,309	
Current year, FY 1997 / 1998	(20,773,751)	(17,628,840)	(17,574,891)	(17,608,349)	(17,592,040)	(-3,181,711)	(+17,149)	(-16,309)	
FY 1998 / 1999	(9,850,000)	(8,840,000)	(8,840,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	---	
FY 1999 / 2000	(250,000)	(325,000)	(300,000)	(300,000)	(300,000)	(+50,000)	---	---	
Trust funds	(6,537,303)	(6,656,657)	(6,557,543)	(6,593,934)	(6,547,337)	(+10,034)	(-10,206)	(-46,597)	
TITLE V									
Undistrubted reductions	---	---	---	-75,500	---	---	---	+75,500	D

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Title I - Department of Labor:									
Federal Funds	8,739,722	9,422,853	9,225,845	9,362,815	9,335,127	+595,405	+109,282	-27,688	
Current year	(8,739,722)	(9,422,853)	(9,125,845)	(9,112,815)	(9,085,127)	(+345,405)	(-40,718)	(-27,688)	
1999 advance	---	---	(100,000)	(250,000)	(250,000)	(+250,000)	(+150,000)	---	
Trust Funds	(3,432,410)	(3,726,020)	(3,596,917)	(3,579,643)	(3,613,917)	(+181,507)	(+17,000)	(+34,274)	
Current year	(3,432,410)	(3,726,020)	(3,596,917)	(3,579,643)	(3,573,917)	(+141,507)	(-23,000)	(-5,726)	
1999 advance	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	
Title II - Department of Health and Human Services:									
Federal Funds	210,126,904	200,820,796	201,564,367	201,889,745	199,440,552	-10,686,352	-2,123,815	-2,449,193	
Current year	(178,482,911)	(169,202,607)	(169,946,178)	(170,071,556)	(167,722,363)	(-10,760,548)	(-2,223,815)	(-2,349,193)	
1999 advance	(31,643,993)	(31,618,189)	(31,618,189)	(31,818,189)	(31,718,189)	(+74,196)	(+100,000)	(-100,000)	
Trust Funds	(1,743,599)	(1,783,665)	(1,688,600)	(1,728,406)	(1,752,231)	(+8,632)	(+63,631)	(+23,825)	
Title III - Department of Education:									
Federal Funds	28,957,978	32,069,494	32,144,189	31,966,703	32,506,056	+3,548,078	+361,867	+539,353	
Current year	(28,957,978)	(32,069,494)	(31,884,189)	(31,706,703)	(32,296,056)	(+3,338,078)	(+411,867)	(+589,353)	
1999 advance	---	---	(260,000)	(260,000)	(210,000)	(+210,000)	(-50,000)	(-50,000)	
Title IV - Related Agencies:									
Federal Funds	30,873,751	26,793,840	26,714,891	26,748,349	26,732,040	-4,141,711	+17,149	-16,309	
Current year	(20,773,751)	(17,628,840)	(17,574,891)	(17,608,349)	(17,592,040)	(-3,181,711)	(+17,149)	(-16,309)	
1999 advance	(9,850,000)	(8,840,000)	(8,840,000)	(8,840,000)	(8,840,000)	(-1,010,000)	---	---	
2000 advance	(250,000)	(325,000)	(300,000)	(300,000)	(300,000)	(+50,000)	---	---	
Trust Funds	(6,537,303)	(6,656,657)	(6,557,543)	(6,593,934)	(6,547,337)	(+10,034)	(-10,206)	(-46,597)	
Title V - Undistributed reductions	---	---	---	-75,500	---	---	---	+75,500	
Total, all titles:									
Federal Funds	278,698,355	269,106,983	269,649,292	269,892,112	268,013,775	-10,684,580	-1,635,517	-1,878,337	
Current year	(236,954,362)	(228,323,794)	(228,531,103)	(228,423,923)	(226,695,586)	(-10,258,776)	(-1,835,517)	(-1,728,337)	
1999 advance	(41,493,993)	(40,458,189)	(40,818,189)	(41,168,189)	(41,018,189)	(-475,804)	(+200,000)	(-150,000)	
2000 advance	(250,000)	(325,000)	(300,000)	(300,000)	(300,000)	(+50,000)	---	---	
Trust Funds	(11,713,312)	(12,166,342)	(11,843,060)	(11,901,983)	(11,913,485)	(+200,173)	(+70,425)	(+11,502)	
Current year	(11,713,312)	(12,166,342)	(11,843,060)	(11,901,983)	(11,873,485)	(+160,173)	(+30,425)	(-28,498)	
1999 advance	---	---	---	---	(40,000)	(+40,000)	(+40,000)	(+40,000)	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
BUDGET ENFORCEMENT ACT RECAP									
Federal Funds (all years)	278,698,355	269,106,983	269,649,292	269,892,112	268,013,775	-10,684,580	-1,635,517	-1,878,337	
Mandatory, total in bill	211,774,424	198,673,540	198,544,340	198,610,975	195,995,359	-15,779,065	-2,548,981	-2,615,616	
Less advances for subsequent years	-39,556,993	-38,458,189	-38,458,189	-38,458,189	-38,458,189	+1,098,804	---	---	
Plus advances provided in prior years	40,385,350	38,949,993	38,949,993	38,949,993	38,949,993	-1,435,357	---	---	
Adjustment for savings related to CDRs	-100,000	---	---	---	---	+100,000	---	---	
Total, mandatory, current year	212,502,781	199,165,344	199,036,144	199,102,779	196,487,163	-16,015,618	-2,548,981	-2,615,616	
Discretionary, total in bill	66,923,931	70,433,443	71,104,952	71,281,137	72,018,416	+5,094,485	+913,464	+737,279	
Less advances for subsequent years	-2,187,000	-2,325,000	-2,660,000	-3,010,000	-2,860,000	-673,000	-200,000	+150,000	
Plus advances provided in prior years	260,000	2,187,000	2,187,000	2,187,000	2,187,000	+1,927,000	---	---	
Scorekeeping adjustments:									
Trust funds considered budget authority	6,110,432	6,597,917	6,378,594	6,392,849	6,458,019	+347,587	+79,425	+65,170	
Childcare welfare reform rescission	-6,120	---	---	-6,120	-3,000	+3,120	-3,000	+3,120	
Title I advance funding, 1997/1998	1,298,239	1,298,386	1,298,239	1,298,386	1,298,386	+147	+147	---	
Title I advance funding, 1998/1999	-1,298,239	-1,298,386	-1,298,239	-1,298,386	-1,448,386	-150,147	-150,147	-150,000	
LIHEAP 1997 Contingency	300,000	---	---	---	---	-300,000	---	---	
Adjustment to balance with 1997 bill	-9,778	---	---	---	---	+9,778	---	---	
Community schools transfer	(12,800)	---	---	---	---	(-12,800)	---	---	
Adjustment for leg cap on Title XX SSBGs	120,000	---	---	-135,000	-81,000	-201,000	-81,000	+54,000	
Emer designations, child care & terrorism	-28,575	---	---	---	---	+28,575	---	---	

	FY 1997 Comparable	FY 1998 Request	House	Senate	Conference	Conference vs FY 1997	Conference vs House	Conference vs Senate	Mand Disc
Reclassification of non-BA trust funds (1)....	3,461,970	3,271,425	3,167,466	3,167,134	3,168,466	-293,504	+1,000	+1,332	
Supplemental Child Care provision.....	1,000	---	---	---	---	-1,000	---	---	
HEAL provision.....	499	---	1,000	1,000	1,000	+501	---	---	
SSA User Fee Collection.....	---	-35,000	-35,000	-35,000	-35,000	-35,000	---	---	
Direct Loan Administration limitation.....	-218,000	---	---	---	10,000	+228,000	+10,000	+10,000	
Pell Grant unobligated balances.....	---	---	---	-96,000	---	---	---	+96,000	
MN & WY Disproportionate Share Hospitals.....	---	---	---	---	8,000	+8,000	+8,000	+8,000	
Trust Fund advances for subsequent years.....	---	---	---	---	-40,000	-40,000	-40,000	-40,000	
NIH Foundation.....	---	---	---	---	1,000	+1,000	+1,000	+1,000	
Guaranty Reserve Recapture.....	---	---	---	---	-280,000	-280,000	-280,000	-280,000	
Total, discretionary, current year.....	74,728,359	80,129,785	80,144,012	79,747,000	80,402,901	+5,674,542	+258,889	+655,901	
Crime trust fund.....	61,000	144,000	144,000	144,000	144,000	+83,000	---	---	
General purposes.....	74,667,359	79,985,785	80,000,012	79,603,000	80,258,901	+5,591,542	+258,889	+655,901	
Grand total, current year.....	287,231,140	279,295,129	279,180,156	278,849,779	276,890,064	-10,341,076	-2,290,092	-1,959,715	
Total amount provided in this bill.....	278,698,355	269,106,983	269,649,292	269,892,112	268,013,775	-10,684,580	-1,635,517	-1,878,337	
Total 602(b) adjustments.....	8,532,785	10,188,146	9,530,864	8,957,667	8,876,289	+343,504	-654,575	-81,378	
Grand total, current year.....	287,231,140	279,295,129	279,180,156	278,849,779	276,890,064	-10,341,076	-2,290,092	-1,959,715	

(1) Reflects adjustments in scoring adopted in FY98. These adjustments are included in the FY97 comparable figures only for the purposes of comparability.

JOHN EDWARD PORTER,
BILL YOUNG,
HENRY BONILLA,
DAN MILLER,
JAY DICKEY,
ROGER F. WICKER,
ANNE M. NORTHUP,
BOB LIVINGSTON,
DAVID OBEY,
LOUIS STOKES,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
ROSA L. DELAURO,
Managers on the Part of the House.
ARLEN SPECTER,
THAD COCHRAN,
SLADE GORTON,
KIT BOND,
JUDD GREGG,
LARRY E. CRAIG,
LAUCH FAIRCLOTH,
KAY BAILEY HUTCHISON,
TED STEVENS,
FRITZ HOLLINGS,
TOM HARKIN,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
ROBERT C. BYRD,
Managers on the Part of the Senate.

MAKING IN ORDER ON FRIDAY, NOVEMBER 7, 1997, OR ANY TIME THEREAFTER CONSIDERATION OF H.J. RES. 101, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Madam Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of H.J. Res. 101 when called up; and that it be in order at any time on Friday, November 7, 1997, or any day thereafter to consider the joint resolution in the House; and that the joint resolution be considered as read for amendment; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Wisconsin [Mr. OBEY]; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit with or without instructions.

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

Mr. OBEY. Madam Speaker, I have no objection. Free at last, free at last.

The SPEAKER pro tempore. Without objection, the request is agreed to.

There was no objection.

MAKING IN ORDER ON FRIDAY, NOVEMBER 7, 1997, OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON. Madam Speaker, I share the sentiment of the gentleman from Wisconsin [Mr. OBEY].

Madam Speaker, I ask unanimous consent that it be in order at any time on Friday, November 7, 1997 or any day thereafter, to consider a conference report on the bill, H.R. 2264, that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read when called up.

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

There was no objection.

ENSURING THAT COMMERCIAL ACTIVITIES OF PEOPLE'S LIBERATION ARMY OF CHINA ARE MONITORED

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

Mrs. FOWLER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, given the litany that we have heard this afternoon of recent PLA-driven misdeeds, the People's Liberation Army clearly should be placed on constant notice that this President have the flexibility to take immediate action against their enterprises and assets that are in this country, and this bill, I just want to remind my colleagues, would give the President the ability to target specific PLA-owned firms doing business in the United States when these kinds of activities occur.

Now, let me stress again, it does not require the President to do anything, it only gives him the flexibility to do so, because in the past it has taken extraordinary emergencies like the Iraqi invasion of Kuwait or the Iranian seizure of American diplomats to trigger the provisions of IEPA. I do not think the President should have to wait until a crisis of that magnitude develops to be able to signal in a clear way that we disapprove of PLA misdeeds in the case of Chinese military-owned firms which would be clearly identified beforehand. Under this legislation, he would have the flexibility to act immediately.

I think it is high time that we put the PLA on notice that their actions will be under close scrutiny by this government and that their enterprises and assets may be subject to increased regulation or seizure if the President so determines.

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

Mr. SNOWBARGER. Mr. Speaker, I rise in strong support of H.R. 2647, to monitor and restrict the commercial activities of the Chinese Peoples Liberation Army, or PLA.

China's Government imposes restrictions and barriers to companies that wish to enter its market—just as other countries do whose markets are beginning to develop. It is a fact of life that American and other foreign firms operating in China must pay for the privilege. We should do what we can to ensure that this payment is not going to the Peoples Liberation Army.

The PLA is heavily engaged in commercial activities. The PLA also maintains a vast industrial empire. These factories do more than make weapons. Up to 80 percent of its operation is engaged in civilian production—particularly for the export market. Each company is diversified as well. Norinco—North China Industries Group—makes both toys and rifles.

The hard currency earned by such enterprises is then used for buying high-technology weapons systems and financing Chinese espionage. PLA commercial enterprises have also been involved in smuggling fully automatic AK–47's into the United States to supply drug gangs.

I believe that free and voluntary commerce is an effective method of opening up a society. Furthermore, I see such commerce as the acts of individual Americans and foreigners, not as the actions of nations. However, the armed forces of a totalitarian regime is not your garden-variety customer or merchant. The American economy should not be a tool in China's efforts to build its military.

Finally, I would like to relay a more personal note regarding the importance of restricting the PLA's commercial activities in the United States. A constituent of mine is the attorney for a Missouri family. The family's son had been given an SKS carbine as an inexpensive, first hunting gun. The gun was so poorly made that it discharged, with the safety on, when the butt struck the ground. The young man was killed. The family obtained a judgment against Norinco for its gross negligence. Unfortunately, it has proven impossible to enforce that judgment against the Chinese military in China. This is not just an issue of guns. It is virtually impossible to enforce liability against a subsidiary of the PLA for any defective product it may produce.

Please join me in supporting this important legislation. The right of people to engage in free and voluntary commerce is very important to me. However, there is a difference between businesses and armies—especially armies that are aiming intercontinental ballistic missiles at our citizens. This measure is vital to our country's national security.

The SPEAKER pro tempore. All time for debate has expired.

The bill is considered read for amendment, and pursuant to House Resolution 302, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

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

Mrs. FOWLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were— yeas 408, nays 10, not voting 15, as follows:

[Roll No. 614]

YEAS—408

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

NAYS—10

Brown (CA)
Dicks
Hamilton
Houghton
Lofgren
Moran (VA)
Nadler
Paul
Pickett
Skaggs

NOT VOTING—15

Blumenauer
Burton
Callahan
Cubin
Fattah
Filner
Gonzalez
Klug
McCollum
McDermott
Quinn
Riley
Schiff
Shadegg
Yates

□ 1706

Ms. WATERS, Mr. ROEMER, and Mr. BERMAN changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FILNER. Mr. Speaker, due to an official meeting, I was unable to be present for the vote on rollcall No. 614. Had I been here, I would have voted "yes."

CONFERENCE REPORT ON H.R. 2264, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. PORTER. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 2264) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the previous order of the House, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2264 and that they may include tabular and extraneous material.

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

There was no objection.

Mr. PORTER. I yield myself such time as I may consume.

Mr. Speaker, I am proud to bring to the floor today the conference report on fiscal year 1998 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and related agencies.

As is normally the case, in the recent past, this bill has been through a long, torturous process from inception to the completion. The bill was on the floor for over 40 hours, and we had an unprecedented number of amendments offered. We have been almost 2 months in conference.

I feel constrained to add, Mr. Speaker, that virtually all of the issues that have delayed the timely consideration of this bill are authorizing in nature and have nothing to do with the funding activities of the departments and agencies covered by this bill. Our work on dollar issues was completed long ago.

My experience over the last several years has given me a new appreciation for the rules of the House that prohibit legislating on appropriation bills, and the delay we faced speaks to the need to enforce it more stringently.

Mr. Speaker, with that said, I want to outline the remarkable policy initiatives we have achieved in this bill.

The bill contains a revision of the Hyde amendment to ensure that no Federal funds are used to purchase health plans that pay for abortions except in the case of rape, incest, or endangerment of the life of the mother.

I am particularly proud that this signal achievement was accomplished by negotiation among the parties rather than the rancorous and divisive debates that have characterized this issue in the past and other issues during consideration of this bill.

I want to commend the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary, and the gentlewoman from New York [Mrs. LOWEY] for their work on this issue, as well as their staff members Howard Wolfson, Brad Close, and my own staff member, Rob Bradner.

The conference report incorporates a revision of the Goodling amendment negotiated by the chairman, the gentleman from Pennsylvania [Mr. GOODLING]. I believe that he will be speaking on the substance of this agreement, and I will leave the description of it to him.

Goals 2000 State grants are funded at $464 million below last year's level.

The conference report prohibits OSHA from issuing any standards on ergonomics and prohibits the enforcement of any volunteer guideline relating to ergonomics under the general duty. Again, this divisive issue was resolved by negotiation within the committee. I want to commend the gentleman from Texas [Mr. BONILLA] and the ranking member of both the subcommittee and the full committee, the gentleman from Wisconsin [Mr. OBEY], for their work in resolving this issue.

The conference report prohibits the expenditure of any further Federal funds for a new election for the International Brotherhood of Teamsters.

The conference report prohibits the use of Federal funds for needle exchange programs for 6 months and provides conditions for the administration of such programs if the Secretary of Health and Human Services permits them.

I want to thank the gentleman from Mississippi and member of the subcommittee [Mr. WICKER] and the gentlewoman from California [Ms. PELOSI], a member of the subcommittee, and the gentleman from Illinois [Mr. HASTERT] for their work on this issue. While not all who worked on compromises are pleased with the final results, they all deserve our thanks for their hard work.

The conference report freezes funding for the National Labor Relations Board. In real terms, this funding level represents a cut in funding below fiscal year 1997. The gentleman from Arkansas [Mr. DICKEY] has been a particularly strong advocate in this area.

The conference report prohibits implementation of NLRB regulations regarding single site bargaining units. If implemented, this regulation would create a huge number of new organizing drives in small businesses and service sectors.

□ 1715

The conference report continues the shift of funding and emphasis within OSHA away from enforcement and toward compliance assistance. Compliance assistance increases by $6.4 million, or 17 percent, while enforcement increases by $3 million, only 2.3 percent.

Mr. Speaker, the bill provides increases for programs that fund Federal education mandates or Federal responsibilities. Special education is increased by $775 million, an increase of 19 percent. This funding helps offset the mandates Federal law has placed on local school districts. The bill also provides $805 million for Impact Aid to offset the additional costs and lost tax base resulting from Federal installations.

High priority programs are funded. NIH is increased by $907 million, an increase of 7.1 percent. This level will assure that the medical and economic benefits of biomedical research will continue. Within this funding level NIH will be able to increase funding for diabetes, Parkinson's disease, cancer, coronary/heart disease, and others at rates greater than the overall increase for NIH.

Other high priority items such as CDC, infectious disease control, breast and cervical cancer screening, TRIO, programs to prevent violence against women and health professionals training, are all increased.

Pell grants, essentially a Federal voucher for college, are increased to a maximum of $3,000 and the Secretary of Education is given discretion to allow more independent students to qualify for student aid. The conference report increases the income protection allowances for all students receiving Federal financial aid.

The bill includes an absolute prohibition on the use of human embryos in federally funded research, an initiative of the gentleman from Arkansas [Mr. DICKEY] and the gentleman from Mississippi [Mr. WICKER].

In addition, the conference report also includes the Student Loan Consolidation Act. This bill passed the House October 21 as H.R. 2535. The bill would allow the consolidation of both direct and guaranteed loans and it exempts education tax credits from the calculation of student aid.

Mr. Speaker, there are many other provisions in this conference report that commend it to a broad spectrum of Members of the House. Probably the factor that I am most proud of is that from its inception to this very minute, this has been a bipartisan bill. I believe this conference report shows the benefit of this House following the instructions of the voters and putting aside partisan bickering and getting on with the business of governing. Mr. Speaker, I would urge the Members to support this conference report.

Mr. Speaker, I want to add at this point some additional personal comments. The passage of this bill is never easy and the fact that we are now about to complete action on it is testimony to the hard work of many, many people.

As I mentioned during the passage of the bill in the House, this bill has been supported, shaped and its progress furthered by the work of the members of the subcommittee: the gentleman from Wisconsin [Mr. OBEY], my ranking member, and the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the committee. I have only the highest respect and admiration for them and for the work they accomplished in fashioning this bill.

I want to spend a moment expressing my gratitude and that of the committee for one of our very best staffers who is leaving after this session to take another job. I am referring to Sue Quantius who is on the floor with us today.

Sue is leaving the committee to take a position with the Association of American Universities. She has been with the committee since 1989 and has been assigned to the Labor–HHS subcommittee the entire time. Prior to that time she worked for the Senate Appropriations Committee and for the Office of Management and Budget. She has served our country with extreme dedication and distinction for all of this time.

With our subcommittee, her responsibilities have primarily been with various health programs that we fund, including most especially the National Institutes of Health and the Centers for Disease Control and Prevention. As Members know, I have had a particular interest in NIH over the years. Since I have been chairman, Sue has been a great help to me, especially with regard to NIH. Mr. Speaker, she has done absolutely magnificent work. I just do not know how we are going to replace her. We are all going to miss her very, very much. We wish her the very best of everything as she undertakes her new responsibilities. I hope that she will continue to stay in touch with all of us.

Finally, I want to express my thanks to the staff of the gentleman from Wisconsin, including Cheryl Smith, Mark Mioduski and Scott Lilly, his able staff director. As always, we have had the work of the full committee staff, headed by Jim Dyer, that has been invaluable to us.

I want to express my appreciation in addition to Sue Quantius; to my own subcommittee staff, Mike Myers, Bob Knisley, Tony McCann as well as Julie

Debolt and Dr. David Sander of my own staff. Without the assistance of each of these individuals and their support and the support of many more, we would not have been able to achieve this conference report which will, I believe, be passed and signed into law by the President.

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

Mr. OBEY. Mr. Speaker, I yield myself 8½ minutes. Before I get into the bill, I would simply like to take a moment to also, from the minority side of the aisle, extend our best wishes to Sue Quantius as she leaves to pursue other opportunities in life. As the subcommittee chairman indicated, Sue has been with our subcommittee for 9 years. She has worked for four full committee chairmen during that time, including myself and the gentleman from Louisiana [Mr. LIVINGSTON]. The gentleman from Illinois kindly left out that Sue had the great misfortune to begin her public service by serving as an intern on the Commission on Administrative Review, which was a reform commission which I chaired. We got half of our package through, the ethics package, but the other half of the package, the administrative changes in the House, were abruptly interrupted by a resounding "no" vote on the rule, and it took about 10 years for most of those recommendations to be adopted on a piecemeal basis. That was an ignominious beginning to a distinguished career. I simply want to say that her work on biomedical research, on health issues in general and other issues has been superb. The public has been greatly served. Sue is another one of those persons about whom the public never hears much but without whom Government simply would not work. I appreciate the work that she has done for all of us.

Mr. Speaker, one of my closest friends in politics is a man from Ireland by the name of John Hume. John Hume has noted on many occasions that politics is supposed to be the settlement of fiercely held differences by peaceful means. As people know, I do not shrink from political fights or arguments, and I do not shrink from fights on substance. But I prefer not to have them. I think that we are all, or we all ought to be, happiest on this House floor when we are pursuing politics not as war but as a method by which we accomplish important things for the people we represent.

This bill more than any other bill that the Congress passes does that. This bill affects more human beings, more families in this country than any other bill that we touch. I think it is worthy of note to compare the atmosphere in which this bill was debated just 2 years ago with the atmosphere in which it is being debated today. Two years ago, this bill attempted to cut key programs for education and health and worker protection by some $6 billion. Those efforts to cut programs such as education and health and worker training were a principal reason that the Government was shut down. Two years ago, education was cut in this bill by $3.5 billion, worker protection by almost 15 percent, job training for unemployed workers by almost 30 percent. Assistance to low-income folks in order to heat their homes in the dead of winter was cut by about a third.

Today, in contrast, we do not have a Government shutdown. We do not have partisan warfare on this bill. The gentleman from Illinois is right. This bill has been pursued in a bipartisan way with a bipartisan coalition producing very positive results. This bill is $5.8 billion above last year for key programs in it. The National Institutes of Health is increased by 7 percent. That means research that we do on all of the diseases that human beings fear, whether it is cancer or heart disease or Alzheimer's or Parkinson's or you name it. We are trying to make steady progress in attacking all of the diseases that plague mankind. Education is up by 12 percent, over $3 billion. Pell grants have a 24-percent increase. Pell grants are the major program outside of student loans that help working-class kids get a decent education beyond high school.

We have provided a $300 increase in the maximum grant for independent students and for dependent students. Special education services for disabled children, up by 18 percent in this bill. We have bilingual education increased by 35 percent in this bill. We have the most important education reform effort since title I, $150 million for comprehensive school reform to give local schools the tools to do the job locally in improving the operation of their schools so that they can raise student performance to meet high standards.

□ 1730

On education testing, we have a slightly different proposition from the original committee proposition. The administration can proceed with development of tests. It prevents field-testing in the first year, which originally would have been allowed by the original committee agreement. It prevents test administration for 1 year, in contrast to the original committee bill that would have had a permanent prohibition on testing without new authorization.

Worker protection, workers' rights to organize, to bargain for decent wages, to work in decent working conditions are all protected in contrast to the very sharp reductions made in those programs in past years, at least the attempts that were made.

We have a needle exchange program in here that may be controversial, but which will save lives, which may proceed after March 31 of next year.

This bill repeals the $50 billion ripoff that was being provided in the tax bill for the tobacco industry.

It provides a $100 million increase for low-income heating assistance program, a 10-percent increase.

Cuts in family planning are fully restored.

Goals 2000, we reached a compromise at last year's freeze level.

So, Mr. Speaker, I would say that this bill is worthy of the tradition left to this House by people like Bill Natcher and Silvio Conte who worked for years to make this a bipartisan product. It is, I think, something that Members can be proud of because the fight in the budget, after all, is not really about how much we spend, it is where we spend it, and at least on this side of the aisle, and I think a good many Members on that side of the aisle, as well, recognized that we need to put more of our funds into education, into health, into jobs, into job training, into worker protection.

That is what this bill does. It is, I think, a progressive effort to meet the Nation's needs, and I make no apology for the funding that we spend in it. It is spent on the people we represent for their most important long-term needs as families, and I would urge Members to support this bill.

Mr. PORTER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee.

Mr. LIVINGSTON. Mr. Speaker, I believe very strongly that this bill represents the essence of what is good legislation and a great legislative process. The fact is that we looked at this bill a very long time ago, some 6 months ago, and could tell that there was no way on God's Green Earth that this bill was going to pass without bipartisan support. There were Members on both sides who had problems with this bill, and there was a possibility that, if framed in an inappropriate manner, that the bill would never get signed into law, that we could end up in closure of government and repeat all the mistakes that have been made in the past with respect to issues involved in this bill.

Fact is we went through prolonged debate and through the incredible leadership of the chairman, the gentleman from Illinois [Mr. PORTER], and ranking minority member of the full committee and the subcommittee, the gentleman from Wisconsin [Mr. OBEY], we were able to wend through the minefield of all of the obstacles and all of the hurdles that could have imploded this bill and prevented our ability to be here today.

For our Members in the minority, the gentleman from Wisconsin [Mr. OBEY] has listed a number of items of great importance to members of his party and to people throughout this country. In fact, there is lots more

money for medical research and for education preferences.

But for our conservative friends, let me say also that following the allocation of money within the budget agreement, we were able to stop national education testing in its tracks with an agreement negotiated between President Clinton and the gentleman from Pennsylvania [Mr. GOODLING]. We expanded the traditional Hyde language to make sure no Federal funds were used to purchase health plans that would pay for abortions. There are additional prohibitions on the needle distribution exchange program so that the authorizers are able to get involved over the next 6 months and take further action. There is a prohibition on the use of human embryos for federally-funded research. There is a prohibition on the expenditure of Federal funds for a new Teamsters election. There is a prohibition on issuance of new OSHA standards on ergonomics. There is a freeze on funding for the NLRB, the National Labor Relations Board.

My conservative friends have had many objections about this bill, and many of their objections have been answered and have been recognized and codified into law in this bill.

Does it satisfy everybody? Of course not. But this is a bill which spends tens of billions of dollars on important projects still eliminates 7 programs that were unnecessary and concentrates the resources on those areas where we need them. I commend the people that have worked on this bill, and I urge the adoption of the conference report.

Mr. OBEY. Mr. Chairman I yield myself 30 seconds.

Mr. Speaker, I was remiss in not also indicating my profound appreciation for the way that the gentleman from Illinois [Mr. PORTER] has handled this bill as well as the gentleman from Louisiana [Mr. LIVINGSTON]. We have certainly disagreed, sometimes vehemently, many times on many issues, but we have always tried to keep in mind that our obligation was in the end to bridge those differences, and in the case of Mr. PORTER we are dealing with a subcommittee chairman who not only feels his strong sense of obligation, but knows this bill and knows the programs in it, and that was always an invaluable help.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise in support of the conference report on H.R. 2264, and I want to commend our chairman, the gentleman from Illinois [Mr. PORTER], and our ranking member, the gentleman from Wisconsin [Mr. OBEY], for their leadership in producing this conference agreement.

This measure represents the true spirit of bipartisan effort to craft a workable compromise on fiscal year 1998 funding for this bill. For example, the measure funds a youth opportunity areas initiative, which is urgently needed to address the continuing double-digit unemployment among our Nation's most disadvantaged youth. In many instances these young people have given up on themselves. I strongly believe that we must do all that we can to help ensure that all of our Nation's young people are equipped with the knowledge and the skills that they need to compete in and remain in the work force.

For undergraduate historically black colleges and universities, the bill provides $118.5 million. The HBCU is a national resource, and this investment would help to strengthen the infrastructure at these vital institutions of higher education.

For the health professions education and training, the conference measure provides $293 million. The funds are urgently needed to help ensure an adequate supply of health care providers. I know that the portion of the funds that are invested in training minorities and other individuals from disadvantaged backgrounds will help to address the continuing shortage of health care providers in our Nation's inner cities and rural communities, and it would help also to address the continuing disparity in minority health.

Mr. Speaker, the $529.7 million provided for the trio programs and the $7.3 billion in support of the Pell grant program would help to ensure the students will not only enter college, but more importantly, they will have access to support services they need in order to help ensure their retention and graduation.

I am pleased that the conference report is not excessively overburdened with major legislative provisions.

On the issue of national testing, I am encouraged that we have been able to reach an interim position, and I look forward to working closely with the authorizers on this very important matter.

Mr. Speaker, I urge my colleagues to join me in voting yes on the conference report on H.R. 2264.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. WICKER], a valued member of our subcommittee.

Mr. WICKER. Mr. Speaker, I thank the gentleman from Illinois for yielding the time.

I want to commend the chairman of the subcommittee as well as the ranking member of this subcommittee for the hard work and negotiation and the lengthy time that they put into this very important legislation. I support it. I hope we have strong support from both sides of the aisle for this legislation.

Mr. Speaker, it is not the type of bill that I would have written had I been writing it in a vacuum. It might not be a better bill if I wrote it, but it would be a different bill. But just think about this, Mr. Speaker, this is the first conference report on Labor HHS appropriation that we have had in 3 years, and I think it is better for this House and for the Senate and for the process to work its will rather than to go with continuing resolutions and resolve the issues that way.

I think the leadership is to be commended for pushing this through and for us finally getting to this stage for the first time in 3 years of actually being able to have a conference committee report a bill and for us to vote on it.

I commend the gentleman from Louisiana [Mr. LIVINGSTON], and Mr. Livingston spoke about the things that were achieved for conservatives. I think members of my party should realize that Mr. LIVINGSTON is himself a conservative, and he has worked hard for those issues that are important on our side of the aisle.

It has already been mentioned that this bill before us today contains the Goodling language that stops national testing. It contains an expansion of the Hyde amendment; a moratorium for the first 6 months of this fiscal year on needle exchange programs funded by taxpayer funds, which will allow the Congress to work its will on an authorizing piece of legislation next year; a prohibition on the use of human embryos for federally-funded research, again a very important issue to conservatives around this Nation.

The bill also contains important modifications in the law with regard to OSHA to make sure that we protect American jobs at the same time that we are protecting and looking out for workers' health and safety, and in addition a freeze on funding for the National Labor Relations Board and a host of other issues that are important to conservatives.

This is a contentious bill. Any time we talk about the Department of Labor, the subgroups there, NLRB, OSHA, and then throw in HHS with needle exchanges and the entire issues of Federal education policy, we are going to have a contentious bill. But I commend the leadership for moving us in the right direction. I commend the bill to conservatives, and I hope on my side of the aisle we will have a tremendous vote in favor of the bill.

And then let us not lose sight of the fact that we are doing important things to prevent disease and to protect the health of Americans in this legislation.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member for his leadership on this bill and for yielding me the time.

I rise in support of the Labor-HHS conference report. In particular I commend the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] for negotiating an excellent bipartisan bill, a bill in which the subcommittee can take considerable pride.

This conference report is a refreshing change from last 2 years when the bill had been the focus of deep ideological disputes and a vehicle for sending objectionable legislative riders to the President. Thankfully, thanks to the leadership also of our chairman of the full committee, the gentleman from Louisiana [Mr. LIVINGSTON], as well as the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY], we have returned to the bipartisan tradition which has historically characterized this bill. As our former chairman Mr. Natcher would say, this is a good bill.

□ 1745

While this is a good bill, it is good because of the excellent work again, as I said, of the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY], who fought very hard to forge this bipartisan legislation. We were given many difficult challenges by the Committee on the Budget, so that many problems that, ironically, it may have forced this responsible bipartisan bill.

I want to thank the gentleman from Wisconsin [Mr. OBEY] in particular for doing such an excellent job in reflecting progressive values in these negotiations.

With regard to labor programs, the bill makes significant investments in job training, Job Corps, Job Youth and adult training. At the same time, the bill adequately funds worker protection programs, and, unlike, the last 2 years, does not include riders designed to weaken the protection of American workers.

I am particularly pleased under an agreement negotiated by the gentleman from Illinois [Chairman PORTER] and the gentleman from Wisconsin [Mr. OBEY], OSHA will be able to continue its important work in developing an ergonomic standard and will be able to assist business in the next year to adopt important changes in work environment designed to prevent repetitive stress injuries.

With regard to health, the bill is a significant improvement over the budget agreement. In addition, the bill provides huge increases in AIDS drug assistance programs, and also will make a difference between life and death for thousands of Americans living with HIV disease.

I am also particularly pleased with the compromise in the legislation about the needle exchange program which the gentleman from Illinois [Mr. PORTER] addressed in his remarks. This compromise, I think, will enable the needle exchange programs which are part of a HIV prevention program and which do not increase the use of drugs to proceed, and it retains for the Secretary the discretion, unless Congress works its will between now and next spring, to lift the prohibition on needle exchange programs, as long as, as I say, they are part of a program to prevent HIV and drug abuse.

With regard to education, I am pleased that so many of the President's important education priorities have been accommodated in this bill. I am particularly pleased with the funding for the bilingual education and the investment and support services and professional development to improve the quality of these programs. I am also pleased with the high priority placed on direct financial assistance to students for higher education.

For all these reasons, this is a great bill, and I urge my colleagues to support it.

Mr. PORTER. Mr. Speaker, I am very pleased to yield 2½ minutes to the gentlewoman from Kentucky [Mrs. NORTHUP], the newest member of our subcommittee team, who has done an absolutely outstanding job, the best of any freshman I have ever seen.

Mrs. NORTHUP. Mr. Speaker, I am pleased to have an opportunity to speak about this bill and to have served on this subcommittee. I want to also thank the subcommittee chair and the ranking member and the other members of the subcommittee that have worked so hard on this bill.

Many of the benefits of this bill, the appropriations that we have made, have been discussed previously, but I would just like to say that one of the reasons this is such a tough bill is because education and health are intrinsically different than anything else we spend our money for.

It is one thing to be dispassionate about road construction or military buildup, but it is impossible to be dispassionate about our children. Moms and dads across this country feel passionately and emotionally about the schools that their children attend and whether or not they learn and how much they learn and whether they are prepared for the future.

This world is changing. The world our children will know will be different than the world that we have known, and they have to be prepared in different ways and for different experiences. The way they will be pioneers in their lives will be different than the way we are pioneers in our lives. So as our schools are grappling with change, it is difficult for their moms and dads and for all of us to pick the best of what we have and make sure we continue that and prepare it in new ways for new worlds.

We are also confused and not certain about what the Federal role is going to be in an educational system that has largely heretofore been a state responsibility and organization. Assuming that will continue and that we will expect schools to succeed locally, we are looking for the way that the best Federal investment can be made in our schools.

So I want to say that education is different. It is different than road construction. The fact that there is an unpatched pothole is not very emotional, but if your child goes to school and does not learn to read, that is very emotional.

I want to in particular thank you, Mr. Chairman, and the subcommittee chairman, for your commitment to the blind community and the deaf community. I have served very closely with the blind community in Louisville. We happen to be the home for the American Printing House for the Blind. My husband and I have been very involved in this community, and we recognized here in this bill the importance of continued access that the blind community needs to those services. So I wanted to thank the gentlemen in particular for that.

Mr. Speaker, I recommend this bill to the rest of the Members.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I rise in support of the conference report and to congratulate and thank both the chairman, the gentleman from Illinois [Mr. PORTER], with whom I have served on this committee for, I suppose, all of my career on the committee, which is from 1983 to date, and also to congratulate the gentleman from Wisconsin [Mr. OBEY].

Mr. Speaker, in many ways this is a bill that is not difficult from the standpoint that almost every member of Congress and the overwhelming majority of Americans probably believe it is the most important bill that we consider in this House on an annual basis as it affects themselves, their families, their children, the education of this Nation, as well as their children, the health care of themselves and this Nation.

Our former chairman, Mr. Natcher, used to say that if you take care of the health of your people and provide for the education of your children, you will continue to live in the strongest and best nation on Earth. He was correct. He said this was the People's House and that this was the people's bill. He was also correct in that.

But it is also a very difficult bill, because the priorities within the bill are agreed by all to be principal priorities, and, therefore, the allocation of resources between them is difficult.

Both the gentleman from Illinois (Chairman PORTER) and the ranking

member, the gentleman from Wisconsin [Mr. OBEY], are always under a great deal of pressure, and the supplicants or the lobbyists or the interests that are represented in this bill are all good, and, therefore, it is very difficult to say no.

This bill, I think, represents a good piece of legislation, of which the American public can be proud. It was forged in a bipartisan basis, sometimes contentious, because there are strong differences on many issues. But this bill as it relates to education, unlike, frankly, some previous bills in previous Congresses, reflects a commitment to invest in the future of our country by investing in our children.

Head Start is increased, critically important, to make sure that our disadvantaged children have an opportunity to be competitive, both in education and in the marketplace. It is important that they be partners as America completes in the global marketplace.

Chapter I, that tries to ensure that those same children and others who may have been disadvantaged in life will not be disadvantaged in terms of the focus of this Congress and of the education establishment, in making sure that we make a special effort to give them the capacity to learn, to work and to compete.

So, Mr. Speaker, I am pleased to rise in support of this conference report, which reflects a compromise, testing having been one of the more difficult items, block grants as opposed to categorical expenditures being another. But they were debated, sometimes hotly, strongly held views, but ultimately, through the leadership of the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY], and I might also say the chairman of our committee, the gentleman from Louisiana [Mr. LIVINGSTON], who has done such an outstanding job leading the Committee on Appropriations through this difficult process, we have a bill of which we can all be proud and which we can enthusiastically support.

Mr. PORTER. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the very able chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would first like to thank the chairman and the ranking member, the subcommittee chairman, and all the conferees for their hard work on a report that is always very difficult. I am sure I helped make it even more difficult. The national testing issue did not make it any easier for them. However, it was one of the most important policy battles I think we have had to fight. We all want quality education, high academic standards, for all of our children, and we believe parents and local governments can best do that.

I want to thank the 295 Members and particularly the Speaker and the gentleman from South Carolina [Mr. GRAHAM] for all of their help and their support, and particularly the staffs, the staff of the Appropriations Committee, the staff of my committee. If we had to pay all the overtime that they would have earned, we would be out of money for the rest of the year, I suppose.

I also want to talk just a little bit about some of the other good things that are there as far as I am concerned. I want to thank the gentleman from Illinois [Chairman PORTER] and the gentleman from Wisconsin [Mr. OBEY] for keeping their commitment to increase funding for special ed in the conference report. The agreement continues to make great strides toward meeting our obligations to State and local school districts through a near $700 million increase to the Individuals with Disabilities Education Act.

I am pleased the report provides increases to other high-priority programs such as Even Start and Chapter 2 education and block grants to the States.

I want to thank the appropriators for including the Emergency Student Loan Consolidation Act, which will mean an awful lot to parents and students.

Finally, the bill makes important changes to the need analysis formula in the Higher Education Act, which ensures that students and families who qualify for new higher education tax credits will not be penalized in the Federal Government's determination of eligibility and student financial aid.

I thank again all who put this appropriations bill together. It is a very important bill, and I am sure it will receive overwhelming support.

Mr. Speaker, I'd first like to thank the chairman, the ranking member, and other conferees for their hard work on the conference report. The Labor, HHS bill is never an easy task. And the national testing issue did not make it any easier.

I am pleased to announce that, we have finally reached an agreement on testing. I wish to thank the Chairman and Ranking member and many other members of Congress for their input and hard work on this important matter. It was truly a team effort.

Three months ago when members of the House decided to fight the President's plan to give new federal tests to our school children, we started with children in mind. From the beginning, we believed that a new federal test would do nothing to help our children. If more testing were the answer to the problems in our schools, testing would have solved them a long time ago.

Everyone in this body supports high standards and accountability. No question about that. But we all agree new federal tests created by Washington bureaucrats are not the answer.

Most importantly the conference report stops the Department of Education's plans for new national tests for one year. As a result, this House—not the White House—now controls this issue.

This agreement stops the President's plan in its tracks for one year by prohibiting pilot testing, field testing, implementation, administration, and implementation of new national tests.

The White House acknowledges that Congress will now play a very large role in deciding if, how, and when any new national tests will be implemented, if at all.

The Administration recognizes that existing commercial tests now used in the states may very well fit their purposes and provide the kind of information we need to adequately assess our students. We have agreed to have the National Academy of Sciences study this issue and report back to us next fall.

A few other key points of the conference agreement are: The existing test development contract entered into by the Department of Education will be transferred out of the Department to the National Assessment Governing Board; the National Academy of Sciences will study the technical quality of the test items already developed by the Department and recommend safeguards against tests being used in an inappropriate manner; no student is required to take any national test in any subject or grade; the Committee on Education and the Workforce will hold several hearings on the National Assessment Governing Board and the National Assessment of Educational Progress during the first half of 1998. At that time, the President will have an opportunity to have his testing proposal fully debated, and Congress will have the opportunity to work its will.

This is a clear victory. It affirms the 295–125 vote last month prohibiting funds for new federal tests. I thank each of those 295 members who voted for the the Goodling Amendment and stood with us in our negotiations with the White House.

On other matters, I want to thank Chairman PORTER and Mr. OBEY for keeping their commitment to increase funding for special education in this conference report. This agreement continues to make great strides toward meeting our obligations to States and local school districts through a nearly $700 million increase to the Individuals with Disabilities Education Act Grants to States.

Second, I am pleased that the conference report provides increases to other high-priority programs, such as Even Start and Chapter 2 education block grants to States.

Third, I want to thank the appropriators for including the Emergency Student Loan Consolidation Act. This bill passed the House by a voice vote on October 21st, but stalled in the Senate until today. The bill will help thousands of students who have been unable to obtain a consolidation loan due to the Department of Education's shutdown of their direct loan consolidation processing center.

Finally, this bill makes important changes to the need analysis formula in the Higher Education Act which will ensure that students and families who qualify for the new higher education tax credits will not be penalized in the Federal Government's determination of eligibility for student financial aid.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York [Mrs. LOWEY], also a member of the subcommittee.

Mrs. LOWEY. Mr. Speaker, I am proud of this conference report. The committee, under the strong leadership of the gentleman from Illinois, Chairman PORTER and the ranking member, the gentleman from Wisconsin [Mr. OBEY], along with our Senate colleagues, succeeded in producing a bill which reflects our shared priorities.

We worked very hard on this bill, and this bill truly reflects a real bipartisan effort. Again, I want to thank the chairman and the ranking member for creating the atmosphere and the commitment among all of us to work together.

I also want to thank the staffs on both sides who have been so very helpful and cooperative in reaching our goals.

Mr. Speaker, this conference report recognizes the clear need for an increased investment in our children's education. I am pleased that we were able to provide $3.2 billion more than last year in funds for education. In particular, I am pleased that $40 million in new funds have been provided to keep our schools open after hours in order to provide a safe haven for our youth and to improve reading and other academic skills.

We increased the maximum Pell grant by $300 per student and overall Pell funding by $1.4 billion. The bill also includes language expanding the eligibility of independent and dependent students for Pell grants. In addition, we were able to restore funding to the SSIG student aid program which helps so many young people get that education.

We made a number of significant increases in health programs. We were able to provide the National Institutes of Health with a 7 percent increase over last year. This will allow the National Institutes of Health to increase funding for breast cancer research and other dreaded diseases so that advances in prevention and treatment will continue.

Funding for AIDS drug assistance has been increased by $119 million more than last year. This will help to provide life-sustaining medicine to AIDS patients across the country.

I am also very pleased that we provided $268 million for job training. In part, these funds will help to assist those on welfare so they can better obtain decent-paying jobs.

While I am disappointed that the Hyde amendment restricting access to abortion for low-income women is still in this bill, I am very pleased that we were able to prevent a radical expansion of this prohibitive restriction.

□ 1800

The bill also repeals the $50 billion tuberculosis giveaway.

Of course, there are some programs that I wish we could have expanded even more: Worker protection, title I education, and Centers for Disease Control are among those programs. However, on balance, I believe that this is a very good bill that meets so many of the important needs of our constituents, and I urge my colleagues on both sides of the aisle to support this bill.

Mr. PORTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I want to thank the chairman for yielding me this time.

Compromise is probably not my greatest strength, and while there are many good things in this bill, there are many things that I not only dislike, I detest, but that is kind of the rule of how compromise works, and I appreciate working with the gentleman from Illinois [Mr. PORTER], the gentleman from Wisconsin [Mr. OBEY], with the gentleman from Louisiana [Mr. LIVINGSTON] and all of the others on this committee.

When asked at the press conference today, "It's not a disappointment then, in the end?", Mr. McCurry was asked about the national testing, and he said, "Well, I mean in a perfect world we would have gotten our plan as it was designated by the Secretary of Education and the President, but it's not a perfect world when you have a Republican Congress, to say the very least." And that is an accurate statement about how things work.

I appreciate the time we had to debate it and to air our differences. I think we have made progress on some of the issues for the movement conservatives, particularly on testing. We held a number of other issues. I probably will not say this too many times in my career, but I intend to vote for a Labor-HHS appropriations bill, and I appreciate the process we went through. I think it is a reasonable compromise given the differences we have between the House and the Senate and the President, and I thank the leadership for that.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO], also a member of the subcommittee.

Ms. DELAURO. Mr. Speaker, I rise in support of this conference report, and I would like to thank Chairman PORTER and Ranking Member OBEY for their hard work and their bipartisan spirit. I am pleased that it contains a substantial increase for health research at the NIH, for disease prevention work at the Centers for Disease Control, and for important educational programs such as Head Start and IDEA.

I am especially proud that the conference report includes a substantial increase in funding for quality care, child care for children under the age of 3. New research has shown that the early years are a critical time of intellectual, emotional, moral, and physical development, which prepare a child to be healthy and productive in later life. We cannot afford to waste these critical learning years.

This conference report includes a $50 million increase in the child care and development block grant for States to improve the quality of care for our youngest children. It also includes $69 million more than the President requested to expand the Early Start, zero to 3 program, within Head Start. These funds will give thousands of additional children an opportunity to have the very best start in life.

I am pleased that the bill includes funding to improve our schools and hold our students to the highest standards, including the $200 million for whole school reform, to assist our least successful students in meeting educational goals. I have the experience of New Haven, CT and the Kolmer model of schools to point to as how whole school reform can work and does work.

Throughout this process, we have at times faced the possibility that the bipartisanship would be undermined by controversial riders regarding abortion, parental consent for contraceptives, needle exchange and other issues. I am glad to say that none of these controversial riders are in this bill.

I am pleased to support this conference report, and I urge my colleagues to join me in voting for its passage.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I rise in support of this bill, and I agree, I think it is a very good compromise. When we look at the levels of funding in this bill, it underscores that in a period of balancing budgets and a decline in discretionary spending what some of the priorities of the Government are, and I think this is a victory in many areas.

In particular, I want to commend the chairman of the subcommittee and the ranking member for the increase in the National Institutes of Health funding by 7 percent. It was not too long ago in 1995 when this House passed a budget that would have cut NIH funding by 5 percent in real terms. So this is a step in the right direction.

Given the fact that the House may or may not in the next couple of days take up the issue of trade, it is important that we continue to put funds into biomedical research and what the NIH does, because that is an area where America leads the world.

Second of all, from what I can tell from the bill, it does not make the changes that were proposed in the immunization funding or that would have affected the carryover funds. That is terribly important to my State of Texas and my home city of Houston,

which could have been adversely affected by cutting back on the carryover funding that is used a great deal in the city of Houston which has an expanding immunization program, particularly for the indigent, and I appreciate the fact that the committee was wise enough not to cut those funds back.

I want to commend again the chairman and the ranking member. This is a good bill. I intend to support it, and I hope my colleagues will do so.

Mr. PORTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

I see that Sue Quantius is back. As I said, the chairman and I have been on this subcommittee I think just about the same time. I think he has been on maybe a session before me. Sue Quantius, I am not sure how long Sue has been with us, but I know she worked on the Senate side.

I mentioned the health care of our people, and I know it is a particular interest of the chairman, and our expert on the committee is Sue Quantius. She has done an outstanding job; she is one of the most knowledgeable people in Washington on health care issues and particularly on NIH funding and NIH resources, objectives, and responsibilities. I want to rise, as I know the chairman has, and as I know the gentleman from Wisconsin [Mr. OBEY] has, in thanking her for the service that she has given.

The American public and this House ought to be very proud of the staff of the Committee on Appropriations. It is arguably the most bipartisan, nonpartisan staff on Capitol Hill. To the great credit of the gentleman from Louisiana [Mr. LIVINGSTON], our chairman, when he became chairman, most of the staff stayed because we all on both sides of the aisle perceive them as very true professionals who know their subject, who work hard, have great talent and great commitment to the product of this committee and to this country.

Sue, on behalf of myself and all of us on this side of the aisle, and I know the gentleman from Wisconsin [Mr. OBEY] has already done that, and I know our present chairman in office has done that, but I want to join them and say thank you and to wish you Godspeed. Your next endeavor, your next employer is a very fortunate entity indeed. Thank you very much.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, 2 years ago I met a young Army soldier in my district who had missed the birth of his first child because he was serving our Nation in Desert Storm. He then missed the birth of his second child because he was doing his duty, as his Nation called him to do, in Bosnia.

There is nothing this Congress can do to make up for the sacrifice of that young Army soldier. But what I am deeply grateful for is that through the leadership of Chairman PORTER and Ranking Member OBEY, this Nation has made a commitment through the Impact Aid Program to see that that young soldier when he is serving thousands of miles away from his family, serving his country, he or she can be sure that his or her sons and daughters will receive a firstclass education. It seems to me that that is a moral duty of this Congress. It is also the right thing to do to ensure a strong national defense, because all of the technology in the world, without the best and brightest soldiers and marines and Navy pilots and sailors, will not ensure our Nation's defense.

So I want to thank, not only for the whole effort of this tremendous piece of legislation, but in particular, I want to thank the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Illinois [Mr. PORTER] for their outstanding leadership and not forgetting those young children and military families who may not ever see their parents at graduation because their parents may end up giving the ultimate sacrifice in time of war.

This is a great bill, and particularly on impact aid. I say thank you.

Mr. OBEY. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, let me join my friend from Texas in complimenting the gentleman from Illinois [Mr. PORTER] and our ranking member the gentleman from Wisconsin [Mr. OBEY]. I represent a district that has Whiteman Air Force Base and Fort Leonard Wood, both of whom are areas that are heavily impacted by the Federal Government, the Federal reservations, and impact aid is so important for those children. We have to take care of the families of the people in uniform and this is a wonderful way to do it. So I join my friend from Texas [Mr. EDWARDS] in complimenting them and thanking this committee for the effort.

Mr. PORTER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, as we wind up this first session of the 105th Congress, all of us I think are pretty well exhausted. We have had little sleep night after night, especially during the last week. We have been in intense negotiations for hours and hours on end. Nerves are frazzled. We say things we may not mean. We make accusations that are perhaps unfounded. We even raise questions about the processes of democracy so that we can have things come out our way. It is a time when Republicans sometimes are fighting it out with Democrats, the White House is fighting it out with the Congress, the Senate is fighting it out with the House, authorizers are opposite appropriators, committee chairmen are against other committee chairmen, and often things get a bit out of hand.

Several of the bills, there are four that remain, including this one, have been subject to intense negotiations. This conference report has certainly been one of them. But in the end, Mr. Speaker, all of us believe in the processes of democracy that allow us to work with one another and to find the middle, the place where the American people are. Compromise in my judgment is not at all a bad word, it is exactly what our Founders envisioned for us. It was their intent that we had to cooperate with one another, work together as Americans, and find how we can best reflect the values of the American people.

□ 1815

So, Mr. Speaker, I believe that this bill truly does represent, through bipartisan work, through true compromise, through honest negotiation, exactly what the American people expect of us.

I am very proud that this year we have managed to work together and managed to work through a very, very difficult process, and still come out with great respect for one another. I have tremendous respect for my colleague, the gentleman from Wisconsin [Mr. OBEY]. I think we do work well together. That is a very positive thing.

I believe we have fashioned a bill that really does reflect the values of this country, and have done so in a very strong, bipartisan fashion, in the true traditions of the democracy of this great land we all are privileged to live in and to serve.

Mr. Speaker, I would commend this bill to each of the Members. I think we have done the best job that possibly could have been done. I thank everyone for their willingness to work together.

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

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Wisconsin [Mr. OBEY] is recognized for 3½ minutes.

Mr. OBEY. Mr. Speaker, I simply would like to do two things. First of all, the gentleman from Illinois, Chairman PORTER, was gracious enough to mention the contributions made by all our staffers on both sides on the committee.

I would also like to add, in addition to my staffers who have already been cited by the chairman, I would also like to add Christina Hamilton, from my personal office, who worked very hard on this bill.

I would also like to express our best wishes to a very dedicated staffer who has worked for the gentlewoman from California [Ms. PELOSI] for the past 10

years on this bill. Dr. Steve Morin is moving back to San Francisco. We will miss his expertise on many health and labor programs, most notably, his great work on the issues relating to AIDS, and trying to minimize the terrible damage that that disease causes, and giving researchers the resources they need to search for a cure.

I think this is a very progressive bill, and I would point out once again, if I could have had my way, this bill would have at least $5 billion more in this devoted to education and health and worker protection. But this bill is $900 million above the bill as it left the House. That is not bad, under these circumstances.

I again congratulate each and every member of the subcommittee, and the gentleman from Illinois [Mr. PORTER] and the gentleman from Louisiana [Mr. LIVINGSTON], and all of the Members on my side of the aisle, for working so hard to both define their views and to resolve their differences.

Mr. ENGEL. Mr. Speaker, I am rising today to clarify an amendment offered by Representative CAROLYN MCCARTHY and myself that was included in the Labor-HHS-Education appropriations bill. The amendment added $100,000 to the Department of Education's Program Administration account so that the Department can expand its web site to include information for all public and private scholarship and financial aid programs.

It is my understanding that the committee report includes explicit language stating that the conferees have agreed that the funds are specifically included to enable the Department to expand its web site to provide this information, pursuant to Section 409A(1) of the Higher Education Act. This provision states that the Department of Education shall award a contract to maintain a computerized database of all private and public student financial assistance programs. Our amendment is geared to help the Department fulfill this goal.

I thank the Committee chairmen and staff for working with us on this matter to help ensure that the Department will receive the funding it needs for this important project.

Mr. BEREUTER. Mr. Speaker, this Member is pleased that the fiscal year 1998 Labor, Health and Human Services Appropriations Act conference report contains several provisions regarding important rural health programs which benefit rural communities across the nation, as well as continued funding for the Ellender Fellowships. In addition, this Member would like to commend the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the Chairman of the Committee on Appropriations, the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of both the full Committee and the Subcommittee on Labor, Health and Human Services, and Education and the distinguished gentleman from Illinois (Mr. Porter), the Chairman of the Subcommittee, for their work on these important issues.

Regarding rural health funding, this Member would like to specifically mention two programs which this Member strongly supports and has expressed this support together with other members of the House Rural Health Care Coalition to the Subcommittee. These programs are Rural Outreach Grants, and the National Health Service Corps.

This conference report includes $32.6 million for Rural Outreach Grants, which is an increase of $4.8 million above the fiscal year 1997 level and $7.6 million above the amount requested by the President. This important program support projects that provide health services to rural populations not currently receiving them and that enhance access to existing services.

The National Health Service Corps receives $115.4 million in this conference report, which is equivalent to both the fiscal year 1997 level and the amount requested by the President. One of the top health care concerns in rural America is the shortage of physicians and other health professionals due to the difficulties rural areas have in attracting and retaining primary health care professionals. The National Health Service Corps program addresses this need by providing scholarships to, and repays loans of, primary care professionals in exchange for obligated services in a Health Professional Shortage Area.

The program also provides matching grants to states for a loan repayment program. These incentives for health professionals and physicians to serve in rural areas are greatly needed.

This Member is also pleased that this conference report includes $1.5 million for Ellender fellowships. Earlier this year, this Member testified before the subcommittee regarding this important program. This amount is the same as the fiscal year 1997 level, even though the President's budget did not include any funds for the extraordinary valuable citizen education program for American high school students. The Ellender Fellowships are used to enable low-income students to participate in the highly successful Washington Close Up program.

Each year the Close Up foundation awards thousands of Ellender Fellowships, which included 3,942 students during the 1995–1996 school year. Nationally, since 1971 over 480,000 students and teachers have participated in the Washington Close Up Program. Almost 95,000 of those participants received full or partial fellowships.

Again, Mr. Speaker, this Member commends the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the Chairman of the Committee on Appropriations, the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of both the full committee and the subcommittee, and the distinguished gentleman from Illinois [Mr. PORTER], for their continued support of these important programs.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 352, nays 65, not voting 16, as follows:

[Roll No. 615]

YEAS—352

Abercrombie
Ackerman
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Carson
Castle
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)

Rahall	Shimkus	Thornberry
Ramstad	Shuster	Thune
Rangel	Sisisky	Thurman
Redmond	Skaggs	Tierney
Regula	Skeen	Torres
Reyes	Skelton	Towns
Riggs	Slaughter	Traficant
Rivers	Smith (MI)	Turner
Rodriguez	Smith (NJ)	Upton
Roemer	Smith (OR)	Velázquez
Rogan	Smith (TX)	Vento
Rogers	Smith, Adam	Visclosky
Ros-Lehtinen	Smith, Linda	Walsh
Rothman	Snyder	Waters
Roukema	Solomon	Watkins
Roybal-Allard	Souder	Watt (NC)
Rush	Spence	Watts (OK)
Sabo	Spratt	Waxman
Sanchez	Stabenow	Weldon (PA)
Sanders	Stark	Weller
Sandlin	Stenholm	Wexler
Sawyer	Stokes	Weygand
Saxton	Strickland	White
Schumer	Sununu	Whitfield
Scott	Tanner	Wicker
Serrano	Tauscher	Wise
Shadegg	Tauzin	Wolf
Shaw	Taylor (NC)	Woolsey
Shays	Thomas	Wynn
Sherman	Thompson	Young (AK)

NAYS—65

Aderholt	Goodlatte	Pombo
Archer	Hastings (WA)	Radanovich
Bachus	Hefley	Rohrabacher
Barr	Hill	Royce
Bartlett	Hilleary	Ryun
Barton	Hostettler	Salmon
Blunt	Hutchinson	Sanford
Brady	Inglis	Scarborough
Bryant	Istook	Schaefer, Dan
Cannon	Johnson, Sam	Schaffer, Bob
Chabot	Jones	Sensenbrenner
Chenoweth	Largent	Sessions
Coble	Manzullo	Snowbarger
Coburn	McIntosh	Stearns
Collins	Mica	Stump
Conyers	Moran (KS)	Stupak
Cox	Neumann	Talent
Crane	Norwood	Taylor (MS)
Crapo	Paul	Tiahrt
Doolittle	Paxon	Wamp
Everett	Peterson (MN)	Weldon (FL)
Goode	Petri	

NOT VOTING—16

Blumenauer	Hoekstra	Riley
Cubin	Klug	Schiff
Flake	Leach	Yates
Frank (MA)	McCollum	Young (FL)
Gillmor	McDermott	
Gonzalez	Quinn	

□ 1839

The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Mr. McCollum against.

Messrs. BRYANT, BARTON of Texas, and EVERETT changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CERTAIN RESOLUTIONS IN PREPARATION FOR ADJOURNMENT OF FIRST SESSION SINE DIE

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105–391) on the resolution (H. Res. 311) providing for consideration of certain resolutions in preparation for the adjournment of the first session sine die, which was referred to the House Calendar and ordered to be printed.

NOTICE OF INTENTION TO DISCHARGE H.R. 2631, DISAPPROVING CANCELLATIONS TRANSMITTED BY THE PRESIDENT

Mr. PACKARD. Mr. Speaker, pursuant to section 1025(d) of the Congressional Budget Act of 1974, as amended, I hereby give notice of my intention to offer a motion to discharge H.R. 2631.

The form of the motion is as follows:

Mr. PACKARD moves to discharge the Committee on Appropriations from further consideration of the bill, H.R. 2631, disapproving cancellations transmitted by the President on October 6, 1997, regarding Public Law 105–45.

CONFERENCE REPORT S. 1026, EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 1997

Mr. CASTLE submitted the following conference report and statement on the Senate bill (S. 1026) to reauthorize the Export-Import Bank of the United States.

CONFERENCE REPORT (H. REPT. 105–392)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026), to reauthorize the Export-Import Bank of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Export-Import Bank Reauthorization Act of 1997".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Extension of authority.
Sec. 3. Tied aid credit fund authority.
Sec. 4. Extension of authority to provide financing for the export of nonlethal defense articles or services the primary end use of which will be for civilian purposes.
Sec. 5. Clarification of procedures for denying credit based on the national interest.
Sec. 6. Administrative Counsel.
Sec. 7. Advisory Committee for sub-Saharan Africa.
Sec. 8. Increase in labor representation on the Advisory Committee of the Export-Import Bank.
Sec. 9. Outreach to companies.
Sec. 10. Clarification of the objectives of the Export-Import Bank.
Sec. 11. Including child labor as a criterion for denying credit based on the national interest.
Sec. 12. Prohibition relating to Russian transfers of certain missiles to the People's Republic of China.

SEC. 2. EXTENSION OF AUTHORITY.

(a) IN GENERAL.—Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "until" and all that follows through the end period and inserting "until the close of business on September 30, 2001.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on September 30, 1997.

SEC. 3. TIED AID CREDIT FUND AUTHORITY.

(a) EXPENDITURES FROM FUND.—Section 10(c)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(c)(2)) is amended by striking "through" and all that follows through "1997".

(b) AUTHORIZATION.—Section 10(e) of such Act (12 U.S.C. 635i–3(e)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the purposes of this section.".

SEC. 4. EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES.

Section 1(c) of Public Law 103–428 (12 U.S.C. 635 note; 108 Stat. 4376) is amended by striking "1997" and inserting "2001".

SEC. 5. CLARIFICATION OF PROCEDURES FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)) is amended—

(1) in the last sentence, by inserting ", after consultation with the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate," after "President"; and

(2) by adding at the end the following: "Each such determination shall be delivered in writing to the President of the Bank, shall state that the determination is made pursuant to this section, and shall specify the applications or categories of applications for credit which should be denied by the Bank in furtherance of the national interest.".

SEC. 6. ADMINISTRATIVE COUNSEL.

Section 3(e) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(e)) is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) The General Counsel of the Bank shall ensure that the directors, officers, and employees of the Bank have available appropriate legal counsel for advice on, and oversight of, issues relating to personnel matters and other administrative law matters by designating an attorney to serve as Assistant General Counsel for Administration, whose duties, under the supervision of the General Counsel, shall be concerned solely or primarily with such issues.".

SEC. 7. ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA.

(a) IN GENERAL.—Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by inserting after paragraph (8) the following:

"(9)(A) The Board of Directors of the Bank shall take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of the Bank's financial commitments in sub-Saharan Africa under the loan, guarantee, and insurance programs of the Bank.

"(B)(i) The Board of Directors shall establish and use an advisory committee to advise the Board of Directors on the development and implementation of policies and programs designed to support the expansion described in subparagraph (A).

"(ii) The advisory committee shall make recommendations to the Board of Directors on how

the Bank can facilitate greater support by United States commercial banks for trade with sub-Saharan Africa.

"(iii) The advisory committee shall terminate 4 years after the date of enactment of this subparagraph.".

(b) REPORTS TO CONGRESS.—Within 6 months after the date of enactment of this Act, and annually for each of the 4 years thereafter, the Board of Directors of the Export-Import Bank of the United States shall submit to Congress a report on the steps that the Board has taken to implement section 2(b)(9)(B) of the Export-Import Bank Act of 1945 and any recommendations of the advisory committee established pursuant to such section.

SEC. 8. INCREASE IN LABOR REPRESENTATION ON THE ADVISORY COMMITTEE OF THE EXPORT-IMPORT BANK.

Section 3(d)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d)(2)) is amended—

(1) by inserting "(A)" after "(2)"; and

(2) by adding at the end the following:

"(B) Not less than 2 members appointed to the Advisory Committee shall be representative of the labor community, except that no 2 representatives of the labor community shall be selected from the same labor union.".

SEC. 9. OUTREACH TO COMPANIES.

Section 2(b)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)) is amended by adding at the end the following:

"(I) The President of the Bank shall undertake efforts to enhance the Bank's capacity to provide information about the Bank's programs to small and rural companies which have not previously participated in the Bank's programs. Not later than 1 year after the date of enactment of this subparagraph, the President of the Bank shall submit to Congress a report on the activities undertaken pursuant to this subparagraph.".

SEC. 10. CLARIFICATION OF THE OBJECTIVES OF THE EXPORT-IMPORT BANK.

Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended in the first sentence by striking "real income" and all that follows to the end period and inserting: "real income, a commitment to reinvestment and job creation, and the increased development of the productive resources of the United States".

SEC. 11. INCLUDING CHILD LABOR AS A CRITERION FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST.

Section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(B)), as amended by section 5, is amended in the next to the last sentence by inserting "(including child labor)" after "human rights".

SEC. 12. PROHIBITION RELATING TO RUSSIAN TRANSFERS OF CERTAIN MISSILES TO THE PEOPLE'S REPUBLIC OF CHINA.

Section 2(b) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)) is amended by adding at the end the following:

"(12) PROHIBITION RELATING TO RUSSIAN TRANSFERS OF CERTAIN MISSILE SYSTEMS.—If the President of the United States determines that the military or Government of the Russian Federation has transferred or delivered to the People's Republic of China an SS-N-22 missile system and that the transfer or delivery represents a significant and imminent threat to the security of the United States, the President of the United States shall notify the Bank of the transfer or delivery as soon as practicable. Upon receipt of the notice and if so directed by the President of the United States, the Board of Directors of the Bank shall not give approval to guarantee, insure, extend credit, or participate in the extension of credit in connection with the purchase of any good or service by the military or Government of the Russian Federation.".

And the House agree to the same.

JAMES A. LEACH,
MICHAEL N. CASTLE,
DOUGLAS BEREUTER,
JOHN J. LAFALCE,
FLOYD H. FLAKE,
Managers on the Part of the House.

ALFONSE D'AMATO,
ROD GRAMS,
CHUCK HAGEL,
PAUL SARBANES,
CAROL MOSELY-BRAUN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1026) to reauthorize the Export-Import Bank of the United States, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

SECTION 1—SHORT TITLE: TABLE OF CONTENTS

Present Law

No provision.

Senate bill

The Senate bill (sec. 1) titles this Act the "Export-Import Bank Reauthorization Act of 1997."

House amendment

No provision.

Conference agreement

The conference agreement is the Senate provision.

SECTION 2—EXTENSION OF AUTHORITY

Present law

The charter of the Export-Import Bank of the United States (Eximbank), which expired on September 30, 1997, was extended by continuing resolution through November 7, 1997.

Senate bill

The Senate bill (sec. 2) extends the charter of Eximbank for four years through September 30, 2001.

House amendment

The House amendment (sec. 1) has an identical provision.

Conference agreement

The conference agreement extends the Eximbank's charter through September 30, 2001.

SECTION 3—TIED AID CREDIT FUND AUTHORITY

Present law

Eximbank's authority to use the Tied Aid Credit Fund pursuant to section 10 of the Export-Import Bank Act of 1945 (Eximbank Act) expired on September 30, 1997.

Senate bill

The Senate bill (sec. 3) extends Eximbank's authority to use the Tied Aid Credit Fund for four years through September 30, 2001.

House amendment

The House amendment (sec. 2) has a similar provision extending Eximbank's authority to use the Tied Aid Credit Fund through September 30, 2001.

Conference agreement

The conference agreement extends Eximbank's authority to use the Tied Aid Credit Fund through September 30, 2001.

SECTION 4—EXTENSION OF AUTHORITY TO PROVIDE FINANCING FOR THE EXPORT OF NONLETHAL DEFENSE ARTICLES OR SERVICES THE PRIMARY END USE OF WHICH WILL BE FOR CIVILIAN PURPOSES

Present law

Eximbank's authority pursuant to section 2(b)(6)(I)(i) of the Eximbank Act to provide finance for dual-use items (i.e nonlethal defense articles or services the primary end use of which will be for civilian purposes) expired on September 30, 1997.

Senate bill

The Senate bill (sec. 4) extends Eximbank's authority to finance the export of dual-use items for four years through September 30, 2001.

House amendment

The House amendment (sec. 3) has an identical provision.

Conference agreement

The conference agreement extends the Eximbank's authority to finance the export of dual-use items through September 30, 2001.

SECTION 5—CLARIFICATION OF PROCEDURES FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST

Present law

Section 2(b)(1)(B) of the Eximbank Act provides that the President of the United States may instruct Eximbank to deny an application for credit for non-financial or non-commercial considerations only in cases where the President determines that such action would clearly and importantly advance United States policy in such areas as international terrorism, nuclear proliferation, environmental protection, and human rights.

Senate bill

No provision.

House amendment

The House bill (sec. 4) amends section 2(b)(1)(B) of the Eximbank Act to provide that (1) the President, when considering whether to deny Eximbank credit based on the national interest, must consult with the Committee on Banking and Financial Services of the House of Representatives and Committee on Banking, Housing and Urban Affairs of the Senate and (2) the determination to deny credit must be delivered to the President of Eximbank in writing, state that the determination is made pursuant to this section, and specify the applications, or categories of applications for credit which should be denied by the Bank in furtherance of the national interest.

Conference agreement

The conference agreement is the House provision.

SECTION 6—ADMINISTRATIVE COUNSEL

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 5) amends section 3(e) of the Eximbank Act to instruct the General Counsel of Eximbank to designate an attorney to serve as Assistant General Counsel for Administration whose sole or primary duty shall consist of providing directors, officers and employees of the Bank with appropriate legal counsel for advice on, and oversight of, issues relating to ethics, conflicts of interest, personnel matters, and other administrative law matters.

Conference agreement

The conference agreement is the House provision with an amendment limiting the

authority of the Assistant General Counsel for Administration to personnel matters and other administrative law matters.

SECTION 7—ADVISORY COMMITTEE FOR SUB-SAHARAN AFRICA

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 6) amends section 2(b) of the Eximbank Act to instruct the Eximbank Board of Directors to (1) take prompt measures, consistent with the credit standards otherwise required by law, to promote the expansion of Eximbank's financial commitments to sub-Saharan Africa, (2) establish and use an advisory committee, to exist for a duration of 4 years, to advise the Board on implementation of this expansion of credit and recommend to the Board on how Eximbank can facilitate greater support by U.S. commercial banks for trade with sub-Saharan Africa, and (3) report to the Congress within 6 months after enactment of this Act, and annually for 4 years thereafter, on steps the Board has taken to implement this provision and any recommendations of the advisory committee.

Conference agreement

The conference agreement is the House provision.

SECTION 8—INCREASE IN LABOR REPRESENTATION ON THE ADVISORY COMMITTEE OF THE EXPORT-IMPORT BANK

Present law

Section 3(d)(2) of the Eximbank Act establishes an Advisory Committee, which is to consist of 15 members broadly representative of production, commerce, finance, agriculture, labor, services, and State government, no fewer than three of which shall be representative of the small business community.

Senate bill

No provision.

House amendment

The House amendment (sec. 7) amends section 3(d)(2) of the Eximbank Act to require that no fewer than two of the members of the Advisory Committee be representative of the labor community.

Conference agreement

The conference agreement is the House amendment, with an amendment requiring that no two representatives of the labor community appointed to the Advisory Committee shall be selected from the same labor union.

SECTION 9—OUTREACH TO COMPANIES

Present law

Section 2(b)(1)(E)(i)(I) of the Eximbank Act instructs Eximbank to encourage the participation of small business in international commerce by developing a program which gives fair consideration to making loans and providing guarantees for the export of goods and services by small business.

Senate bill

The Senate bill (sec. 5) amends section 2(b)(1) of the Eximbank Act to instruct the Chairman of the Bank to enhance Eximbank's capacity to provide information about Eximbank's programs to small and rural companies which have not previously participated in Eximbank's programs, and to report within 1 year on actions taken pursuant to this provision.

House amendment

The House amendment (sec. 8) amends section 2(b)(1) of the Eximbank Act to instruct the Chairman of the Bank to design and implement a program to provide information about Bank programs to companies which have not yet participated in its programs, and to report within 1 year on actions taken pursuant to this provision.

Conference agreement

The conference agreement is the Senate provision.

SECTION 10—CLARIFICATION OF THE OBJECTIVES OF THE EXPORT-IMPORT BANK

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 9) amends section 2(b)(1) of the Eximbank Act to instruct Eximbank and its Board of Directors to prescribe regulations and implement procedures to ensure that, in selecting from among firms to which to provide financial assistance, Eximbank gives preference to any firm that has shown a commitment to reinvestment and job creation in the United States.

Conference agreement

The conference agreement amends section 2(b)(1)(A) of the Eximbank Act to state that it is the policy of the United States to foster the expansion of exports, thereby contributing to a commitment to reinvestment and job creation in the United States.

SECTION 11—INCLUDING CHILD LABOR AS A CRITERION FOR DENYING CREDIT BASED ON THE NATIONAL INTEREST

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 13) amends section 2 of the Eximbank Act to prohibit Eximbank from providing assistance in support of exports to entities that employ children in a manner that would violate United States law regarding child labor if the entity were located in the United States or has not made a binding commitment to not employ children in such manner.

Conference agreement

The conference agreement amends the "Chafee Amendment" in section 2(b)(1)(B) of the Eximbank Act to identify child labor as a human right that could serve as the basis for a Presidential determination to deny applications for credit for non-financial or non-commercial considerations.

SECTION 12—PROHIBITION RELATING TO RUSSIAN TRANSFERS OF CERTAIN MISSILES TO THE PEOPLE'S REPUBLIC OF CHINA

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 12) amends section 2(b) of the Eximbank Act to require the President, if made aware that Russia has transferred or delivered to the People's Republic of China an SS–N–22 or SS–N–26 missile system, to notify Eximbank which, upon receipt of such notification, shall discontinue financing exports to Russia.

Conference agreement

The conference agreement amends section 2(b) of the Eximbank Act to require the President, upon determining that the Russian Government or military has transferred or delivered to the People's Republic of China an SS–N–22 missile system and that the transfer or delivery represents a significant and imminent threat to the security of the United States, to notify Eximbank which, upon receipt of such notification and if so directed by the President, shall discontinue providing finance in connection with the purchase of any good or service by the Russian Government or military.

For purposes of this provision, the definition of "Russian Government or military" shall include state-owned enterprises.

PREFERENCE IN EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO CHINA TO BE PROVIDED TO COMPANIES ADHERING TO CODE OF CONDUCT

Present law

No provision.

Senate bill

No provision.

House amendment

The House amendment (sec. 10) amends section 2 of the Eximbank Act to instruct the Board of Directors, when determining whether to provide financial support for exports to the People's Republic of China, to give preference to entities that the Board determines have established and are adhering to a code of conduct set forth in the provision.

Conference agreement

The conference agreement is no provision.

The Committee urges the Government of the United States, consistent with the primary mission of export finance to protect and expand jobs in the United States by supporting exports that would not otherwise go forward, to promote efforts among recipients to respect internationally recognized human and worker rights. These would include a recipient's good faith effort to provide a safe and healthy workplace; avoid child and forced labor; avoid discrimination based on race, gender, national origin, or religious beliefs; respect freedom of association, the right to organize and bargain collectively; pay not less than a country's minimum wage required by local law, provide all legally mandated benefits; obey all applicable environmental laws; comply with international standards regarding illicit payments; respect free expression; encourage good corporate citizenship and make a positive contribution to the communities in which the entity operates; and encourage similar behavior by partners and suppliers.

Especially regarding China, the Committee expects the Government to carefully consider the business practices of those entities receiving financing. The Committee believes that promoting and recognizing good corporate citizenship will ensure that a "constructive engagement" policy towards China indeed promotes democracy and human rights.

RENAMING OF THE U.S. EXPORT-IMPORT BANK

Present law

The first section of the Eximbank Act names Eximbank the "Export-Import Bank of the United States."

Senate bill

No provision.

House amendment

The House amendment (sec. 11) amends the first section of the Eximbank Act to rename Eximbank to the "United States Export Bank."

Conference agreement

The conference agreement is no provision.

JAMES A. LEACH,
MICHAEL N. CASTLE,
DOUGLAS BEREUTER,
JOHN J. LAFALCE,
FLOYD H. FLAKE,
Managers on the Part of the House.

ALFONSE D'AMATO,
ROD GRAMS,
CHUCK HAGEL,
PAUL SARBANES,
CAROL MOSELEY-BRAUN,
Managers on the Part of the Senate.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I ask for this time for the purpose of inquiring of the majority leader, the gentleman from Texas [Mr. ARMEY], as to the schedule for this evening and for the remainder of the weekend.

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding.

Mr. Speaker, I am pleased to announce that we have had our last vote for the evening. We will continue with the bill making continuing appropriations through Sunday. As my friend, the gentleman from Michigan [Mr. BONIOR], has pointed out, we have agreement on both sides that we will be able to do this without another recorded vote. I would like to express my appreciation for that consideration.

The House will meet at noon tomorrow to consider the following suspensions: H.R. 2534, agriculture research bill; House Resolution 122, visually-impaired currency; H.R. 2614, Reading Excellence Act; S. 813, Veterans Cemetery Protection Act; S. 1377, a bill making technical corrections to the American Legion Act; S. 1139, Small Business Administration reauthorization; S. 713, Homeless Veterans Act; H.R. 2513, line item veto fix; H.R. 2813, waive time limitation on awarding Medals of Honor; H.R. 2631, a bill regarding military construction appropriations line item vetoes; H.R. 1129, the Microenterprise Act; and House Concurrent Resolution 22, a resolution regarding religious persecution in Germany.

Of course, other suspensions may be added with the required 1-hour notice from the floor.

I should mention to the Members that we hope to have additional appropriations work before us tomorrow. And while we are here, we would obviously work as late as is necessary for the necessary work to be completed that we have before us tomorrow while we wait for appropriations conference reports.

I cannot tell my colleague with any degree of certainty how late we will be tomorrow night, certainly no later than is necessary to complete the work. We would reconvene at 2 on Sunday, and we would expect on Sunday before we adjourn to have completed our work so that we might adjourn sine die.

Mr. BONIOR. Reclaiming my time, could the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], tell us when he anticipates the fast track legislation to come before this body?

□ 1845

Mr. ARMEY. I would expect that to be sometime on Sunday.

Mr. BONIOR. I also might ask the gentleman if it is indeed possible, as many Members have requested the opportunity to have a chance to speak at special orders this evening, if special orders will be part of the day's proceedings.

Mr. ARMEY. I thank the gentleman for that request. That one has been a difficult one. I have thought on this throughout the day off and on, understanding the gentleman's desire. I also have been concerned and am concerned for the staff of the House. It has been a tough week, it will continue to be, their working on Saturday and Sunday, and it had been my intention to adjourn the House in their interest and that of their families.

Mr. BONIOR. Let me, if I might, ask the gentleman from Texas to reconsider that, because let me make the case that with respect to fast track, a highly controversial, momentous piece of legislation, probably one of the most important bills that we will have faced, certainly in this Congress, the Committee on Rules has only allowed 2 hours of debate on this bill. We have hundreds of Members who want to speak on this issue. We are boxed in a situation which the gentleman knows is a difficult situation. People need to be able to express themselves on this, and so we ask the opportunity on this side of the aisle to engage in special orders this evening for those who want to discuss this or any other issue.

We even ask that the Committee on Rules, which we understand will go back and come out with another rule, expand that debate time. It is not only on our side. The gentleman is going to have tens, if not hundreds of Members on his side of the aisle, certainly 100 members on his side of the aisle, who will not have an opportunity to speak on this. We cannot put together a cogent argument, we cannot put together a rational debate when we are given 30 seconds or a minute. I would ask my friend from Texas to reconsider the time on the bill in general debate, and I would also ask him to allow special orders without going ahead and adjourning this evening.

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

Mr. BONIOR. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, as the gentleman from Michigan knows, I am sympathetic to his cause, but let me just cite to the gentleman the traditional rule that has been made in order on other GATT agreements. In 1988 there were 2 hours of debate only. In 1993 there was 1 hour of debate only. With the 1 hour that will be extended on the rule and 2 hours of general debate, it gives 3 hours on the issue. I know that there are some on the gentleman's side that thought that that was not enough. There were also a number, including some Democrats on the Committee on Ways and Means, that thought that that was ample time. But traditionally that is the amount of time.

Keep in mind this is not the agreement. When the agreement comes back, the gentleman and I and others will probably have about 8 hours to debate that agreement and even to amend it, as the gentleman knows.

Mr. BONIOR. The gentleman from New York to whom I will yield in a second, the distinguished ranking member of the Committee on Ways and Means, requested 8 hours. I think the gentleman understands quite well that it is not just Members on our side of the aisle. We are going to have many Members on his side of the aisle who are going to want to speak and who will not be able to speak on this issue.

Mr. ARMEY. If the gentleman will yield further, perhaps I could offer something on this.

I do appreciate the gentleman from Michigan's point about the special orders. I am sure the gentleman from Michigan would understand the natural concern I have had with respect to the members of the floor staff and their families, but I understand the gentleman's point, there are some folks on this side of the aisle who are interested, and I would not preempt their right to have the special order opportunities this evening.

Mr. BONIOR. I thank the gentleman.

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

Mr. BONIOR. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would like to make a special appeal to my friend, the leader of the New York delegation, a leader in the House, and the chairman of the Committee on Rules. Under the rule, the Democrats that are in opposition to the fast track would have only 30 minutes. I know that the gentleman wants to stick by the tradition in how they have handled these things before, but I cannot begin to tell him the number of Members that are asking just to be heard to express themselves. There is a frustration that exists in the House where I truly believe that people do want to hear the debate. But in addition to this, I think that people want to explain their vote. Whether they vote for it, whether they

vote against it, they want to have an opportunity to explain through whatever way to their constituents why they are voting that way on a subject matter which I truly do not believe is that well known to the American people. I know it is extraordinary action to take a review of the decision that the full committee has made, but in view of the fact that he has said more than once that senior members of the Committee on Ways and Means have said this is appropriate time, I can tell the gentleman that senior members of the Committee on Ways and Means have asked for a half-hour themselves to be able to debate. I hope whomever they are, they will stand up, because we are catching the devil trying to allocate time. The gentleman would do this House a great service if he could be more flexible in tradition of the Committee on Rules.

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

Mr. BONIOR. I yield to the gentleman from Indiana.

Mr. PEASE. I thank the gentleman from Michigan for yielding. As the majority leader and minority leader are aware, the leadership of the freshman Democrats and the freshman Republicans, once the schedule for the weekend was announced, conferred and would like to offer as a service to our colleagues, in light of the fact that most of us return home on weekends and do not have a church home here in Washington, a joint service provided by the freshman Democrats and the freshman Republicans at 1 o'clock Sunday in 1100 Longworth for Members and their families.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California, the Caucus chair.

Mr. FAZIO of California. I thank the gentleman for yielding. I simply wanted to add my voice to those on this side who have a desire to have more time to debate this issue. There is no question that both caucuses, the caucus and the conference are divided on this but Members feel deeply about it and want to be able to make their case directly to their colleagues and to their constituents. I do not think the rule, as I have heard it described, is an adequate amount of time, and so I want to make that statement, because I support the request that has been made by the whip.

HOUR OF MEETING ON SATURDAY, NOVEMBER 8, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM SATURDAY, NOVEMBER 8, 1997, TO SUNDAY, NOVEMBER 9, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Saturday, November 8, 1997, it adjourn to meet at 2 p.m. on Sunday, November 9, 1997.

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

There was no objection.

AUTHORIZING SPEAKER TO DESIGNATE TIME FOR RESUMPTION OF PROCEEDINGS ON REMAINING MOTIONS TO SUSPEND RULES CONSIDERED MONDAY, SEPTEMBER 29, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to designate a time not later than November 9, 1997, for resumption of proceedings on the seven remaining motions to suspend the rules originally debated on September 29, 1997.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, pursuant to the order of the House of today, I call up the joint resolution (H.J. Res. 101) making further continuing appropriations for the fiscal year 1998, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 101

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(3) of Public Law 105-46 is further amended by striking "November 7, 1997" and inserting in lieu thereof "November 9, 1997", and each provision amended by sections 122 and 123 of such public law shall be applied as if "November 9, 1997" was substituted for "October 23, 1997".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] each will control 30 minutes.

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

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 101 and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, the second fiscal year 1998 continuing resolution expires tonight. Currently, 7 of the 13 appropriations bills have been enacted into law and two others are pending at the White House. We have just adopted the conference report on the Labor-HHS bill, leaving three appropriations bills left to finish in the House. Because these remaining bills will not be enacted into law by tonight, it is necessary now to proceed with an extension of the current short-term continuing resolution so that the Government can continue to operate.

The joint resolution now before the House merely extends the provisions of the initial continuing resolution until November 9, or for 2 more days, while we wrap up our work. The basic funding rate would continue to be the current rate. We retain the provisions that lower or restrict those current rates that might be at too high a level and would therefore impinge on final funding levels. Also, the traditional restrictions such as no new starts and 1997 terms and conditions are retained. The expiration date of November 9 should give us time to complete our work.

Mr. Speaker, I urge the adoption of the joint resolution.

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

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

Mr. Speaker, I frankly have misgivings and mixed feelings about this continuing resolution. People who know me know that I have a black Irish soul and that I often worry about the downside of life, but even I, until 2 days ago, was very optimistic that we would be able to get out of here with all of our work done on the appropriation bills without the need for a continuing resolution. Indeed, up until 2 days ago, I think we were on that track.

□ 1900

But then something happened, because all of a sudden the flexibility which we thought we saw on the part of that side of the aisle and this side of the aisle all of a sudden seemed to disappear, and now we have heard disturbing rumors about the linkage of fast track legislation with the remaining appropriation bills. And I must say that I find it disconcerting to go into a conference on the State-Justice-Commerce appropriation bill today and to discover that the conferees are being told that they must begin the conference without knowing what the language is that we will be asked to vote

on issues such as the census, for instance.

Now, I happen to be in a peculiar position. I have supported the Republican Party position on the issue of sampling on the census, but it is apparent to me that there is a deal or near deal between the Republican leadership and the White House on that language, and yet rank-and-file Members on neither side of the aisle have so far been given access to whatever that language is.

Now, regardless of one's position on the issue, Members have a right to know what it is, and it seems to me that we would not have this CR before us if games were not being played. We were, in fact, told that one Member of the leadership today indicated that the language on the census could not be made public until the vote on fast track because it would, quote, cost votes on fast track.

Now, I do not know which side of the aisle is likely to be sold out on that issue, whether it is our side of the aisle or their side of the aisle, but somebody apparently is, and it seems to me that what is happening is very simple. These other appropriation bills are being stalled out in terms of our getting any full information until fast track votes have been achieved.

Now, that greatly complicates the appropriations process, it greatly adds to the mistrust in this place, and it is, in my view, the only reason why we even have this CR before us tonight. The issues on appropriation bills were easily resolvable before they became linked to the fast track train, and it just seems to me that rank-and-file Members need to know that we are in the position of needing yet another CR not because of any failure of the Committee on Appropriations to do its work, or certainly not because of any failure of the chairman of the Committee on Appropriations, or to see to it that these appropriations bills are done, but simply because people at higher levels are linking things that ought not be linked, and, as a result, this committee once again is prevented from doing its business in a timely fashion.

I find that very much regrettable and very much not in the public interest, and I am tempted to call a roll call on this because of that, but in the interests of accommodating the Members who would finally like to get out of here, and get a decent meal, and get some sleep, I will withhold. But I do not think Members ought to be fooled. There is very clearly linkage that certain parties are trying to establish on these issues, and I think that is unfortunate because it gets in the way of our ability to deal with these bills straight up and on the square.

Mr. LIVINGSTON. Mr. Speaker, is the gentleman from Wisconsin prepared to yield back the balance of his time?

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

Mr. LIVINGSTON. Mr. Speaker, in the interests of staff throughout the House and my own desire to end this long week and engage in further discussions on additional bills tomorrow, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to the order of the House today, the joint resolution is considered read for amendment.

Pursuant to the order of the House today, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

THE JOURNAL

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

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

DESIGNATION OF HON. STEVEN C. LATOURETTE TO ACT AS SPEAKER PRO TEMPORE ON TODAY

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
November 7, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FAILED TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, last evening and this morning on television, I heard the President and the Vice President say that if there were a secret vote on the extension of fast track authority, they knew that they would win by a 2- or 3-to-1 margin, because in their hearts the 80 percent of the Democratic caucus which is opposing their misbegotten trade policy would change their minds if they were not being pressured by Big Labor.

I saw the face of Big Labor here today on the Hill, people in their local union jackets with their ball caps, puzzling over maps of the Capitol, looking worried, going office to office, and I stopped to talk to some of them.

That is not what is pressuring or pushing the Democrats on this side of the aisle. We are standing on principle. We have a failed and failing trade policy in this country, a $160 billion trade deficit, a huge and growing trade deficit with Mexico, United States jobs going south of the border to United States-owned firms exporting their capital, exporting their jobs, to access 80-cents-an-hour labor in the maquilladora area; people living in pallet shacks, walking over bridges, I guess the President would call them the bridges to the 21st century, to these beautiful state-of-the-art United States-built manufacturing plants. Eighty cents an hour; is that the future that we want to push American workers toward? I think not. That is a failed trade policy.

In fact, nothing could be further from the truth than what the President and the Vice President said today. If a secret vote were held when the pressure was off from the White House, and all the deals they are cutting, and the arm-twisting from the Republican leaders and the CEOs, the dozens of chief executive officers of the Fortune 500 companies who jetted into town this week in the luxury of their private jets to twist arms and offer their own deals to Members of Congress, we would beat fast track 2 or 3 to 1.

The White House has turned into a virtual trading bazaar. I cannot believe what I am hearing from my colleagues; offers from the White House of guaranteed $150,000 fund-raisers before the end of the year to replace any money you might lose from your friends in labor after you sell out the American working people. You know, deals of bridges, deals of military projects that no one wants and haven't been funded, pork; pork is available.

Every member of the White House Cabinet is calling, burning up the lines. They have got a so-called war room here somewhere on Capitol Hill, I do not know where it is, where the 1 or 2 dozen Democrats supporting this are working the phones with intelligence, things are caught on the floor, two members of the Cabinet and to the White House and the President and the Vice President. They are busing people down to the White House. They are offering them the sun, the moon, the stars, and they can offer it. You know why? Because they offered it to everybody for their vote on NAFTA, and they never delivered it. So they can give it away twice. Is it not beautiful? It is a little bit like Lucy and the football.

How many times are Members of Congress going to hear the siren song of President Clinton, and now Vice President Gore, on these issues; the promises that they will fix it all later, or we will have side agreements that take care of the environment and labor, do not worry.

And then people buy that, and then, oops, did I ever talk to you before? Do I know you? And now they need us again 3 years later, and suddenly we have got these great deals, side agreements on labor and the environment, because the Republicans will not let us have anything to do with labor and environment in this bill, and they need the Republican votes.

Well then they maybe ought to get all their votes on that side of the aisle.

But what really made me angry was to hear the President question the motivation of people on this side of the aisle while he is offering people fundraisers, while he is offering people bridges, while he is offering people other projects.

We have a failed trade policy in this country, and perhaps, just perhaps, this weekend the American people will be well-served by this body. We will begin to question up or down votes on trade policy, no amendments allowed, whatever your concerns or perspectives are, giving up our prerogative as Members of the House of Representatives to perpetuate and continue policies that are piling up huge and growing trade deficits.

You know, someday those bills are going to come due. The U.S. is a trillion dollars in debt overseas, growing at the rate of $160 billion a year. Someday someone is going to say, we are not so sure of the U.S. economy and the U.S. dollar anymore. We want our money back.

What is going to happen to future generations? We are at the point trade with the deficit where we were with the U.S. fiscal deficit about 10 years ago.

□ 1915

People are saying, oh, it does not matter. Is it not nice they want to lend us that money and run a deficit? We are losing jobs, prosperity. We need a new policy, and we have an opportunity to get it this weekend if we defeat fast track.

INDIVIDUAL REINVESTMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I listened carefully to my friend from Oregon talk very articulately about the needs of middle-class Americans, and I agree. The middle-class American family has many needs; the need to, of course, provide for current-day living expenses, the need to provide for the futures of their kids and save money for that, the need to provide for safe retirement programs for themselves, the need to provide housing, et cetera.

We did something good for middle-class America this year, because we put in place an Individual Retirement Account Program extension to help them save for those things, because, you see, today, under the Tax Code, the norm is that when we earn money, we are taxed on that income, and then when we put that money away for some future use and we earn income in the form of interest or dividends or capital gains, we are taxed again. So on a lot of America's income, we are not taxed just once, we are taxed twice, once when we earn it and once when it earns some income for us.

So, wisely enough, on a bipartisan basis for middle-class American families, we decided this year to expand the IRA program, and, as far as it went, it was good, and it is good.

This year, the eligibility level or the income total amount that a family can earn is not any longer $40,000; it is twice that, it is $80,000. It used to be, last year, that if a spouse was a homemaker, that spouse could not take the full $2,000 provision in the way of a deduction and put that money away tax-free. Henceforth, he or she will be able to do that.

We also permitted withdrawal without penalty for first-time home buyers, and that was certainly a great expansion. We also put in place a little provision to help save for our children's higher education, and that was good. So we did some pretty neat expansions.

But let me say it seems to me that that only goes partway to where we need to be. The IRA program is good, it has been proven good for middle-class American families, and has been proven to help people save. It has encouraged savings throughout our society, and it seems to me that in all the talk that is going on around here about tax reform, that we ought to look at how we can help even more.

Now, the $2,000 limit we are still living with today was established decades ago, and decades ago $2,000 was a lot of money. It is still a lot of money, but it was multiple times as much money in real terms back when it was established.

Some time ago, I introduced a bill to increase that $2,000 amount by $500 a year for 10 years, so that 10 years from the time my program would be adopted, the amount that we could save, put away each year in our IRA and have as a deduction, would be $7,000. Built on top of the $2,000 that we have now, $500 a year for 10 years, 2 plus 5 is 7. I think that is real progress.

We also proposed that middle-class America, yes, middle-class America fits within $80,000, but when you have got a couple of folks working, say they are both schoolteachers, and say the combined income is $100,000; today they do not even qualify under the expanded program that we put in place this year.

So I suggest we increase that not to $80,000, as we already have, but to $100,000, so hard-working families whose mom and dad go out and make $50,000 apiece working hard can also qualify.

In addition, we might want to consider there are some other worthwhile needs we need to save for and can withdraw from the program without penalty. Retirement is one currently, higher education is one currently, and first-time home buyer is one currently, with different little ramifications along the way.

Unemployment is a need we have traditionally saved for, and we might want to consider adding unemployment as a provision we could withdraw for without penalty.

Adoption is another one, obviously, that folks on both sides of the aisle talk about as being a very worthwhile activity. So we might want to look and talk among ourselves about some other things that we could withdraw from the fund for penalty-free.

So, the individual retirement account bill I think is a very worthwhile bill to consider in terms of expansion. I call the new bill that I introduced the Individual Reinvestment Act, or IRA. The Individual Reinvestment Act.

Let me also say, Mr. Speaker, that as chairman of the Joint Economic Committee, I know that throughout our society not only would individuals who save under this program benefit, but our entire economy and our entire society would also benefit under the program, because one of the things that is absolutely necessary for economic growth across the board is the ability to have access to capital.

When people in small businesses or people in medium-sized businesses or people in large businesses want to expand their business, they have to borrow, and having those funds available in institutions to be borrowed is very important. This bill will help expand the pool of money available to us as well.

So, Mr. Speaker, thank you very much for this time. I urge everybody to give this matter very serious consideration.

OPPOSITION TO FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight in opposition to fast track. There are many, many, many reasons to oppose fast track. Certainly one reason you could oppose it is because of the hypocrisy of President Clinton and Vice President GORE when they spoke about pressure being put on individuals to oppose fast track.

The hypocrisy is that it has been the President, the Vice President, and the Republican leadership that have been putting pressure on individuals in this body to support fast track. That is where the pressure has been coming from, that is where the intimidation has been coming from, and, as I say, that would be one reason to vote against fast track right off the bat, the hypocrisy of the Clinton administration.

You could also vote against fast track because none of our trade policies over the last 15 to 20 years have done anything whatsoever to improve the standard of living or the working conditions of foreign workers. Our trade policy has done nothing to improve the environmental conditions in foreign nations where we have signed trade agreements. Those would be more reasons for voting against fast track.

But to me, the most important reason for voting against fast track is the fact that it will continue the downward slide of the standard of living of all American working people.

Twenty years ago, the standard of living of the American working man and woman was tops in the world. Because of the trade policy that we have followed in these 20 years, there has been an erosion in that standard of living. NAFTA accelerated that erosion considerably.

If we support fast track tomorrow or on Sunday in this House of Representatives, we simply are saying to the American working man and woman that we do not care about your standard of living. We do not care if your standard of living falls down by 25 percent, 50 percent, 75 percent. All we care about is what profits the corporations in this Nation and in other nations of the world can make at the expense of American working men and women.

With the economy that we have in this country, the large economy, the strong economy, the prosperous economy, every nation in the world wants to get into this economy, wants to trade with this economy. Because of that, we should be in a position to negotiate trade agreements that are totally and completely advantageous to the American working man and woman.

That is what we should be doing. That is what we could be doing. And if we can defeat fast track in this body this weekend, then we can start to turn things around and start rebuilding the American dream for the American working man and woman.

ERADICATION OF DISEASE, A NEW NATIONAL GOAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, today I have introduced legislation that would create a Presidential-congressional type of commission for the investigation of ways and means on the part of the American people, through their elected officials and through their institutions, to commit themselves to a new national goal.

Mr. Speaker, during the 20th century the main goal of the United States was necessarily to throw back the aggressive totalitarian governments that tried to dominate the 20th century and also to defeat communism as a world power or global entity.

In those attempts, the United States was successful, and today we find ourselves, after the Berlin Wall, as the only superpower left and with no really visible goal in front of us.

The bill that I introduced allows our fellow Members, who would serve on a commission, along with others to be appointed by the President and the Senate, to fashion a new national goal, which is to eradicate disease from the face of the Earth.

Now, this may sound lofty and unattainable, and it probably is not within our means to totally eradicate every vestige of disease known to mankind. But if we have that as a national goal, knowing that the United States already leads in biomedical research, in the production of methodologies of health care, of pharmaceuticals, of new ways of producing medical devices, the whole host of things that benefits the human condition, if we make that our goal for the next century, then not only will humankind be better off throughout the world, but the economy of the United States, the enterprise of the United States, the leadership of the United States will continue in wondrous ways for the benefit of our people, because when we talk about an attempt, a bold attempt, to eradicate disease from the face of the Earth, are we not talking about trade between countries on matters that would lead to new products in health care, new medicines, new ways of treating disease? Would we not have our hospitals and our medical colleges and our universities honed in on the great goal that we are going to be articulating?

This is so important to me personally and, I believe, to our country, to focus our energies, our innate initiatives that have served us so well over the years, into this goal of humanitarian capacity in such a way that it benefits every strata of our society; not just the health care community, but everyone in the community who, in one way or another, will have to come into contact with the health care system and with those things that benefit humanity.

I have had discussions about this with individuals at the National Institutes of Health, with people in the medical universities, with newsmen and media people who have more than a passing interest in this kind of issue, and have found a warm reception in every one of those projections.

□ 1930

So I would invite my colleagues to join with me in this bill. We would create this commission, we all would have input as to the ways and means that they would adopt for achieving this national goal, and then when our time is completed in the Congress of the United States, we will have laid the groundwork for a 21st century replete with American accomplishment.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundegran, one of its clerks, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H.J. Res. 91. Joint resolution granting the consent of Congress to Apalachicola-Chattahoochee-Flint River Basin Compact.

H.J. Res. 92. Joint resolution granting the consent of Congress to Alabama-Coosa-Tallapoosa River Basin Compact.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 738. An act to reform the statutes relating to Amtrak, to authorize appropriations for Amtrak, and for other purposes.

NAFTA IS NOT GOOD FOR AMERICA

The SPEAKER pro tempore (Mr. BRADY). Under a previous order of the House, the gentleman from Ohio [Mr. KUCINICH] is recognized for 5 minutes.

Mr. KUCINICH. Mr. Speaker, for those who have been following the debate over fast track, I would just like to review a few facts. First of all, fast track is legislation which provides for expedited congressional consideration. It is called fast track because it is a way to force through Congress an up-or-down vote on a major trade package. Those who are interested in the history of this should remember that fast-track authority was first granted by the Congress in 1974. It gave the President the ability to move along trade agreements.

In 1994, fast track expired, after the approval of NAFTA and the Uruguay round of the General Agreement on Tariffs and Trade, also known as GATT.

What is happening now is that the President is asking for renewed fast-track authority and wants to expand NAFTA and the free trade zone to Chile and the other South American countries, and he wants trade agreements with even more countries as well, using the fast-track legislation.

We must keep in mind that fast track does not provide for any amendments, so that this Congress has no ability to change the terms of the fast-track

agreement and, therefore, to have an impact on American trade policy. The reason why so many of us in Congress are concerned about this issue is this: I would like to look at the effect that NAFTA has had, because we are really talking about expanding NAFTA here, at northeastern Ohio.

Now, I am from the State of Ohio, I am in the 10th Congressional District in Ohio, and I represent an area that includes the city of Cleveland and surrounding suburbs. My constituents include auto workers, steel workers, and their families. They are very dependent on the auto industry and the steel industry for jobs. These are people who have fought for this country, who believe in this country, who have given much to this country, who helped to build this country through building the major industries with their labor. Americans secured its freedom through our strategic industrial base of steel, automotive and aerospace, and the people in Cleveland have been an important part of that.

But when a report came out a few months ago on NAFTA, it was learned once and for all how the people of Cleveland and how communities like ours across the United States have been adversely affected by NAFTA. We found out that U.S. exports to Mexico have been inconsequential, a little over $1 billion in the 3 years covered by the study, that Mexico was not the consumer market that everyone said it would be. We were promised that there was going to be expanded trade with Mexico.

Well, the fact of the matter is, workers in Mexico who are making 90 cents an hour cannot buy cars made in the United States that cost $16,000. The truth is that Mexico has become increasingly an export platform for vehicles sold in the United States. U.S. auto imports from Mexico are more than 10 times the value of U.S. exports to Mexico. And most importantly, the U.S. auto trade deficit has grown since NAFTA by about 400 percent to $14.6 billion, from $3.6 billion.

Mr. Speaker, the business of politics is a very complex business, as those of us who have been in politics for a while understand, and even those who have the best of intentions often are not able to get to their goals that they have stated in promises in order to achieve support for their proposals.

There were many promises made to secure support for NAFTA years ago, a few short years ago, and those promises moved votes in this House. Those promises caused people to have hope that somehow NAFTA that we are voting on in the next 2 days, an agreement that would expand NAFTA, that NAFTA would benefit the constituencies which we represent. People were promised that NAFTA would create 200,000 new U.S. jobs. All of us remember that promise.

The fact is, Mr. Speaker, that the United States has lost more than 430,000 jobs due to NAFTA. For example, Kodak will cut 14,000 jobs and shift production to Mexico. The U.S. people were promised that the United States would inspect imported food for pesticides. Well, we know, the truth is that inspections of illegal pesticides on imported food have actually decreased, and we have seen the consequences with the great strawberry scare of a few months ago where school children in a few States were adversely affected by the pesticides which were put on strawberries.

Mr. Speaker, NAFTA has not produced benefits for the American people. It has increased the trade deficit; it puts downward pressure on wages, and I am hopeful that within 4 hours NAFTA will be soundly defeated through us defeating fast track and coming back with a plan to make our trade agreements in this country fairer to the American workers and to their families.

SPECIAL ORDER IN MEMORY OF JOHN STURDIVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I rise today to express my sorrow over the passing of John Sturdivant. His death is a great loss not only to the American Federation of Government Employees, but to civil servants across the country. John Sturdivant demonstrated dedication and courage throughout his entire life, as he battled against Government downsizing, excessive privatization, restrictions on political activity by Government employees and, ultimately, leukemia. Through all of these challenges, he remained a devoted champion of workers everywhere, and his efforts will be long remembered and sorely missed.

John Sturdivant leaves behind him a legacy of victories and improvements that will continue to benefit the employees he represented even though he can no longer speak for them. During a period of relentless attacks on Federal workers, through Government downsizing and budget pressures, John fought to preserve jobs and spoke out for the interests of working families everywhere. He struggled against two wasteful Government shutdowns, and tirelessly advocated for improved conditions, pay raises and better retirement benefits for those he represented. John Sturdivant was instrumental in bringing about Hatch Act reforms which enable Federal employees to contribute money, attend fundraisers and volunteer for campaign work. In short, he was a great friend for workers and a great voice for change, and his passing leaves us missing a powerful and passionate ally.

SECRETARY BABBITT'S ABUSE OF POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I stand before you today in disbelief, in fact in total disgust. I stand here before you in an effort to seek the truth in campaign fund-raising allegations involving the Secretary of Interior, Mr. Bruce Babbitt, a serious abuse of power.

I am here to inform my colleagues of the mounting evidence that Secretary Babbitt potentially misused his administrative position to influence the outcome of a 1995 Department of Interior decision regarding an Indian gaming permit to a group of Chippewa Indians in Wisconsin, all that in exchange for political contributions to the Democratic National Committee.

Allow me to set the stage. Three groups of Wisconsin Chippewa Indians recently filed a lawsuit charging that the Clinton administration bowed to improper political pressure when the Interior Department rejected their application for a gaming permit in 1995.

So what was the reason for this otherwise unexplainable denial? Well, other tribes opposing their application donated more than $270,000 to the Democratic National Committee soon after their proposal was rejected. The rival tribes were trying to prevent competition to their lucrative gaming interests located some 20 miles from Minneapolis and St. Paul, MN.

Now, Mr. Paul Eckstein, an attorney and old friend of Mr. Babbitt, recently testified before a Senate Governmental Affairs panel on campaign fund-raising hearings that he met with Secretary Babbitt on July 14, 1995, after being told by another Interior Department official that the casino planned by 3 Wisconsin Chippewa tribes was being disapproved. Eckstein proceeded to tell the Senate Governmental Affairs Committee that Mr. Babbitt's response was that Deputy White House Chief of Staff, Harold Ickes, had directed him to issue the decision that day. In a 1996 letter to Senator JOHN MCCAIN, a Republican of Arizona, the Interior Secretary denied making the comment about Ickes. But last month, Mr. Babbitt again recanted, acknowledging that he did, in fact, make the remarks to Mr. Eckstein simply to get the lawyer out of his office.

Well, the contradiction in Secretary Babbitt's responses troubles me almost as much as the act of trading favors for campaign money. The blatant misuse of administrative power for monetary gain is a serious offense. If no other inconsistencies were uncovered beyond this, this would still warrant the appointment of an independent counsel.

At issue in this case is whether Secretary Babbitt's decision to deny the application was influenced by the promise of political contributions and whether his actions came as a result of an order from higher up in the administrative ladder.

Mr. Speaker, it is not my intent to stand here before the House in an attempt to influence the outcome of this case, nor to comment on any more specific details of the event that precipitated this matter. However, the apparent seriousness of the allegations of this wrongdoing and underlying facts clearly dictate further investigations into this matter.

I have in my office investigative reports, many from major news publications on this subject, that confirm in precise detail the pervasive, serious and potentially unlawful conduct of Secretary Babbitt's 1995 decision.

The likelihood that government policy was made in return for a political donation in this case clearly brings into question whether criminal misconduct occurred in fund-raising efforts for the 1996 Federal election.

Mr. Speaker, I stand before you today to inform you of major malfunctions in the campaign fund-raising machine for the 1996 election, and I am also here to inform my colleagues of my intent to pursue this matter further.

In fact, I would like to report on Friday of last week I sent a letter to the Attorney General, lauding the Justice Department's decision to open a 30-day initial review into how Secretary Babbitt handled the application for an Indian gaming permit back in 1995. But this is not enough. In this same letter I expressed my earnest sense of urgency on behalf of the American people in pushing forth with the appointment of an independent counsel to investigation this scandal.

SHADY DEALS TO JAM FAST TRACK THROUGH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I appreciate the opportunity to address the House for a few minutes this evening.

I read earlier today a story on the AP wire about some of the deals that have been made between the White House and Members of Congress on the fast track legislation which we were going to consider today, but has been pushed back until Sunday, frankly because Speaker GINGRICH and the President do not have enough votes with the deals they are making to jam this bill through the Congress of the United States.

What troubled me today, and I would like to share for a moment one of those deals that was mentioned in the AP wire story. I will quote:

> A Member of Congress announced his support for a fast track trade bill Friday after the White House circulated a 7-point memo promising continued support for the tobacco price support program and immunity from health-related lawsuits for tobacco farmers.

The paper also promised reform of import duty rules that farmers say encourages imports of foreign tobacco. Lobbyists said the moves were aimed at garnering the Congressmen's support.

This deal is troubling for a whole bunch of reasons, Mr. Speaker. As the ranking Democrat on the Subcommittee on Health and Environment on the Committee on Commerce, the subcommittee that, under the leadership before of the gentleman from California [Mr. WAXMAN] and other Members of Congress brought forward many of the problems with tobacco, many of the issues with tobacco executives and some of the problems, particularly with teenaged smoking, and I am particularly concerned about this deal that the President has purportedly made, according to the AP wire story, with some Members of Congress in order to get their votes for the fast track legislation.

Immediately, upon reading this story, I called the White House to ask for a copy of this 7-point memo that was about tobacco, about protecting tobacco, that would bring in the support from Members of Congress for the fast track bill.

□ 1945

The White House has still refused to send this memo. For whatever reason, they have not felt obligated to send this memo, even though next week this Subcommittee on Health and Environment and the full Committee on Commerce will be holding a hearing on tobacco.

So what troubles me, and I think what troubles people across this country, is that on a trade issue, an issue that has nothing to do with tobacco, we are seeing a deal cut by a President that has gone around the country and a Vice President that has gone around the country talking about the evils of teenaged smoking, something I agree with.

On the one hand, the President and the Vice President have excoriated the tobacco companies, have talked about how the tobacco companies market to children, and on the other hand, on an unrelated trade deal, the administration seems to have cut a deal on tobacco in order to get the vote of one Member of Congress.

Mr. Speaker, I called the White House and could not get a copy of this memo. So we placed calls to the American Cancer Society, the Coalition for Tobacco-Free Kids, the Heart Association, and several other public health groups to try to get a copy of this memo. Nobody has been able to, except supposedly this Congressman that has made this deal with the President.

I think, Mr. Speaker, that when the American people find out about this, that on a trade deal, on an unrelated trade deal, the President of the United States and the Vice President of the United States, both people who have led the charge against teenage smoking, and I admire them for that, I respect them for that, I applaud them for that, they have turned around and cut a deal in order to get an unrelated fast track trade bill through the Congress, I think that the American people will be outraged when they hear this, when they hear that this kind of deal has been cut simply to get a vote on the floor of Congress on an unrelated trade bill.

Again, Mr. Speaker, the President and the Vice President have led this country admirably, have moved forward in a very positive way in exposing the evils of teenage smoking. They have, through our subcommittee and through other committees in Congress, helped to lead the charge in eradicating smoking among teenagers, and have played a very positive role in helping people stop smoking in this country. Yet, they turn around and do this.

I think, Mr. Speaker, that we will see a torrent of calls to the White House wanting to know more about this deal, wanting to know what exactly has happened. When does this kind of deal-making stop?

IN RECOGNITION OF DAVID E. LARKIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PORTMAN] is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the remarkable work of David E. Larkin on behalf of Cincinnati's Dan Beard Council of the Boy Scouts of America.

David's achievements in Greater Cincinnati Scouting are both extraordinary and numerous, and I would like to cite just a few examples.

He has provided outstanding leadership, motivation, and direction in the development of the Dan Beard Council's Executive Board, one of the most philanthropic youth service organizations in the Greater Cincinnati and Northern Kentucky area.

More than 1,000 "at risk" young people in the Greater Cincinnati area have had the opportunity to experience the cherished values of Scouting thanks to Challenge Camp, which David created.

David's imagination and creativity brought into being "The Scout Family Jamboree," an event attracting some 45,000 attendees showcasing not only Scouting, but many community activities and events.

Through his exceptional leadership and global vision, David has provided the catalyst for the approval of a comprehensive $14.5 million Camp Re-Development Capital Campaign to construct a 25-acre lake, Cub World, and Boy Scout camp to serve the Dan Beard Council well into the 21st century.

David has provided the leadership, quality standards, the means and methods necessary to expand the scouting program in Southwest

Ohio and Northern Kentucky to annually involve a record 65,000 youth and adults.

David's work in Scouting has also enabled him to be involved in other vital community programs. He has worked to enrich the relationships of scouting with the United Way and Community Chest, which has helped increase awareness and funding for these highly worthwhile service organizations. In addition, David has successfully initiated a positive alliance between the Boy Scouts and the Greater Cincinnati, Northern Kentucky Schools and educational institutions, resulting in expansive growth in "Learning for Life" and Career Explorer programs.

David has been asked to be the new Chief Executive of the Atlanta Boy Scout Council, and will soon be leaving the Cincinnati Dan Beard Council, on which he has so ably served. We in Cincinnati will certainly hate to lose David, but his selfless dedication and tireless work on behalf of Scouting and our community will not be forgotten. We wish him the best.

TRANSFER OF SPECIAL ORDER TIME

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Illinois [Mr. POSHARD].

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

There was no objection.

THE RECIPROCAL TRADE AGREEMENT AUTHORITIES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to fast track. Mr. Speaker, the labor movement has always been the home of the American worker. It has been the safe haven for the American dream. But today we are in a time of conflict. There are contemptuous winds blowing in the direction of the American worker.

I have always believed that democracy vests its rights in the living person: one person, one vote. However, the economic markets recognize only money, not people: one dollar, one vote. These markets give no choice to the workers or their families. When the market seeks solely to make a profit, it is an instrument of oppression. It is an instrument which allows the few to monopolize society's resources, leaving the less fortunate without health care, jobs, and other means of livelihood.

Some say that the opponents of fast track would stop United States participation in the global economy and threaten our Nation's jobs. Supporters say fast track helps our country stay competitive and maintain a strong economy by ending unfair trade barriers imposed by foreign governments.

Throughout my public career I have always been an advocate for equality and fairness, but I recognize the difference between fairness and laissez faire-ness. This trade agreement will only consider corporate interest deals, while efforts to improve the conditions of workers' rights are muffled.

According to a University of Illinois study, the city of Chicago lost 80,000 manufacturing jobs between the years 1980 and 1990. These jobs were jobs that enabled workers to purchase homes, pay college tuition, participate in the American dream. At present, my district has recently lost five industries to other countries, leaving 704 workers unemployed and jobless.

Mr. Speaker, markets are important institutions, and they have an essential place in any democratic society, as long as these markets function within the framework of democratically determined rules and public safeguards.

I am in support of American competitiveness and want a democratically fair playing ground for all of our country's companies. But there is nothing democratic about giving jobs to other countries. There is nothing democratic about reducing American workers' benefits and wages. There is nothing democratic about environmental deregulation, and there is nothing democratic about ignoring the rights of thousands of workers for the approval of a few companies.

A. Phillip Randolph once said:

> At the banquet table of life, there are no reserved seats. You get what you can take, and you keep what you can hold. If you can't take anything, you won't get anything, and if you can't hold anything, you won't keep anything.

A. Phillip Randolph was so right. So today let us take back workers' rights, so that the American workers can hold onto their lives and hold on and make real the American dream.

ON THE USE OF THE DRUG MYOTROPHIN FOR SUFFERERS OF LOU GEHRIG'S DISEASE, AND A CAUTIONARY NOTE ON USE OF THE INTERNET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, sometime in the next couple of weeks, the Food and Drug Administration has told my office that it will make a decision about the drug called myotrophin. This is the only drug currently available that gives some hope to the victims in the advanced stages of the deadly illness we all know as Lou Gehrig's disease.

As almost everyone knows, this is a horrible nerve disorder that slowly robs victims of their ability to walk, talk, move freely, and eventually even to eat, swallow, and breathe on their own. There is no cure. The disease has always been fatal. But now, finally, there is a drug, myotrophin, that gives victims of Lou Gehrig's disease some small sliver of hope.

Unfortunately, this drug has not been approved by the Food and Drug Administration. There is no question that this drug is absolutely safe, but the FDA questions if it actually improves quality of life.

The patients and doctors who have worked in the experimental trials are convinced it does improve and extend the lives of these victims. Demonstrating that improvement to an absolute mathematical statistical certainty is going to be a very long, arduous task. Thousands of people will be robbed of their only hope in the meantime.

An advisory committee of the FDA voted to reject final approval of the drug until more evidence is gathered. Sometime in the next couple of weeks the FDA will make the final decision on whether these sufferers will be allowed to use this drug.

The drug is safe, Mr. Speaker. There is some disagreement about its effectiveness, but many doctors and patients believe in myotrophin and want to use it. They should be allowed to do so. The FDA should not play God. They should not take away the last hope these people have. If this is still a free country, these victims of Lou Gehrig's disease should be allowed to use this drug if they and their doctors feel that they should.

Mr. Speaker, I want to move to an unrelated but also very important subject. Last week, last Friday, on the ABC program "20/20," Barbara Walters helped present what she described as the most important hour ever shown on national television. This was a program attempting to alert parents to the horrible, sick, warped things that millions of children are being exposed to on the Internet. There are all types of pornography which cannot be totally effectively blocked, and, even worse, sexual predators preying on children over the Internet.

I know that for some reason there are some people who worship computers today and are greatly offended if anyone even implies that anyone or anything should restrict their use in even the slightest way. I also know that computers do wonderful and miraculous things and have greatly enhanced our quality of life. But I also know there is a down side to becoming totally, completely dependent on and controlled by computers and the Internet. We started out controlling the computers, and now they seemingly control us.

Mr. Speaker, I simply happen to believe that we should worship God, not Bill Gates. We have allowed far too much power to be concentrated in the hands of one man and one company, so I applaud the Justice Department for

taking on Mr. Gates and Microsoft, although probably the government will lose in the end.

I heard on the national news a few months ago that the Massachusetts Division of Motor Vehicles was going totally online and hoped that they didn't have to see a live customer 10 years from now.

I heard a leading Washington sports columnist on the radio a few days ago say that when people called him to get his e-mail address and found out they were talking to him in person, they frequently, quickly hung up.

The Washington Post this week had a story about how the Internet was drawing some families closer together, because college students would have conversations over their computers that they would never have in person.

I read an article recently by a Harvard professor who said, we are allowing the electronic media to isolate us from each other, and that membership in all sorts of organizations, good organizations, is rapidly declining.

We worried about our children spending too many hours in front of television screens, so now we have placed them in front of computer screens that oftentimes have things on them far worse than what is on television.

With each passing year we seem to be talking less and less with each other. People do not know their next-door neighbors. They tell us that more and more people are working out of their homes. We are spending less and less time with our fellow live human beings, and more and more time in front of television and computer screens.

I sometimes wonder how much human contact there will be 50 or 100 years from now. On the 20/20 program they reported about the 11-year-old boy in New Hampshire who was murdered while selling door to door for his school. He was killed by a 15-year-old boy whose mind was warped and filled with rage after a homosexual relationship with an adult he met over the Internet.

And then we have the year 2000 problem which Newsweek said is going to cost us $1 trillion in litigations and software costs and other expenses simply because these computers cannot realize that we will change from 1999 to the year 2000.

This is crazy. It will cause everything to cost more.

I am not saying that we should do away with computers. I know that frequently, when someone disagrees, they resort to childish sarcasm because that is easier and simpler than arguing on the merits.

I know that some will be sarcastic about what I have said tonight.

Again, Mr. Speaker, I am not saying, throw out our computers, but I am saying, do not get addicted to them, either. Do not go crazy over them. Do not let them get out of control and destroy the lives of innocent children. Be alert that there are dangers, and spend less time in front of screens and more time talking to and helping each other.

TRANSFER OF SPECIAL ORDER TIME

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California [Mr. FILNER].

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

There was no objection.

WE MUST LOOK A GIFT HORSE IN THE MOUTH WITH REGARD TO TURKEY'S FUNDING OF CHAIR AT UCLA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. SHERMAN] is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I rise today to focus on a generous gift to my alma mater, but looking at the history of Troy, I have learned that sometimes one must look a gift horse in the mouth.

The Government of Turkey has offered over $1 million to fund a chair at my alma mater, UCLA, in the study of Ottoman and Turkish history. While the generosity of such an offer should be noted, I note the concern in the academic community and concern among those of us concerned with international relations for the academic integrity and historical accuracy of the academic work that will be done by the occupant of this chair.

Our concern for history is based on history. The Turkish Government has endowed other chairs at other American universities, and the occupants of those chairs have sought not to report and analyze history, but to rewrite it and cover it up.

Mr. Speaker, as a Jewish American, I am very concerned with those who would want to cover up the history of genocide, or claim that the Holocaust against the Jewish people did not occur or did not occur on a massive scale. But as an American and as a citizen of the world, I am equally concerned about attempts to cover up and deny other genocides.

I am certainly concerned that the occupant of this chair at UCLA may feel or may be pushed toward trying to deny the great massacres at Smyrna, or the genocide of the Armenian people that occurred in the first two or three decades of this century.

□ 2000

Those of us concerned with history must remember that those who forget history are doomed to repeat it, and those of us concerned with avoiding genocide must remember, never forget and never again. Indeed, the history of the Ottoman Empire and the Republic of Turkey are two subjects of academic study. But that study should be unbiased and uninfluenced.

I would suggest that UCLA look at a number of academics who have studied the history of Anatolia, the history of the Caucasus, who have established their academic freedom and their academic independence. For example, Marjorie Housepian Dolkin or Speros Vrionis would make excellent occupants of this new chair in Turkish and Ottoman history, and their academic independence would be beyond question. Whoever occupies any chair looking at the modern history of Turkey should look not only at the promise of this nation, but also some of its misdeeds as well.

Last week, I had a chance to talk to Kathyrn Cameron Porter and to talk also with several others who, along with her, are fasting to protest the Turkish Government's imprisonment of Leyla Zana, a duly elected member of the Turkish Parliament who has been arrested for addressing a committee of this House of Representatives.

As an American, I am offended that someone would be imprisoned for giving us their views. And as a graduate of UCLA, I want to make sure that any review of modern Turkish history is complete and full and focuses on some of the human rights abuses, including the imprisonment of Ms. Zana.

I look forward to UCLA expanding upon its reputation as one of America's and one of the world's great universities and look forward to UCLA doing so by looking at all aspects of Turkish history and the history of the Ottoman Empire.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to section 251(b)(2)(C) of the Deficit Control Act of 1985, as amended by the Balanced Budget Act of 1997 (P.L. 105–33), when an appropriation specifies an amount for "Continuing Disability Reviews" under the "Limitation on Administrative Expenses" account for the Social Security Administration, the allocation to the Committee on Appropriations and the aggregate budget totals shall be adjusted for the additional budget authority and resulting outlays subject to limits set forth in that act.

On July 28, 1997, an additional $245 million in budget authority and $232 million in outlays was provided upon the reporting of the appropriations bill for the Departments of Labor, Health and Human Services, Education and related agencies for fiscal year 1998 (H.R. 105–2264).

The conference report on H.R. 105–2264 has been filed and contain $290 million in budget authority and $273 million in outlays for continuing disability reviews. These amounts are within the limits established for fiscal year 1998. Therefore, the allocation to the Appropriations Committee and the aggregate budget totals for fiscal year 1998 are

being raised by $45 million in budget authority and $41 million in outlays as shown on the attached table.

These adjustments shall apply while the legislation is under consideration and shall take effect upon enactment of the legislation.

Committee on Appropriations
[Dollars in millions]

Discretionary	Current allocation		Change		Revised allocation	
	BA	O	BA	O	BA	O
General Purpose	$520,120	$549,837	+45	+41	$520,165	$549,878
Violent Crime Reduction Trust Fund	5,500	3,592			5,500	3,592
Total	525,620	553,429	+45	+41	525,665	553,470

The aggregate levels for budget authority and outlays for fiscal year 1998 are increased as follows:

[Dollars in millions]

Current aggregates:	
BA	$1,387,183
O	1,372,461
Change:	
BA	+$45
O	+41
Revised aggregates:	
BA	1,387,228
O	1,372,502

BUMBLEBEE BRIGADE FLIES ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, experts tell us that the bumblebee should not be able to fly. They tell us that the bee's body is too heavy and its wings are too small. Washington experts, with similar assuredness, told us that the budget could not be balanced, entitlements were too large, taxes were too low. Experts can be wrong.

Just a few years ago, the experts said that the Republicans could not take control of Congress. It had not been done, after all, in 40 years. Well, the voters proved them wrong in 1994, when they sent a new majority here to Washington. I was a member of that new class of representatives, that I like to call the Bumblebee Brigade, because we did not know what we could not do.

As we reach the end of this session of Congress, let us see how the hive is doing. In 1995, Republicans swarmed onto Capitol Hill with the promise to reform Congress and vote on 10 historic bills within our first 100 days. We called that promise the Contract with America. The experts told us that we were too ambitious and that it could not be done. Instead of listening to them, we kept our promises, and today almost all of that Contract has been signed into law.

Those same experts told us that we could not reform welfare. Well, once again, they were wrong. We passed the Personal Responsibility and Work Opportunity Act last summer. By converting much of the program into block grants and requiring work, we have nudged more than one million families off welfare rolls and onto payrolls. Today we are saving money. But more importantly, Mr. Speaker, we are saving people.

The critics told us we could not cut taxes while we were balancing the budget. On this issue, too, they were wrong. This summer, we passed the Taxpayer Relief Act, providing American families with their first tax cut in 16 years. We also encouraged investment and savings by slashing capital gains taxes by more than 30 percent.

Despite this, the experts have continued to criticize this Republican Congress. But as John Adams said, "Facts are stubborn things." The truth sometimes stings. The critics say that "business as usual" is still the rule on Capitol Hill and nothing has changed in the last 2½ years. The facts say otherwise. We cut congressional committee staffs by one-third, passed term limits for the Speaker of the House and committee chairmen, opened congressional hearings to the public, forced Congress to get a three-fifths vote before hiking taxes, and made it live by the laws it passes. And that was all done on just the first day of the 104th Congress.

Shortly thereafter, we cut congressional spending by 10 percent, banned lobbyists from giving gifts to Members of Congress, and rescinded more than $9 billion in 1995 spending agreed to under the old majority.

Critics say that Government spending has not changed since 1995. The fact is that in the 7 years before the GOP Congress, Government spending grew by an average of 5.3 percent per year. In the last 2 years, however, spending has grown by an average of only 3.1 percent. In the 20 years before a GOP majority, Congress spent an average of $1.21 for every dollar it took in. Today that number is $1.01.

The critics have been especially rough on our balanced budget agreement, saying that it does too little to entitlement programs and assumes a future of tall clover, balancing the budget with rosy economic forecasts. The fact is that Government spending slows the rate of growth of entitlement spending by over $400 billion over the next 10 years. Rather than relying on pie-in-the-sky economics, the agreement actually assumes that the economy, which has been growing at an average of 2.7 percent in the last 5 years, will actually slow down and grow by only 2.1 percent over the next 5 years.

The critics say that we have gotten off track in our plan to balance the budget. Once again, they were wrong. In our 7-year balanced budget plan, we estimated that we would collect about $1.43 trillion in revenue in 1996 and $1.45 trillion in 1997. Similarly, we projected spending $1.59 trillion in 1996 and $1.62 trillion in 1997. Because of the strong economy, however, we have actually taken in $149 billion more than we expected. And the sweeter news is that in the last 2 years we have actually spent $48 billion less than our projections.

To put it another way, for 2 years Congress has had $149 billion more to spend than it planned. But unlike previous Congresses, we held the line on spending and came in $48 billion under our goals. Does anyone seriously believe that if a Democratic Congress found itself with nearly $150 billion in unexpected revenue it would spend $48 billion less than its budget targets?

Teddy Roosevelt once said, "It is not the critic who counts." Similarly, the bumblebee really does not care what the experts or critics say about how he is flying. He just flies and goes about his business. He simply does not know any better.

Since we buzzed into Washington to begin our work in 1995, the stock market has doubled, interest rates have dropped by 25 percent, and 6.4 million new jobs have been created. Above all, this year the deficit stands at $23 billion, the lowest it has been in more than 20 years.

If the critics can continue to ignore the facts, we will just have to ignore the critics. To paraphrase the old Arab proverb, "Dogs may bark in the night, but the bumblebee brigade flies on."

TRIBUTE TO JOHN N. STURDIVANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. RUSH] is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, tonight, I rise to give tribute to the late John N. Sturdivant, President of the American Federation of Government Employees. John died last week, after a heroic battle with leukemia.

Family, friends, and co-workers said farewell to John Sturdivant this week at a memorial service. He will be deeply missed.

John Sturdivant dedicated his life to working people, especially government workers. As leader of AFGE—178,000 members representing one-third of our Federal workforce—

John fought tirelessly to transform the union into a dynamic advocate for the working and middle class Americans who make up the D.C. and Federal workforce.

John led a vigorous national campaign for pay raises, better benefits, and working conditions. He worked hard with legislators at all levels, to encourage "locality pay." This promotes a salary system that makes sure that Federal workers are paid at a comparable level with private sector workers.

John was at the forefront of a struggle that my constituents who are public service and Federal workers face daily: the fight against privatization. He also fought for the use of "official time," and was a champion of the struggle to protect Federal workers' retirement benefits.

We will remember John Sturdivant for many contributions. He championed the right of Federal workers to have a voice in politics. Working in a bipartisan manner, John Sturdivant worked to secure reforms to the Hatch Act. These changes now allow Federal workers to contribute money, attend fundraisers and do volunteer election work such as staffing phone banks.

I have worked closely during my years in public service with AFGE. It will be hard for the union to replace John. But I know that his example, courage, and leadership have made the union and the entire labor movement stronger.

I offer my deepest sympathy to John Sturdivant's companion Peggy Potter, his daughter, Michelle, his mother, Mrs. Ethiel Jessie, and his brothers.

I thank you for this chance to remember an outstanding American, an outstanding African-American labor leader, and an outstanding human being truly committed to social justice for all.

RECOGNIZING 50TH ANNIVERSARY OF FLEMINGTON JEWISH COMMUNITY CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, in just a few weeks, congregants of the Flemington Jewish Community Center in Flemington, New Jersey, and many of their friends will gather to celebrate several significant milestones in their faith and in their community. On November 23, the Flemington Jewish Community Center will celebrate its 50th anniversary at a gala dinner dance at the Martinsville Inn in Martinsville, NJ.

Over the past 50 years, the community center has inspired, educated, counseled, and guided countless numbers of the Jewish faithful. While the dinner will recognize the 50 years that center has been located at its present location in Flemington, it is important to note that the group itself was in existence for many years before gathering throughout the community. This year also marks a significant time for the entire Jewish community, as it marks the 50th anniversary of the State of Israel.

The celebration will also recognize another notable occurrence. It was over 10 years ago that Rabbi Evan Jaffe, a native of Denver, was chosen as the spiritual leader of the Flemington Jewish Community Center. During the decade that he has spent in New Jersey, the rabbi has become an instrumental and active leader in the Jewish community throughout the State.

Aside from the spiritual leadership he has demonstrated throughout his years at the synagogue, he has distinguished himself by service to the community by serving the elder members of the faith at the Edison State Nursing Home and the Greenbrook Regional Center. Additionally, he serves as the Jewish chaplain to Jewish inmates in Hunterdon and Somerset Counties. He is also the vice president of the Jewish Family Service of Somerset, Hunterdon, and Warren Counties and serves as chaplain at both the Hunterdon Medical Center and the Hagedorn Geriatric Center.

Beyond the celebration of High Holy Days and weekly services, the center has truly become a center for the faithful of the community to gather for cultural, social, and educational purposes. The tremendous amount of work, planning, and dedication of those who persevered to establish the center so many years ago lives on today. What began with a few families, business people, and farmers has evolved into a comprehensive center which continues to grow each year. Today, this facility serves over 230 families throughout Hunterdon County and the surrounding areas, and each year that number continues to grow.

Throughout the years, the Community Center and Rabbi Jaffe in particular have proved to be a place of comfort for those in times of sorrow and have been an instrumental part of the joy and happiness of many families and individuals. Whether it was the newfound joy of a child or the sorrow experienced while grieving the death of a loved one, the spirit, support, and faith he provides and they provide to congregants is invaluable.

The center is a place where both young and old can learn about the history of the Jewish faith, its traditions and customs. It is a place of learning and enrichment and serves as a focal point for young people to gather the knowledge and maintain the traditions that have been handed down to them.

Not too long ago, I was fortunate enough to have been invited to a special service at the Flemington Jewish Center. It was a moving celebration of the bar and bat mitzvahs of a number of severely disabled community residents. Many of the young people being honored were unable to speak, see, or to stand. Yet, the joy and meaning of the event was clearly understood by each and every one of them, their families, and all who participated that day.

It was the commitment of Rabbi Jaffe who made the effort to visit these individuals weekly, often in institutional settings, to help them to learn the portion of the Torah which they were to share with the congregation. The outpouring of love and pride that day is something I will not soon forget.

Recently, I was fortunate to have the opportunity to travel to Israel. The Jewish federations of the five counties in my district made this possible, including many of the members of the Flemington Jewish Center. While I have always been a staunch supporter of Israel, I came away even clearer about the needs of the region, the tenuous balance the Israeli people are trying to maintain, and the absolute need for a lasting peace.

The United States must remain strong in its resolve to support the efforts of the Israeli people. They have succeeded through determination, resolve, hard work, and know-how to facilitate an independent and flourishing nation and to remain connected to the Jewish people throughout our country and countries around the world.

So, Mr. Speaker, I look forward to joining with the friends, families, and members of the Flemington Jewish Community Center as they celebrate their faith, history, stories, traditions, and values. This upcoming 50th anniversary dinner will allow us the opportunity to fondly recall the past, celebrate all that has been accomplished, and continue to look ahead to the future.

For the last 50 years, the Flemington Jewish Community Center has served the faithful and the community at large very well. If the spirit, dedication, and faith of those who founded and continue to be a part of the center are any indication of what the future holds, this community can only grow stronger. So today, I would like to wish the Flemington Jewish Community Center and Rabbi Jaffe a hearty mazeltov.

□ 2015

NO MORE COMPLACENCY: RELIGIOUS PERSECUTION IS REAL

The SPEAKER pro tempore [Mr. BRADY]. Under a previous order of the House, the gentleman from Kansas [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, with Thanksgiving around the corner and this session hopefully coming soon to an end, it is probably useful to remind ourselves that unfortunately we often take the freedoms we have been granted and enjoy in this country for granted. In the United States we do not have to worry about being arrested just for going to church. No one tries to stop us from praying in our own homes.

In this country you might get into an argument with your neighbor over the relationship between church and State, but he or she does not kidnap your children, brainwash them and sell them into slavery just to punish you for your faith.

But that is a scenario that is not alien to Christians in the Sudan, where in the course of civil war and a campaign of terror millions of Sudanese Christians have been killed or displaced, and they are not alone. It has been estimated that more Christians have died for their faith in the 20th century than in the previous 19 centuries combined. The Roman emperors at their worst could not have imagined the magnitude of persecution that goes on today. That is not to say that Christians are the only victims of religious persecution in today's world. Far from it. But what I find disturbing is the complacent and even dismissive reaction that many Americans have to the plight of those persecuted because of their Christian faith. It is as if we believe Christianity enjoys a comfortable station over the world, that it is universally embraced by the establishment, but Christianity is a threat to the status quo.

In the Sudan, China, Saudi Arabia, Vietnam and many other countries, the establishment knows that. In those countries, the establishment does not embrace Christianity, it intends to crush it. Whether targeting individual Christians or enforcing sweeping laws banning all forms of Christian expression, these regimes share a common goal and a common crime, the violation of a fundamental, God-given human right.

In Saudi Arabia it is illegal to wear a cross or even to pray privately in homes. Preaching the gospel to Muslims in Iran is punishable by death, and so is the act of conversion. In China, where Protestants and Catholics have been named principal threats to stability, earlier this year 100 church leaders were arrested in just 3 months.

In Cuba, the arrest of a Pentecostal pastor last year led to Castro's government ordering the closing of all of the country's home churches, estimated at as many as 10,000. In Pakistan, Christians can be accused of blasphemy, a capital offense. In Uzbekistan, Christians have been warned that they will forfeit their registration if they evangelize.

In Vietnam, where many restrictions on Christians were lifted earlier this decade, the Communist Party government has slid backward to repressive policies, including arrest, imprisonment and so-called reeducation.

No matter how thankful we may be for our freedoms, we must not be lulled into complacency about the situation faced by so many Christians and others persecuted for their religious practices and convictions. As a Nation that has become powerful in large part because we jealously guard our individual freedoms, we have a responsibility to project the ideals of freedom around the globe. The responsibility belongs to individuals and advocacy groups, to businesses and to churches, but it also belongs to this our Government.

While we have taken steps to recognize all religious persecution as a serious problem and to monitor its prevalence, we need to take the next step and develop clear-cut, specific responses to persecution once it is identified. The solution may not be readily apparent but the crisis demands our full attention.

FAST TRACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, as we stand on the eve of the debate on fast track that is the giving of a major part of our constitutional power to the President and the Vice President and his negotiating team to negotiate trade arrangements with other nations, I think it is important for us to look at what the Founding Fathers said about the unfettered use of so-called free trade. In short, Mr. Speaker, they were not for it.

I want to start with James Madison. James Madison said it should never be forgotten that the great object of the Convention was to provide by a new Constitution a remedy for the defects of the existing one and that among these defects was out of a power to regulate foreign commerce, that in all nations this regulating power embraced the protection of domestic manufacturers by duties and restrictions on imports. That means that James Madison believed that it was important for a nation, particularly the United States, to have the right to regulate goods coming into the United States and to establish tariffs so that American companies and American workers would not be hurt. Thomas Jefferson, who was a free trader before 1812, after he became a President became a pragmatist, and he said, "The prohibiting duties we lay on all articles of foreign manufacture which prudence requires us to establish at home, with a patriotic determination to use no foreign articles which can be made within ourselves without regard to difference in price, secure us against a relapse into foreign dependency."

Thomas Jefferson realized that we could become dependent on foreign products. And what would he say today to look at this $3 billion balance of trade deficit that we have each week that we have to either borrow or sell capital goods to pay for, this massive foreign debt that we have accumulated as a function of our trade deficit?

Daniel Webster said, "My object is and has been with the protective policy, the true policy of the United States that the labor of the country is properly provided for. I am looking not for such a law as will benefit capitalists, they can take care of themselves, but for a law that will induce capitalists to invest their capital in such a way as to occupy and employ American labor." That meant that Daniel Webster wanted to have tariffs and regulate trade so that American companies would invest in the United States instead of moving to Guadalajara or moving to other places that are offshore and using other workers from other countries to make goods that then would be sold back into the United States.

And our own Abraham Lincoln, the founder of my party, the Republican Party, said in the platform, "We commend that policy of national exchanges which secures to the working man liberal wages, to agriculture remunerative prices, to mechanics and manufacturers an adequate reward for their skill, labor and enterprise and to the Nation commercial prosperity and independence."

And that other great Republican who, with Abraham Lincoln, is on Mount Rushmore, Teddy Roosevelt, said in 1911, "I can put my position on the tariff in a nutshell. I believe in such measure of protection as will equalize the cost of production here and abroad, that is, will equalize the cost of labor here and abroad. I believe in such supervision of the workings of the law as to make it certain that protection is given to the man we are most anxious to protect, the laboring man."

Mr. Speaker, I am a Republican, I am a capitalist, I think I have got a 13 percent AFL-CIO rating, but I understand that it is important for Americans to make good wages. We have driven wages down, and the record of NAFTA, the trade agreement that we allowed President Clinton to make with Mexico and Canada, has been disastrous for us. We had a $3 billion trade surplus over Mexico when we negotiated NAFTA. Today we have got a $19 billion annual loss. Today we have a $20 billion annual loss with Canada. That same bright team that President Clinton has sent forth through the world to negotiate trade treaties has given us this year with China a $52 billion trade loss.

This team is a losing team, Mr. Speaker, and the idea that this Congress is going to give away the constitutional duty that was given to us by the Founding Fathers to a losing team which will negotiate us down the drain to the point where we have American industry having to move offshore to compete with the other industries that are employing people at $2.38 an hour, $1.50 an hour, $1.75 an hour to displace Americans, the Americans

who carry our flag in wartime, the Americans that pay our taxes, the Americans that pay our wages, that idea is not consistent with the classic idea of being a good Republican.

We should defeat this fast track, Mr. Speaker. We should keep that duty, that obligation to regulate trade within this House of Representatives where as Alexander Hamilton said, the people govern.

FAST TRACK AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I want to spend some time tonight initially talking about the fast track legislation which we are likely to be voting on either tomorrow or Sunday. I am very much opposed to the fast track legislation for a number of reasons, and I wanted to use part of the hour tonight to outline some of those reasons and begin with a local situation in Monmouth County, which is one of the two counties that I represent in the State of New Jersey, because I think it illustrates the types of problems that I have with fast track by reference to NAFTA. Many of those who are opposed to fast track and who will be voting against fast track legislation, if it comes up over this weekend, are doing so because of the experience with NAFTA.

I want to comment on why Congress really should resist the pressure being put on us to grant the fast track authority, to expand NAFTA and essentially put even more Americans out of work. If I could give an example from central New Jersey, from Monmouth County, my home county, of how these trade agreements can affect the jobs and the lives of highly skilled American workers. On September 9, most of the 240 people who work at the Allied Signal plant in Eatontown, NJ, in Monmouth County were informed of the decision to close what is a defense technology manufacturing plant. They were told that the plant would be phased out in 1998, with a complete shutdown expected by March 1999. The company told the Allied Signal workers in Monmouth County, NJ, that in the short run, the jobs would be going to Tucson, AZ. But I believe, and I know that everyone at the plant believes, that the jobs ultimately will be moved to Mexico. The reason is squarely because of NAFTA.

Allied Signal is one of the many companies with a history of relocating production facilities to Mexico. NAFTA has greatly facilitated the flight of manufacturing jobs south where corporations can take advantages of low wages, substandard labor rights, and weak environmental protection and enforcement. The recent experience with Allied Signal shows everything that is wrong in corporate America today; namely, corporations abruptly turning their backs on the workers and the communities that have made them profitable.

Ironically, the hard-working folks at Allied Signal are involved in the kind of high tech work needed to protect our national security, for the United States to maintain its technological edge over our adversaries and for the protection of our Nation and our allies. Yet the security of the very same defense workers who have helped to make America the world's superpower are now being abandoned in the search for higher profits and lower wages. The workers of Allied Signal and many other such plants have lived up to their end of the bargain but their employers have not.

Mr. Speaker, if I could just talk about this plant a little bit. The plant is productive. Its employees are productive. It has won commendations from other major firms with which it has contracted, such as McDonnell Douglas. The employees of Allied Signal deserve much of the credit for this fine track record and they deserve a much better fate than this betrayal by the company to which they have devoted so much of their time, energy and talent and dedication. The union representing the employees of Allied Signal, Local 417 of the IUE, the Electronics Workers Union, has organized a petition drive and is enlisting the help of their affiliates, and they are also organizing demonstrations, they have over the past couple of months, to publicize the movement of their work to Mexico.

Mr. Speaker, the move of this facility is an example, in my opinion, of the negative effects fast track agreements like NAFTA are having on America's working men and women, an example that hits very close to home for me. The loss of quality manufacturing jobs is felt not only by the workers and their immediate families, their buying power is diminished, meaning that the store, the small businesses, the small business owners throughout the area also feel the pinch. Fast track deals do not include standards to protect workers and consumers. They do not give those of us in Congress who were elected by our constituents back home to do a job to look out for their interest, to fix what is wrong. Since NAFTA was passed, more than 420,000 American workers have lost their jobs. That trend continues and will only get worse if we do not stop these unfair trade deals.

□ 2030

Mr. Speaker, I want to particularly salute the men and women of the IEUE in central New Jersey for refusing to accept the loss of these Allied Signal jobs without a fight, and, although they have an uphill fight, their effort to mobilize solidarity among union ranks and to educate the wider public about the negative effects of these trade deals will go a long way to derailing fast track and putting our trade policy on the right track.

I believe, Mr. Speaker, that it is highly unlikely that the fast track legislation will pass. I hope it will not. I will do whatever I can to stop it. But I want to say that one of the reasons why the opponents of fast track are likely to succeed and should succeed is because of the fact that there have been so many examples around the country like Allied Signal and Eatontown, and many of the workers have joined together and said, look, we have had enough, we cannot have this type of thing continue with the expansion of fast track authority.

And, Mr. Speaker, I wanted to use Allied Signal as an example, but I also wanted to talk in general about fast track and the environment, because one of the major reasons that I oppose the fast track relates not only to labor concerns and worker concerns here in the United States, but also to environmental concerns.

We were, those of us, and I was not, those of us who were asked by the administration to support NAFTA a few years ago, were told that if they did, there would be adequate addressing in NAFTA of their concerns on the environment, and there would be adequate enforcement if environmental problems arose. But the reality is with NAFTA that none of that happened. There has not been any environmental enforcement, there has not been any real impact to try to protect the environment.

And if I can just give an example, most of the commitments that were made by the administration then were put into what is called an environmental side agreement, a side agreement to NAFTA that was supposedly going to protect the environment. What we found out since NAFTA began is that these side agreements are, in effect, unenforceable, and so any suggestion pursuant to the fast track legislation that is likely to come this week that somehow there will be environmental provisions contained therein or their side agreements will be enforcemental on protective environmental concerns, there is no reason to believe that, because it did not happen with NAFTA.

More than 3 years ago, the Commission on Environmental Compliance, the CEC, was established under NAFTA for environmental cooperation. This was the North American Agreement for Environmental Cooperation, the environmental side agreement to NAFTA. The CEC could be considered to be the sort of EPA equivalent under NAFTA. Yet of the 10 enforcement cases submitted

to the CEC, the Commission on Environmental Compliance, under NAFTA, only one has resulted in an investigation.

Enforcement cases submitted to the CEC have included wetland pollution in Alberta, Canada; water pollution from livestock farming in Quebec; untreated sewage discharges into the Magdalena River in Sonora, Mexico; a massive bird die-off in the Silver Reservoir in Mexico; and dynamiting of a coral reef, imagine that, in a protected natural reserve in Cozumel, Mexico, for the construction of a cruise ship pier.

Now, although it was submitted almost 2 years ago, a final decision on this last case, the Cozumel pier case, the one case which the CEC has agreed to investigate, is being delayed pending a vote by the CEC members. Of the remaining nine cases, four have been rejected, one has been withdrawn, two have been objected to by the Canadian Government, and two are still pending review.

So this is all nonsense. There is not going to be any enforcement. Anybody who has brought to the attention of the CEC, this Commission that was set up under NAFTA for environmental concerns, anybody who brought any concerns to them has basically been told go away, or somehow has been swept under the rug.

In fact, the Wall Street Journal recently wrote, and I quote, that both supporters and opponents of NAFTA agree that the side agreements, not only the environmental side agreements, but all the side agreements, the labor side agreement, have had little impact, mainly because the mechanisms that created them have almost no enforcement power. Our experience with NAFTA has proven that environmental side agreements are not enforceable, and that is why environmental groups, even groups that support NAFTA, are solidly united in opposition to fast track.

Last time there were a number of environmental groups who supported NAFTA. This time they are all unanimously opposed to fast track because they realize that these environmental side agreements have been completely ineffective.

Let me talk a little bit more about what the President and the Vice President have told us in terms of, in trying to address the concerns that people like myself and others who have concerns about the environment, in trying to address our concerns in the context of fast track. The President and the Vice President have stated that the negotiating objectives outlined in the administration's fast track legislation would include specific references to the environment.

Let me say that all that is simply window dressing. None of that means a thing.

It is not enough to simply make the environment a negotiating objective. In order for fast track to truly address environmental concerns, it would have to clearly set environmental protection guidelines for all parties involved. It would be critical that fast track require that environmental concerns be directly addressed in negotiated trade agreements rather than allowing environmental protection to be negotiated separately in these unenforceable side agreements, the experience of which we had in NAFTA. They cannot possibly adequately protect the health and safety of American families.

And agreements negotiated under fast track should also be required to include enforcement mechanisms that will serve to hold governments to set environmental protection standards. None of this is being proposed with the fast track legislation that we are going to see possibly this weekend.

Again the inadequacy of the environmental side agreement to NAFTA and its protection of the United States-Mexican border environment serves as a disturbing example of the ineffectiveness of the environmental side agreements that the administration has proposed. The number of factories along the already heavily polluted United States-Mexico border has increased by 20 percent since NAFTA went into place, yet little is being done to insure that these new facilities are complying with environmental standards. The health and safety of American families are being put at risk by the 44 tons of hazardous waste that are illegally dumped by these border facilities every day.

Free trade agreements, I should say, also create pressure on neighboring governments to relax environmental regulations in an effort to lure manufacturers across borders, thereby allowing these companies to profit by polluting and abusing natural resources. We had this underlying problem that, in effect, what NAFTA has done and, in effect, what the free trade agreements will do if there is not adequate protection, which this legislation does not do, is that they basically create a ratcheting down so that environmental laws, environmental protection became less and less because of the competition between the countries and between the companies, each country, in effect, trying to provide less and less environmental protection in order to lure jobs and companies.

Rather than entering into trade agreements that directly undermine U.S. efforts on the environment, these agreements should establish a level playing field among neighboring countries that requires all parties involved to adequately protect the environment, natural resources and human health, but this is not happening, Mr. Speaker. This is not happening with the fast track legislation that we may see tomorrow or Sunday or perhaps at some later time.

It is not just the environment. Another major issue that has come to the forefront, an area that is not being adequately addressed, is that of food. There are tremendous food safety problems that have resulted from the NAFTA experience.

Many of my colleagues have highlighted; I wanted to mention Ms. DELAURO of Connecticut, one of my colleagues who put out a dear colleague just a couple of days ago which she calls fast track stomachache, and she points out that each year overburdened American Customs inspectors allow more than 3 million trucks carrying produce from Mexico to cross the United States-Mexico border without inspection. Less than 1 percent of all trucks crossing the border are stopped and thoroughly inspected. Canadian beef is not properly inspected at the United States border for dangerous chemicals. More than 200 cases of the potentially fatal hepatitis-A have been associated with strawberries imported from Mexico. But NAFTA's regulations have denied us the chance to change the situation.

Under section 7171(a), the gentlewoman from Connecticut [Ms. DELAURO] writes, an increase in inspections of meat, produce and other perishables are considered a restraint on trade. So the continued absence of inspections only encourages importers to continue to cut corners, jeopardizing our food safety to guarantee larger profits for themselves.

Again, whether it is the environment, human health, food safety, labor laws, none of these, none of these are being protected, none of these are being addressed under NAFTA, and there is absolutely no reason to believe that they will be addressed under the fast track agreement that we are being asked to consider either tomorrow or Sunday.

Now, I wanted to get into some of the labor issues as well because in the same way that I am concerned about the impact of fast track on the environment and food safety, I am also concerned about the impact on labor, on wages, on people's ability to retain their jobs, going back to Allied Signal and the example I used again from my home county of Monmouth County, NJ.

Public Citizen, which is a watchdog group, put out a publication just a few days ago where they point out how the labor side agreements, or the labor side agreement under NAFTA, that those have also not been enforceable and have not managed to protect a single worker essentially under NAFTA, and there is no reason to believe that the experience would be any different with fast track.

I wanted to just use a couple examples from the document called Deals for NAFTA, Votes to Bait and Switch, which Public Citizen put out this month. There are many examples of

broken promises in this document, but just to give a few examples here this evening:

One of the promises that were made with those who were concerned about displaced workers pursuant to NAFTA related to assistance for harmed workers. In other words, the idea is if you lost your job because of NAFTA, you were going to be made whole in some fashion. There is absolutely, the whole history of this effort called trade adjustment assistance for harmed workers has been one of failure.

Just to give an example, this program was created, as I said, to hold harmless workers, and it is estimated that more than 400,000 Americans have been laid off due to NAFTA. The NAFTA-implementing legislation created the Transitional Adjustment Assistance Program. To date only one-third of NAFTA job loss victims are being certified as potential recipients of benefits under this program, and as of mid-October 1997, 144,691 workers have been certified as eligible for assistance. So of the 400,000 that we estimate have lost their jobs under NAFTA, only 144,000 have been certified to even receive assistance.

Now, that does not mean that they are even going to get any assistance. Essentially you have to show that you are directly impacted in some way to qualify, and the reality is that many of these workers have had a very difficult time getting any kind of benefits under these workers training programs, under this hold harmless program.

The other thing that was promised pursuant to NAFTA again by the administration was an effort to protect and promote labor rights in Mexico. In other words, some of us were concerned about protecting workers here; others were concerned about what would happen to workers in Mexico. President Clinton promised to use existing trade laws to take action if Mexico's policies denied internationally recognized workers' rights, but not only did the administration not fulfill its promise in this regard, which required issuance of an executive order, but it has since taken steps in its fast track proposal to ensure that neither President Clinton nor any future President has the authority to do so.

So what we have been seeing in Mexico is that not only are labor laws not respected or not enforced, but, in fact, what has been happening is that the actual, the protections and the wages for Mexican workers have actually gotten less, and the amount of money that they are making, the minimum wage, has not only not risen, it has moved in the opposite direction. Between 1993 and the first quarter of 1997, productivity in Mexico manufacturing rose by over 38 percent while real hourly wages for production workers fell 21 percent.

□ 2045

The national average minimum wage fell by 20.43 percent during the first 4 years and 9 months of NAFTA.

So the labor side agreement, the environmental side agreement, it has really been effectively worthless. There is absolutely no reason to believe that anything would be any different with the fast-track legislation that we are considering.

If I could just summarize in a way some of the concerns, it is not that those of us who are opposed to fast track are opposed to free trade. I do not see it as a vote on free trade at all. What we are concerned with, though, is we do not want to negotiate away in one fell swoop, if you will, any ability on our part, on Congress' part, if you will, to protect the American workers, to protect the environment.

We want to reserve the right, if you will, to look at the agreements that would be negotiated individually and to make sure that there are adequate protections of the environment, adequate labor protections, adequate food safety protections, in those agreements.

The problem is that if you simply pass fast track, in effect you are giving the administration a blank check to extend NAFTA without Congress having the opportunity to seriously address the problems that have been raised with NAFTA.

If we look at our trade deficit, if we look at what is happening, the United States trade deficit with Mexico has skyrocketed. In the auto sector alone the deficit has jumped from $3 billion to $15 billion. A number of jobs have already been lost because of NAFTA. Drug trafficking, violent crime in our border regions has increased, and I already talked about the public health, of course.

So what those of us who are opposed to fast track are saying is the experience with NAFTA tells us we cannot simply give the administration the blank check that they are looking for with fast track. We have to have input into the trade agreements that are being negotiated, and, if we do not, we believe that there will be more tragic consequences that result in the same way that the tragic consequences have resulted from what has happened with NAFTA and the experience of NAFTA over the last few years.

TURKISH STUDIES CHAIR AT UCLA

Mr. Speaker, I wanted to just talk briefly about a few other issues. First of all, I should say that my colleague from California [Mr. SHERMAN], touched on two issues that I wanted to mention briefly also this evening. He mentioned that the University of California at Los Angeles, UCLA, is establishing a Turkish Studies Chair, funded I may add, by the Government of Turkey. I wanted to join the gentleman in expressing my serious concern about this unfortunate use of a major prestigious university as a vehicle of indoctrination by another country.

In my home State of New Jersey, we had a similar situation where Princeton University set up a study program that was financed by the Government of Turkey. As a result, the information that was coming out of the study program essentially denied the Armenian genocide. There has been a history with the Ottoman Empire and the Republic of Turkey to basically deny that the Armenian genocide ever occurred.

My concern, and I know that of Mr. SHERMAN as well, is that by establishing these chairs or these Turkish study programs in different parts of the country, in my case at Princeton, in his case at UCLA, the Turkish Government is using these study programs to basically deny history and deny the facts of the Armenian genocide. In fact, it is really a brazen opportunity, if you will, a brazen attempt by a foreign government, to manipulate an American university for the denial of the historically verified genocide of the Armenian Nation.

The Turkish Government is not setting up scholarships. These are propaganda and propaganda alone. It would be like a German Government that had not acknowledged the Holocaust funding a Nazi studies program at an American university. Of course, the difference is that Germany at least accepts responsibility and apologizes for the Holocaust of the Jewish people. The Turkish Government, still defying the historical record, denies that the Armenian genocide ever happened.

I just wanted to join this evening with the Armenian community in the United States in appealing to the officials at UCLA, in the same way that I did at Princeton University about a year ago, and ask the board of regents to stop the effort of filling the heads of young Americans with revisionist propaganda in the name of so-called scholarship.

This is something that we have seen happen more and more where the Turkish Government has been financing these study programs or chairs at various American universities in order to basically deny the Armenian genocide.

PLIGHT OF THE KURDISH PEOPLE

I know Mr. SHERMAN also mentioned earlier this evening, and another of my colleague from California, BOB FILNER, has basically spearheaded this effort, there has been a group of Kurdish Americans who have been fasting on the steps of the Capitol, on the main steps of the Capitol now for a number of days, probably more than a few weeks, in order to highlight, if you will, the ongoing tragedy in the mountains of Kurdistan, where, again, the Turkish Government, which is, of course denying the Armenian genocide and continues to, is also basically trying to essentially obliterate, not only

individually by killing Kurds in Turkey, but also by denying Kurds the ability to speak their language, to learn about their culture, to go to school in Kurdish, and this fast, conducted by supporters of the Turkish people on the Capitol steps, includes the human right activist Cameron Porter, who is the spouse of one of our colleagues, the distinguished gentleman from Illinois [Mr. JOHN PORTER].

I just want to say these fasters deserve tremendous credit for the dedication, courage and perseverance. It has been getting cold lately here in Washington, but that has not deterred them.

Last Friday I joined with a group of my colleagues, members from both sides of the aisle, to visit with the fasters and supporters. I know Congressman SHERMAN and Congressman FILNER were out there with me. Every day as we pass by these people sacrificing for the causes of peace and human rights, the sight of these protestors on the Capitol steps is a reminder to all people of conscious of the plight of the Kurds and the governments that hold them down, most notably the Government of the Republic of Turkey.

In particular, Mr. Speaker, as we come into the Capitol to cast votes on legislation, sent here to do a job by the constituents who elected us, I hope we will remember one of our fellow elected legislators who does not have the opportunity to represent her constituents, Mrs. Leyla Zana, one of the most prominent victims of Turkey's cruel, irrational anti-Kurd cruel policies.

Leyla Zana was elected to a seat in the Turkish Parliament in 1991 representing her hometown. She was elected with 80 percent of the total vote, and she became the first Kurd to break the ban on the Kurdish language in the Turkish Parliament, for which she was later tried and convicted. She had uttered the following words: "I am taking this Constitutional oath for the brotherhood of the Turkish and Kurdish peoples."

On May 17, 1993, she and one of her colleagues addressed the Helsinki Commission of the U.S. Congress. The testimony was used against her in a court of law. On March 2, 1994, her constitutional immunity as a member of Parliament was revoked and she was arrested, taken into custody, tried in a one-sided mockery of justice, convicted, and sentenced to 15 years in prison.

Leyla Zana, who is 35 years old and the mother of two children, is well into the third year of her 15 year sentence at a prison in Ankara, the Turkish capital.

Leyla Zana's pursuit of Democratic change by nonviolent means was honored by the European Parliament, which unanimously awarded her the 1995 Sakharov Peace Prize. She has received major consideration for the Nobel Peace Prize. More than 150 Members of this House, my colleagues, have written to President Clinton on her behalf, and I hope a majority of the Members of this House will join with the European Parliament in defending the human and civil rights of this brave woman, and I might remind my colleagues, a fellow Parliamentarian, a fellow elected official. We owe her our moral support and to urge our ambassador in Ankara to raise Mrs. Zana's case with the Turkish authorities at the highest levels.

Mr. Speaker, I just want to share with the Members of this body and anyone watching this some of the basic goals of Ms. Lasagna, of the fasters outside this building, and of the repressed Kurdish people of Turkey. The Kurdish identity must be recognized. The use of the Kurdish language in conversation and in writing should be legalized. All cultural rights should be conceded. Kurdish political parties must be given full constitutional rights and a general amnesty for all political prisoners must be granted.

Mr. Speaker, we often hear from our own administration and other apologists for Turkey about what a great democracy the Republic of Turkey is. Yet this is how a duly elected representative of that so-called democracy is being treated for the crime of speaking her language and defending the rights of her people.

Mr. Speaker, this cannot go on. For many years we have witnessed a clear pro-Turkish tilt on the part of the State Department. We often hear about strategic importance of Turkey and its pivotal location, and I do not discount those arguments completely. But we have to balance those factors against some other very important considerations.

Turkey continues to spend billions of dollars in obtaining sophisticated weapons systems, not only from the United States, but from France, Russia and elsewhere. Much of this military hardware is then used to repress and terrorize the Kurdish people, citizens of Turkey who should be extended the protection of their country's armed forces and not be victimized by those armed forces.

Meanwhile, Turkey does not have a strong industrial base, and is lacking in infrastructure in many key areas. So why is Turkey, our ally, throwing so much of its limited resources on sophisticated weapons to use against its Kurdish residents, when it could be investing in better schools, health care and other services that could help put Turkey on a par with the western nations it seeks to be associated with?

About half of the worldwide Kurdish community lives within the borders of the Republic of Turkey, where their treatment is an absolute affront to basic fundamentals of human rights.

At least one-quarter of the population of Turkey is Kurdish. Yet in Turkey, the Kurds are subjected to a policy of forced assimilation which is essentially written into the Turkish Constitution. To date, 3,134 Kurdish villages have been destroyed and more than 3 million of their residents have been forced to become refugees, either in Kurdistan or abroad.

Mr. Speaker, I would venture to say that in many ways what we are seeing happen in Kurdistan today is in some ways the prelude to the same type of genocide that occurred by the Turks against the Armenian people 80-some years ago.

While the situation for the Kurdish people in such nations as Iraq, Iran and Syria is also deplorable, I wish to draw particular attention to the situation in Turkey for some basic reasons. Turkey is, after all, a military ally of the United States, a member of NATO. As such, it has received billions of dollars in military and economic assistance, courtesy of the American taxpayers. In addition, Turkey aspires to participate in other major western organizations and institutions, such as the European Union.

Mr. Speaker, I believe most Americans would be frankly appalled to know a country that has received so much in the way of American largesse is guilty of so many breaches of international law and simple human decency. I have joined with many of my colleagues in denouncing Turkey's illegal blockade of Armenia, its failure to acknowledge responsibility for the Armenian genocide of 1915 through 1923, its ongoing illegal occupation of Cyprus and its threatening military maneuvers in the Aegean Sea.

The brutal treatment of the more than 15 million Kurds living within Turkish borders offers a major argument for cutting back on military and economic aid to Turkey, or to at least attach very stringent conditions to provisions of this aid.

If Turkey wants the benefits of inclusion in Western institutions that are supposed to be founded on the defense of democracy and human rights, then that country should start living up to the agreements it has signed.

Again, the situation in Kurdistan is just another example of the type of treatment that Turkey has done historically with the Armenian people and other peoples, and it must stop.

TRIBUTE TO RAVI SHANKAR

Mr. Speaker, I would like to do one more thing tonight, if I could. This is because of a couple of events that are going to occur this weekend, both at the Embassy of India and also at the Kennedy Center with regard to the legendary sitar virtuoso and composer, Ravi Shankar. I just wanted to make a tribute to Ravi Shankar this evening before the House.

On this Sunday, November 9, at the Kennedy Center Concert Hall, Ravi Shankar, the legendary sitar virtuoso

and composer, will perform in concert with his daughter. Ravi Shankar is India's most esteemed musical ambassador and a singular phenomenon in the classical music worlds of both East and West.

His pioneering work in bringing Indian music to the West has helped to cultivate an unprecedented audience, making him an important and respected cultural influence for over 40 years. As a performer, composer, teacher, and writer, he has obtained a level of admiration and respect, both in India and in the West, that is unique in the annals of the history of music.

Mr. Speaker, two quotes from musicians representing widely different points on the musical spectrum, both of whom have been friends and collaborators with Ravi Shankar, show the profound reach of his enigmatic genius.

The great classical violinist Yehudi Menuhin said, "Ravi Shankar has brought me a precious gift and through him I have added a new dimension to my experience of music." To me, his genius and humanity can only be compared to that of Mozart." George Harrison, the former Beatle, said, "Ravi Shankar is the Godfather of World Music."

□ 2100

To honor his 75th birthday, a four CD boxed set, entitled "Ravi in Celebration" has been issued. And Ravi Shankar has not stopped creating spiritually powerful new music. His latest CD, "Chants of India," produced by George Harrison, offers a new approach to the traditional and Vedic and Upanishad hymns.

Pandit Ravi Shankar has been honored throughout the world, by the leaders in the realms of politics and the arts. In India, he has received the Nation's highest civilian awards. He was awarded an honorary doctorate from Harvard University. He has the distinction of being a Commandeur de l'Ordre des Lettres in France, he was presented with the Praemium Imperial Prize of the Japan Art Association by the Japanese Royal Family, among many other distinctions and honors. That list of awards will grow tomorrow, Saturday, November 8, when Ravi Shankar is honored by the U.S. Asia Foundation and the Indian American Forum for Political Education with the Light of Asia Award at a reception by India's Ambassador to the United States, the Honorable Naresh Chandra.

Mr. Speaker, the occasion of India's 50th anniversary of independence and democracy gives us an opportunity to reflect on the great contributions by Indians and people of Indian descent. For decades, in virtually every part of the world, Ravi Shankar's music has held audiences spellbound. Further, his artistic genius is matched with an abiding devotion to building bridges of friendship and understanding across the cultural and political gulfs that have divided people.

Maestro Shankar's concert on Sunday with his daughter Anoushka is being held in tribute to the 50th anniversary of India, a country to which he remains devoted. But, as is always the case when Ravi Shankar performs, Sunday evening's concert will transcend the boundaries of culture and language. Ravi Shankar is a great international artist with the power to move his audience with his unparalleled genius and vision. I am very pleased tonight to be able to take a couple of minutes to pay tribute to this man.

Mr. Speaker, I would like to request to yield the balance of my time to the gentleman from Mississippi [Mr. TAYLOR], and I guess then he could yield to the gentleman from Indiana [Mr. VISCLOSKY].

POWERFUL ARGUMENTS AGAINST FAST TRACK

Mr. TAYLOR of Mississippi. Mr. Speaker, if I may, I would like 5 minutes of that time, and I hope you will tell me when my time is up, because I would like to yield the balance to my other colleague.

I want to begin by thanking the gentleman from New Jersey [Mr. PALLONE] for being so generous with his time. I want to compliment him, a very active member of the Democratic Party, and compliment the previous speaker, the gentleman from California [Mr. HUNTER], also a very active member of the Republican Party, for their very articulate remarks against giving President Clinton fast track authority to negotiate new free trade agreements with other countries.

Mr. Speaker, we have a constitutional crisis in our country. In addition to everything that the gentleman from California [Mr. HUNTER] said, which was on the mark, and everything that the gentleman from New Jersey [Mr. PALLONE] said that was on the mark of why this trade agreement is bad, it is bad because it violates the Constitution of the United States.

Apparently, there are a number of Congressmen who, after working very hard to get here, decided that they do not want to do their job. The first time that Congress gave away their constitutional responsibility was on the War Powers Act. If we look at Article I, Section 8 of the Constitution, it very clearly gives to Congress and Congress alone the power to declare war. Our Founding Fathers did that because they grew up in an era where one king or one queen could decide for everyone that the Nation's youth would go off and die, and they wanted to change that. So they saw to it that the people's representatives and only the people's representatives by a majority vote could make that decision.

When Congress gave the President the War Powers Act, it was the first time they gave away their constitutionally mandated responsibilities.

The second time they did that was just last year when the majority in Congress voted to pass the line-item veto. It was espoused at the time as something to cut the pork out of the budget, but they failed to mention that it was a budget that Congress put together. It was in effect saying that we cannot help ourselves.

I voted against that, and I predicted at the time that all that it would be used to do is cut the defense budget. Thus far, Mr. Speaker, I am 90 percent right, because 90 percent of all of the things that have been vetoed by the President of the United States are defense related, and none of them contained any pork.

Either tomorrow or Sunday, this body will once again have to make a decision as to whether or not we want to keep our constitutionally mandated duties or give them to the President of the United States. I am going to vote to keep those duties that I want the citizens of south Mississippi to have, and I think that more than half of my Democratic colleagues, for a variety of reasons, will vote to do so. So I really want to address my talk tonight to my Republican colleagues and those people who consider themselves to be Republicans.

Mr. Speaker, almost on an hourly basis my Republican colleagues come to the House floor and say that President Clinton cannot be trusted. And they point to some things that would certainly give a great deal of credibility to their arguments. I hope that they are saying what they mean, and that they will mean what they say, because they will be asked either tomorrow or Sunday to give away their constitutionally mandated responsibility as espoused in Article I, Section 8, clause 3 of the Constitution to regulate commerce. They will be giving that, if they vote for fast track, to the man they say cannot be trusted. It is a very powerful argument for every Republican in this Congress to vote against fast track.

Mr. PALLONE is right when he talks about people being hurt. I represent 1/435th of this country. In that 1/435th of this country, 5 factories have been closed. The people who want to give the President fast track authority tout it as being somehow a way to smack the unions about. Not one of those factories was a union factory, not one. What it was was a place that in most instances employed women who had found themselves, either through the death of their husband or the separation from their husband as the sole earners of their family, they had been stuck with the responsibility of raising children and they were the only ones who were making a living. Ninety percent of the people who lost their jobs as a result of NAFTA were the women in those factories, not the union, "union thugs," that were told were opposed to it.

It is even worse than that, because the gentleman from New Jersey [Mr. PALLONE] comes from a very populous State, and maybe in a populous State like New Jersey the retraining that he talks about makes some sense, because maybe there is something else for those people to do. But I can assure my colleagues in Neely, Mississippi, in Wiggins, Mississippi, in Lumberton, Mississippi, and the other small towns of Mississippi that have had their only factory shut down as a result of NAFTA, there is nothing else for those people to do. It is simply not fair, and it is simply naive for Congress to imagine that there is additional opportunities for these people.

The only thing that Congress should know is that in a microcosm, the good people of America have been hurt and in a microcosm our Nation has gone from a trade surplus to a trade deficit with both Mexico and NAFTA as a result of the last Free Trade Agreement.

So, Mr. Speaker, since we will have very, very little opportunity to speak on this in the next couple of days, and since apparently the Speaker of the House has seen to it that this vote will take place on a weekend when most congressional offices will be closed, and therefore, there will be no one at the phones to answer those phones when citizens want to call up and encourage their Congressman to vote against this, I want to take this opportunity to speak on it and have my remarks put in the RECORD.

AMERICA'S LOST VALUE: HARD WORK IS REWARDED

Mr. VISCLOSKY. Mr. Speaker, I appreciate the recognition and I appreciate the gentleman from New Jersey as well as the gentleman from Mississippi yielding time to me, and I would also start out by associating myself with the remarks made by both the gentleman from New Jersey as well as the gentleman from Mississippi on the proposed fast track authority that we in this Chamber will be voting on sometime Sunday.

Mr. Speaker, we live in a global economy and we are engaged in a global competition. I know this and so do the tens of thousands of working Americans that I represent. The people I represent in northwest Indiana are not afraid of competition. They embrace it, because they work hard and do their job better than anyone else in the world. The steel workers and other working men and women I represent are happy to trade their products in the world's markets, but in trading their products, they do not want to trade away a living wage.

For half a century, the people of America, at the cost of thousands of lives and trillions of dollars, have fought and worked to export the unique American value of democracy. As we look back on history and at the world today, we can see we have achieved success in doing so. But as we stand here today, we must think about exporting another important American value, the value that hard work is rewarded. This is a value that I was taught growing up in Gary, Indiana. I was taught that if one studied in school and worked hard in life, one would be rewarded with a living wage that would allow you to get married, buy a house, have children, send them to school, and then enjoy an economically secure retirement.

But in today's debate on fast track, instead of working to export the American value of hard work globally, we are diminishing the value of work for all. The competition that will arise from the trade strategy we are debating today will not result in a race to the top, but in a drop to the bottom. And my fundamental concern is that if we in this House and others in this government do not export the value of labor and reward hard work in America, no one else will.

I find it interesting that prior to the adoption of NAFTA 3 years ago, a local industry told me that they supported the agreement because it would be good for us. Prior to NAFTA, the same industry had a trade surplus with Mexico. Since NAFTA, that industry has a trade deficit with Mexico 20 times as large. But they have never complained. Why? Because their bottom line has not changed, and in fact, it has increased. They invest overseas, paying people less and make more money. Unfortunately, the thousands of employees they have left stranded in places like Gary, Indiana; New Chicago, Indiana, have no recourse. In abrogating their responsibility, the responsibility to fairly reward hard work, these corporate citizens of the United States of America have dashed the American dream of many of the people we represent.

We must not take the world economy as we find it and adapt to it, as so many people have suggested we do. We must make the world economy adapt to our fundamental American economic principle that hard work pays. It pays in the form of a living wage to working people.

It might not happen this year; it might not happen next year, it might not happen in 20 years, but if it happens 50 years from now, our grandchildren will look back and say that we today here in this place did not break our covenant with the next generation of American citizens.

I would ask all of my colleagues to join with me in opposing giving President Clinton his fast track authority.

□ 2115

THE BENEFITS FOR THE UNITED STATES OF SUPPORTING FAST TRACK AUTHORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Arizona [Mr. KOLBE] is recognized for 60 minutes as the designee of the majority leader.

Mr. KOLBE. Mr. Speaker, tonight I come here to this House, along with my colleague, the gentlewoman from Connecticut, to talk about an issue that we believe is so critical to the future of this country; that is, trade.

In the end, though, trade is not really about statistics. It is not really about numbers. It is not, in a sense, even about jobs. It is about the opportunities for jobs. It is about the opportunities that American consumers have to make choices. It is about getting lower prices for goods and better quality, of having competition. Yes, it is about American leadership. It is about our place in the world. It is whether the United States is going to lead on trade or whether we are going to follow on trade.

The fact of the matter is there are very few countries in the world that benefit as much from trade as the United States of America does. I would just like to begin with this one chart, which shows how American businesses and American workers have benefited by the fact that U.S. exports have increased more than 3,000 percent in the last 35 years.

It is not that far back to 1961, when we look at the value of U.S. exports, they were less than $100 billion, around $50 billion. It did not reach $100 billion until about 1973. Then it has simply taken off since then. The most steep rise is in the last 2 years, the last 4 years, since 1993. Even as Americans continue to worry about trade deficits, we continue to have a very substantial growth in exports.

What does that mean? Does exports mean something to other than just a number on a chart, other than a line on a chart? It means a great deal. It means a lot about the growth. Growth, of course, means something about the jobs that are available to Americans.

This chart demonstrates the difference between jobs in the total civilian employment, which has been rising, this red line down here, which has been rising fairly steadily. But if we look at the export-related jobs as an index, this is on an index basis, we can see that the export-related jobs are growing much more rapidly.

In other words, the great economy that this country is enjoying today, the tremendous benefits that we all enjoy from having a low unemployment rate, from having the ability to have a second car, from rising incomes and wages, the vast majority of that has come from export-related jobs.

These are not jobs that are poor-paying jobs, they are better, much better, on average than the jobs that we have in the United States that are service economy jobs. Export manufacturing and service-related jobs pay, on average, about 16 percent more than a job

that is totally or solely domestic-oriented.

So I would point out to my colleagues who have engaged in this debate about fast track, and whether or not the United States should continue to promote more jobs, that the bottom line really is that there really is not much choice. Our growth, our future, depends on creating these kinds of jobs so that our children and grandchildren will have jobs in the future. That is really what it is all about.

I know tonight we are going to want to talk a little bit, my colleague and I, a little bit about what fast track really means, and what it really means for America. But I think these charts right here demonstrate why trade is so important for America.

We, more than any other country in the world, have benefited from the tremendous increase that we have had in trade. Let me just show one more chart here that I think is very interesting, because we often hear that it is only the Boeings, it is only the Cargills, or Chryslers or General Motors that benefit from trade. But the fact is that small- and medium-size companies account for, in dollar volume, 30 percent of all of our exports. And if we look at it in terms of numbers of companies, 96 percent of the companies that are trading overseas are companies that have less than 500 employees.

So it is the small- and medium-sized businesses. Yes, they do not sell as much as Boeing. No, they do not sell as much as Ford, Chrysler, or IBM. But they, too, benefit from trade. Ninety-six percent of our companies with under 500 employees are the ones that are engaged in trade overseas. So it is not just the large companies, it is small companies as well, and it is in middle America, it is in the towns of Iowa and in the streets of Connecticut, and yes, in my State of Arizona, where people benefit because they have the ability to engage in trade overseas.

Mr. Speaker, I yield to the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, an individual who serves on the Committee on Ways and Means and has been instrumental in helping to carry this argument to the American people, and who I know has some thoughts about this.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I would like to have the gentleman put the chart back up that shows just how much of America's economy depends on exports, that first one. The U.S. exports have increased 3,000 percent in the last 35 years. I do not think most of the people in America are conscious that 30 percent of our economic growth is the result of exports.

We saw in the gentleman's next chart how the number of jobs associated with exports is growing far more rapidly than the number of jobs associated with domestic sales. That is what fast track is all about. It is about whether or not we are going to be at the table to negotiate new markets for our exports.

I was thinking, as my friend and colleague, the gentleman from Mississippi, Mr. GENE TAYLOR, spoke about the jobs lost in his district to international competition, about the jobs lost in my district to international competition, and nothing is more agonizing than to see a factory close or a business fail, because that is not just a business failure, that is people out of work.

But competitiveness has nothing to do with fast track. Those factories closing has nothing to do with fast track. In fact, if we do not negotiate access to new markets, if we cannot get American goods into new markets, far more factories will close because the issue is twofold.

The first issue is competitiveness; the second issue is open markets. We have to be competitive. You go down to your grocery store, you go down to your drugstore, you go down to the hardware, you go down to the department store. Any store in every American community has imports and domestically-made products.

America has to be able to sell the highest-quality, the lowest-cost product right here in their own hardware stores and department stores and grocery stores and pharmacies, and they also have to be able to sell the highest-quality, lowest-cost product in every other nation in the world in order for us to succeed.

Americans, I think, sometimes do not realize that of the 21 top technologies in the world, the most sophisticated technologies, as the Department of Commerce defines them, we are the low cost-high quality producer in 20 of those 21 top technologies. That is why we saw American exports increasing 3,000 percent. That is why we saw the line going up steeply in recent years.

It is because in recent years we have recognized that to be strong, to hire our people, to pay good wages, to have a rising standard of living, we have to be the most competitive Nation in the world. That means we have to have the highest-quality, lowest-cost product both here and abroad.

We are proving we can do it. In my district we are shipping sophisticated machine tools all over the world. We are shipping top quality airplane engines all over the world. But we are also shipping sophisticated lock systems all over the world. We are shipping Lego toys made in my district all over South America. We are number one in many, many, many product lines, and because of that, we are shipping all over the world.

When we see those charts that show that more and more of America's economic well-being depends on her sending goods abroad, and when we see the number of jobs associated with producing those products to sell abroad, it tells us that we have to have markets to sell into. The only way we get markets to sell into is being at the negotiating table to open those markets. That is all fast track negotiating authority is all about. It is just giving our government the authority to be at the table, to make the deal, to open other people's markets to American-made products.

I want American inventions to produce American jobs to make American products to sell in every market in this world. We cannot get there unless America is at the table negotiating to open markets for American inventions made by American workers shipped by American companies into every market. That is what fast track authority is about. It is about negotiating market opportunities for American products.

Remember, 96 percent of the world's consumers are in other countries. Only 4 percent of the world's consumers are here. So if we want to see more goods sold, and we want to see a rising standard of living in America, we have to not only have competitive products to sell into those markets, but we have to have trade agreements that open those markets to American products.

Mr. KOLBE. Reclaiming my time, Mr. Speaker, I think the gentlewoman has made a very good point, and one I think we need to explore a little bit more. The gentlewoman serves, of course, on the Committee on Ways and Means, which has the primary jurisdiction over trade issues.

I have listened to a lot of these discussions that have gone on on the floor here, and I think there has been a lot of misinformation about what fast track really is about. So before we come back to some of these figures on trade, maybe we ought to just talk a little bit about what fast track really means.

Fast track is a process. A lot of people right now are talking about, oh, we do not want to get into another agreement. We may not get into another agreement. That is down the road. But fast track says whether or not we are ever going to be at the table talking about these trade arrangements and trade agreements. Because the fact of the matter is, the world is moving ahead on trade. Whether we are there or not, they are going on and moving ahead.

We have scheduled, and I am sure the gentlewoman knows, we have scheduled in this coming year talks in Geneva, where the World Trade Organization is located, and we are one of the 150-plus members now of the World Trade Organization. Talks are scheduled to go on on intellectual property. We are the leading exporter in the world of intellectual property. We are

talking about computer software, we are talking about all the elements of movies and records and tapes and CDs, all those things in which we are a tremendous exporter of that intellectual property.

Now, the rules governing that and protecting our intellectual property and making sure we can trade that overseas, those are going to be decided. If we are not able to sit in those negotiations, we are going to be out of it.

Mrs. JOHNSON of Connecticut. Mr. Speaker, if the gentleman will yield further, we often talk about America as the entrepreneurial society. We talk about ourselves as inventive, as creative. There is absolutely no question but that we invent more new products in America than any other nation.

We are an inventive Nation. Consequently, we invent a lot of great ideas and great products that other countries say, "Hey, great product. We are not going to put the research and development in it, they already did it. We are going to just counterfeit it, copycat it, produce it, and undercut them in price," because, of course, they did not have to carry the costs of research and development.

We are the most inventive Nation. We create the most new products. We want the whole world trading community to have a high standard of protecting inventions, protecting patents, protecting copyrights, because those are American jobs. If we are not at the table to make sure that that standard is high and that other nations have to come into compliance promptly, then other nations who want the standard low and compliance to take many, many years will win.

And who loses? The inventive Nation that creates the new products, because we are not protected against other countries counterfeiting our products, copy-catting our products, back-engineering our products, and then undercutting us in the market.

□ 2130

So invention means we want to be at that table to drive the American standard of intellectual property rights protection, as we call it, to be the international standard. And that is why we need to be there, we need negotiating authority. We have to drive those decisions to recognize the high standard that invention and creativity and American ingenuity have always created for the market and ought to be protected worldwide.

Mr. KOLBE. Reclaiming my time, I appreciate what the gentlewoman from Connecticut has just said. As she well knows, at the other end of the technology sale, you might say, is agriculture, that we have a very technologically innovative agricultural industry. At the other end is agriculture.

We are, again, the largest exporter of agricultural products in the world. Those talks are scheduled to take place in the year 1999 in Geneva. And the question is, Will the United States be there pounding on the table, hammering at the door, demanding that other countries, Europe in particular, which has very high protective tariffs against our agricultural products, which we can and would love to sell to Europe and the rest of the world, whether we are going to be able to get those tariffs lowered, whether we are going to be able to sell more of our products overseas, more wheat, more soybeans, more of the grains and the rice and all the specialized products?

Mrs. JOHNSON of Connecticut. More dried milk if you are a dairy State.

Mr. KOLBE. And more dried milk if you are a dairy State. That is exactly right.

So whether it is high technology at one end or whether it is agriculture at the other end, those talks are very vital to us.

And then finally, in the year 2000, investment services. The gentlewoman from Connecticut [Mrs. JOHNSON] comes from a State where this is extraordinarily important. Insurance and investment and brokerage services, those are absolutely vital. Financial services are absolutely vital. The United States again is the leader.

And we have gotten the World Trade Organization to agree that these are the three areas that are going to be the next areas for discussion for lowering the barriers to our trade in goods and services with the rest of the world.

And now, if we turn away from fast track, if we deny fast track to the President, and I think we need to explain exactly what that means "fast track," but if we deny that, we are saying to the rest of the world, we are not going to be at the table, we are not going to be discussing this or negotiating on behalf of the United States.

I wonder if the gentlewoman from Connecticut [Mrs. JOHNSON] would just, since people might be wondering, what does she mean when she says "fast track"? If I have somebody out there asking this question, I wonder how the gentlewoman from Connecticut [Mrs. JOHNSON] would answer: So why do we need fast track in order to sit down at the table and negotiate with the world, with the European Union, or with any other country?

Mrs. JOHNSON of Connecticut. This is why we need fast track. Really, it is so very simple. We think of sitting down together as a family and we have a dispute and a problem, and one kid wants one thing, one kid wants another thing, one kid wants another thing, dad wants another thing, mom has another opinion. And we get together and decide, we are going to do this much because Jenny wants it; we are going to do this to consider Don's concerns; we are going to do this to consider the twins' interest, and mom and dad. And we get a package, and we all agree. It is not everything Jennifer wanted. It is not everything Don wanted. It is not everything mom wanted. It is not everything dad wanted. And the twins are kind of miffed because they did not get X, Y, or Z. But they all got something and they all could see that, while they got something, the other member of the family got something; and, so, this agreement was good for everyone. It was not everything anyone wanted, but it was something everybody wanted and would serve everybody's interest.

Now, everyone has to commit to that agreement. If they do not commit to that agreement, it falls apart. Well, when we go to negotiate with 10 other countries or 20 other countries about how agriculture products are going to move in the world market, everyone has to trust that everyone at the table means what they say and is going to deliver on the agreement.

And so, at the end, and this is always the way it is in international agreements, it is the way it is in families, it is the way it is at any level of negotiations, whether it is union or whether it is not union or wherever it is, at the end, there are a lot of things we can agree on, and then there are some things that are hard, and at the end there are a few things that are very, very hard.

And people have to make hard decisions about what is most important to them, what is most important to you, and then you strike the deal that you know is in the end best for everybody and will serve everybody. It is at that point, it is at that point when we put the final nail in the deal, the final seal on the passage, that everyone has to know everyone who is part of that deal will be able to deliver.

If our President does not have fast track authority, then he will not be able to deliver. The other countries that are parliamentary democracies automatically can deliver because their prime minister can just do whatever he has negotiated. Our prime minister, our President, has to bring the package back and we have to pass new law.

Now, can the new fast track bill that came out of the Committee on Ways and Means, on which I serve, recognizing that we do want that negotiator to commit to something that we will not pass? It is true we could defeat it, but we want them to agree to something that will serve our interest and that we can support.

So in the new legislation, we have structured a lot of consultation, a lot of involvement by elected Members of the House and Senate, so that, at the end, that deal will be struck in a way that will not only be in America's interest but broadly supported by America's representatives.

Mr. KOLBE. I think my colleague has given an excellent example of exactly

how fast track works when she is talking about countries and how it relates to the same kind of thing with families.

The bottom line in a government setting is that no one wants to go into a negotiation and put their cards on the table and get the best deal if they do not know at the end that the deal is a done deal.

Now, they recognize that they have to go back to their countries and get approval of it. But they do not expect to take that agreement back to the country and have it picked apart, amended, changed, and added to. And that is exactly what would happen if we did not have fast track authority. It becomes like any other bill that is introduced in Congress; it gets amended, it gets changed.

Now, fast track does allow the Congress a very significant role in the whole process of this negotiation. We are involved, and my colleague's committee particularly is involved, in the consultation throughout all of these negotiations so that at every step of the way we know how the negotiations are going and we can say, this is not going to fly, Ambassador Barshevski, who is our trade representative, this is not going to fly if you bring this back, or, you need to add this to it, or, you need to do that. So we do have a role as the process goes forward.

We have used this fast track, I think the gentlewoman from Connecticut [Mrs. JOHNSON] can correct me if I am wrong, but we have used this fast track procedure for more than 20 years now since, I think, 1974 when we first added it after the Tokyo Round, because we found at that point that trade was becoming not the simple thing of just lowering tariffs, but there were other things that had to be done. There were nontariff barriers, complex issues that had to be dealt with, and these discussions became much more complicated than they had been before.

So we went to this process of fast track. And every President since Richard Nixon, that means Jimmy Carter, Ronald Reagan, George Bush, and President Clinton, well, not President Clinton, he has not had fast track authority given to him, but every President up to President Clinton has had fast track authority granted to that President. Now we have been without it for 3 years, and we have not been able to engage in the kind of serious negotiations that we would like.

I do not know if my colleague would agree, but I think we would find ourselves at a tremendous disadvantage if we do not have this fast track authority.

Mrs. JOHNSON of Connecticut. One of the things I think is not being noticed, and of course it is because most Americans do not have time to notice, they are busy and we are not at the table, but let me tell my colleagues what happens when we do not have fast track authority, because it is happening to us now.

We do not have fast track authority, so we cannot negotiate with a lot of the South American countries that have traditionally bought American products, like to buy American products, are disposed toward doing business with us, but in the last couple of years have been making deals with other people because we are not positioned, we do not have the negotiating authority that they can trust.

So, recently, Canada negotiated a very good trade agreement with Chile. It meant that there would be no Chilean tariffs on their communications equipment. That dropped an 11 percent tariff under Chilean law on Canadian communications equipment. Not long ago, we lost, an American company lost a very big deal in Chile, not because they were not the top quality producer, not because they were not the lowest cost producer, but because when we added their price of their quality product and the 11 percent tariff, they were higher cost than the Canadian company that was higher priced but did not have the 11 percent tariff.

So our failure to have negotiating authority is already losing us customers in South American nations. And if that happens too much, we lose jobs. We do not just lose customers, we lose jobs.

Mr. KOLBE. I appreciate what the gentlewoman from Connecticut [Mrs. JOHNSON] is saying. And I think that is important, that we keep in mind that we really are not just talking about some kind of abstract thing, we are talking about people who are out there in American companies every day, union people, nonunion people, working, making widgets, making all kinds of manufactured goods, providing all kinds of services, and these goods are being sold overseas.

My colleague talked about the example in Chile. And I would like to point out in a kind of an aggregate or macroeconomic sense the kinds of opportunities that we lose if we are not able to engage in these trade negotiations. Here is just a list of some of them.

For example, the Latin American trade negotiations have roughly a $300 billion import market. That is exports from the United States, imports into Latin America. The President of the United States called all the Latin American countries, all the countries of the western hemisphere, together for a summit, as my colleague knows, in December of 1994. And we made a commitment. We got a commitment to come to a free-trade agreement with all the American countries of Latin America, Central America, North America by the year 2005.

These are countries that heretofore had been largely closed. Many of them were not democracies. They had import substitution kinds of economies. They were completely closed. They were poor economies. They were not doing well. We did not have many markets there. But now the world is changing, and these countries are changing, they are growing, they have growing economies and growing hunger for American exports. And there is a tremendous opportunity out there. And the question is, are we going to try to sit down with those countries and negotiate a trade agreement for the Latin American countries, $300 million worth? That is just the first one here.

The agricultural negotiations that we talked about earlier with the World Trade Organization are worth roughly $600 billion in the global market.

Mrs. JOHNSON of Connecticut. $600 billion.

Mr. KOLBE. $600 billion that we are talking about that are available.

Mrs. JOHNSON of Connecticut. Our whole economy produces $1.5 trillion of goods each year. So $600 billion is more than a third of our whole economy.

Mr. KOLBE. Here we go here with WTO, the procurement negotiations. We are talking about government buying goods, whether it is some countries are not completely privatized, they have state-owned aircraft industries, or, of course, we are talking about defense industries and other things, telephones and telecommunications. We are talking about a trillion-dollar global market that is available to us there that, again, if we are not going to engage in these procurement negotiations, which is also scheduled to take place in Geneva, it does not mean we will not be able to sell anything. I do not think any of us would try and suggest that nothing is going to be sold. But we will not have the access to this market that other countries will have that are going to have the rules that they are going to devise these rules.

Mrs. JOHNSON of Connecticut. Can we make that a little clearer. A lot of countries have state-owned, state-operated companies that produce telephone equipment, transportation equipment, energy, and we are moving in the world toward privatizing those companies and letting anyone in the world compete.

If we are not allowed to compete, we do not get those jobs, we do not get that production. If we are allowed to compete, we have to be very good to get the deal. But we need to be able to be there at the table, and if we are not at the table, then those countries who like having that government control, even if it produces a higher-cost product for their people and lower quality, they like the control.

So if we are not there to push them and say, open that market, let us have a chance, let everybody have a chance, and it will make your industries better and raise the standard of living for your people, if we are not there to do

that, then at the table we only have those countries who want a lower standard. And that is bad not only for our country, but for the world.

□ 2145

Mr. KOLBE. The gentlewoman is absolutely right. Just two more that I would like to point out when we talk about fast track, the lost opportunities really pile up. Here we have got the world trade negotiations on services which are worth $1.2 trillion. Finally we have got the Asia Pacific, this is the APEC. Again President Clinton has made a commitment with the Asian countries that we are going to try to have a free trade agreement by 2010 that is worth $1.7 trillion. The bottom line is we add all these up and we have a cumulative effect of nearly $5 trillion, just in these areas of negotiations.

These are not just fantasy. These are not wannabes, these are not maybes. These are things that are scheduled to occur, negotiations on these kinds of trade opportunities. We will lose, not all, but we will lose a significant part of this if we are not able to have a trade agreement that favors us, that gets the things that we need in order to have access to these markets. I think the gentlewoman would agree with that.

Mrs. JOHNSON of Connecticut. They are scheduled to occur and they are going to occur. These negotiations are going to go on whether we pass fast track or whether we do not pass fast track. Just last year, just in one year, we lost $2.3 billion due to copyright piracy; that is, people just outright counterfeiting American products, copycatting our products, ignoring our copyrights. That is just one year, $2.3 billion. These negotiations are going to go on. Who is going to be at the table? We are going to be at the table, too. But at the end when the deal has to be done at the end, when those hard decisions are made, those countries who pirate our products, who make a fortune off our research and development, who steal American jobs from our people, they are going to be able to do that final deal, and we are not. The deal they strike is going to be for a lower level of protection and many, many more years for countries to come into conformance. If we are at the table, we can say, "Uh-uh."

People who invent the idea have the right to own that idea, and their employees have the right to the jobs to produce that product, and we have the right to support our people as a result of our inventiveness, and we will set that standard higher and we will require compliance sooner if we are there to drive the final deal. If we are not, it will be our loss.

Mr. KOLBE. The gentlewoman has made a point that suggests something that I think is very curious in this debate that we have been having about trade and about fast track. I know the gentlewoman has talked to many businesses and plant managers and supervisors all over her district as I do throughout Arizona and around this country when I travel. American business is not afraid to compete. We are able to compete. We want to compete. They want to get out there and compete. It strikes me as very curious that some of our colleagues here in Congress seem to be a lot more fearful of this competition than our own businesses and, frankly, I think our own workers are. I have never met a worker in one of my factories in Arizona that was not willing to compete. They know they can make good products. All they want to do is have a fair shot at selling that product overseas. That is what these trade negotiations are all about.

I just note, point out to the gentlewoman here, when we talk about the U.S. and its role in trade, it is overwhelming. Our trade, our value of our goods and services that we export in 1996 is $849 billion. That is about a sixth of our total GDP, and it is a huge amount. This is just the exports, not the import side of it. Compare that to other countries like Germany at 609 and Japan at 468. We are so far and away the biggest exporter in the world that we still dominate the world. Yet some people would say, gosh, we are afraid of this, we are afraid of trying to expand these markets. If we do not have fast track, I can tell the gentlewoman that the happiest people in the world are going to be the European countries when it comes to the agricultural negotiations. They have been resisting opening up their markets for years and they will be delighted that the United States will not be there in Geneva pounding on the table insisting that those negotiations be opened up.

Mrs. JOHNSON of Connecticut. They will be delighted. And yet just in Connecticut, just Connecticut, manufacturing has increased. Connecticut manufacturing exports, $500 million more just during the first half of 1997 over the first half of 1996, $500 million, a half a billion dollars more in manufactured exports went out the door from Connecticut plants in just the first half of 1997. If you are expanding production at that rate, you are hiring people. And if you are selling abroad, your wages are higher than domestic companies. So in Connecticut, we are selling more abroad, the jobs we are creating in that sector, not all jobs. I absolutely acknowledge that, but more and more jobs are associated with exports and those jobs on average pay 16 percent more. So if you want your kids to do well, you want to live in a State that exports a lot so your kids can get into exporting industries so they can have the opportunity to have higher paying jobs and good livings.

Mr. KOLBE. I think that the gentlewoman has suggested something that I think is indicative of the problem that we face in trying to make this appeal on trade and make the sale. I am sometimes puzzled as to why it is so difficult for us to make this case. I think one of the reasons is that whenever there is a plant that closes or moves some of its operations to an offshore setting, which by the way is not necessarily bad because they may be sourcing many of the materials from this country itself, but when they move that down there, if a plant closes in Missouri and they move the assembly plant to Mexico, that is a big headline and 200 jobs get lost because a plant moved to Mexico, or as we have seen this last week where Fruit of the Loom announced it is going to move some of its, where they manufacture underwear, they are going to move some of that to Mexico and to some of the Caribbean countries and jobs are going to be lost. Yes, I agree that is tough. That is tough for the people who are losing those jobs. But what never makes the headlines is the fact that on that same day, all over the country, hundreds of companies hired new people, one, or two, or 20 or 50 because they got some contract to sell some product into Mexico or to China or to Germany or elsewhere. There is never a story about that, because we do not see it. It is not visible. You do not open a factory just to sell to another country. But when you close a factory and move it to another country, it is a different story.

Yet the fact is the doomsayers that we hear from people who are against fast track, who are against this kind of opportunities, these trade opportunities for America say that they do not trust us, they do not believe that Americans can compete, businesses believe they can compete and since 1993, since the last time we had fast track authority for the NAFTA agreement and the GATT agreement, we have created 12 million new jobs in this country.

I want to talk a little bit in the remaining time about NAFTA, because that is one of the things, the North American Free-Trade Agreement, that Members sometimes say, "Oh, this is just all about NAFTA." We know that fast track is not about NAFTA, but it is a curious thing that since the North American Free-Trade Agreement went into place, we have, as the gentlewoman knows, we have provisions in that legislation that is called trade adjustment assistance where a job that is lost, is certified it is lost because the factory moved a job or a plant or closed the plant and moved it overseas because of the trade agreement, they qualify for special assistance. A total of 125,000 jobs have been certified as having been lost because of that. You say 125,000 jobs seems like a lot, but when you remember that during that same time we created 12 million new

jobs, you begin to see, well, maybe we benefited a lot from this because a lot of these new jobs were coming because we were selling more wheat to Mexico, we were selling more automobiles to Mexico, we were selling more petroleum drilling equipment to Mexico, and so forth. So the bottom line is that the numbers of the aggregate numbers are overwhelmingly in favor of trade. We are at the lowest unemployment level that this country has had in years. We are at the highest wage growth, personal income growth that we have had in years. This comes because we have had trade. I know the gentlewoman has worked hard on these issues in Connecticut with some of her companies and trying to encourage more trade and exports. I think we agree that that really is the future for the people that we represent to be able to have these opportunities for trade.

Mrs. JOHNSON of Connecticut. One of the hardest things today and all of us feel it in every one of our districts, it is really hard to see plants that really are not producing a top quality good gradually have to lay people off and go under. But that has nothing to do with negotiating authority. It has to do with the fact that consumers today demand very high-quality products at a reasonable cost and they have a choice of products from all over the world. For America to be competitive and American companies to be successful, they have to be the best and the lowest cost in their own local market, around the Nation and across the seas. The exciting thing is that they have risen to this challenge. It took years to do it but I can tell the gentleman, I represent the best workers in the world. They do top quality work individually, they work together well as a team, they day in and day out, you walk into any factory in my district and they can tell you stories about how the latest move that some group in that factory has made to identify by thinking, by working together, to identify a way to cut costs, improve quality, improve productivity together, same men and women, same hours, same equipment, thinking smart, working as a team, and doing a far better job than we used to do. It is truly exciting and we are frankly in so many areas absolutely the best. So we are competitive. One of the things that makes me saddest in this whole trade debate is the idea that somehow trade policy sends jobs abroad. Any American company could establish their factory here or abroad 10 years ago, 5 years ago, 1 year ago, today. They will have that right tomorrow, they will have that right 10 years from now. If they were going to go to the lowest wage company, because some of my friends say to me, "Well, gee how can we compete with 25 cents an hour?" We have been competing with 25 cents an hour. We do compete with 25 cents an hour, and we win. Why? Because we are far better. We produce a far better product at a reasonable cost. So that is not the issue. Companies establish plants abroad for only two reasons: First, to feed their high-technology production capability here in America, and sometimes because trade laws force them sometimes to sell in a market, you have to be there.

I had a company in Connecticut that had a plant in Mexico because under the old rules, they had to produce in Mexico to sell in Mexico. As soon as we passed NAFTA, they closed their plant in Mexico and came home. Why? Because they could produce better here. Now with the free-trade agreement, they could sell into Mexico without having a factory in Mexico.

Mr. KOLBE. So despite the fact that the wages they would have had to pay in Mexico, or they did pay in Mexico were a fraction, maybe a tenth of the amount.

Mrs. JOHNSON of Connecticut. Much lower. Because Connecticut is a high-cost State, and they pay high wages.

Mr. KOLBE. So they were paying a tenth as much in Mexico. They moved the production back to Connecticut. The answer is because of the productivity that they have.

Mrs. JOHNSON of Connecticut. You bet they did. Because it was a better work force, and a higher quality product.

Mr. KOLBE. And more capital investment and more technology. That is, of course, what countries like the United States have. That is the advantage that we have.

Let me just tell the gentlewoman my example that I always use is the copper industry in my own State. Copper was riding high back in the 1960's and 1970's and right up to 1982 when the world copper price collapsed. Half the mines in Arizona closed as a result of that. The other half were struggling selling copper at below the market price, so they were losing money with every pound of copper that they were selling. They knew that in order to stay competitive, they had to make some big changes. What they did was they put a tremendous investment in capital into those mines. We now have the most technologically advanced copper mines in the world in Arizona. Everything is computer controlled, they use robots, they use all kinds of things. The bottom line is yes, there is half the people working in the copper industry in Arizona but there is still a copper industry and they are producing more copper today than they were in 1982 with less than half of the number of people. The result is they can compete and they can outproduce in copper Chile, which is a medium-priced country in terms of wages, Zambia which is at 25 cents an hour or Zaire or Guinea or those other countries which are at the very rock bottom there. We can still beat them because we have much more productivity. Being able to invest in capital and in technology and have a well-trained work force is really the key to being able to compete.

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But I have not found any American companies that are afraid of that. They all want to be able to do that.

Mrs. JOHNSON of Connecticut. Well, I agree they are able to compete, but they have to be able to get into a market.

Mr. KOLBE. They have to get into a market. They cannot do it if we do not——

Mrs. JOHNSON of Connecticut. Right.

Mr. KOLBE. Agreements with other countries and let them in.

Mrs. JOHNSON of Connecticut. Right, under the old rules, Mexico had tariffs of 20, 30 percent on a lot of it.

Mr. KOLBE. In some cases it was as much as 100 percent.

Mrs. JOHNSON of Connecticut. Right, so if you had 100 percent tariffs, I do not care how good you were producing in the United States, you could not sell in Mexico with 100 percent tariffs.

Now, under NAFTA, Mexican tariffs have come way, way down. Yes, American tariffs have come down a little bit, too, but they were low to begin with. Now they are a little lower. Mexican tariffs were high to begin with. Now they are down low. Some of them are completely wiped out. One-half are wiped out. Others are there, but they are much smaller. So now you can sell into Mexico, and you can compete. You do not have to be there to produce.

So lower tariffs means jobs stay in America.

I gave you earlier that example of the Canadian company that got the big deal in Chile, though the American producer was lower cost and higher quality. But we did not have the tariff relief. We had to pay 11 percent tariffs. So we lost the deal. If we had the same tariff relief that Canada had had, if we had been able to be at the table and negotiate those tariffs down like Canada did, we would have gotten that order, and those orders feed jobs.

So what is sad about this fast track deal is that those who oppose fast track think they are protecting American jobs when actually you protect American jobs by being at the negotiating table, opening markets and driving international standards to American standards, because American standards are higher in every area than most of the rest of the world.

So if we can open markets, we can compete. If we open markets, our competitive companies go in, sell goods, and that allows them to hire and create jobs.

So if you care about the jobs of your kids, you have to be in lots of markets,

because remember, again, 96 percent of the consumers are outside the United States. So if your kids are going to have jobs, you have got to be able to sell into all the markets of the world, and that is what we are talking about. We are talking about letting the President be at that table with a power to negotiate agreements that are good for American producers. And if they are good for American producers, they are good for American workers because they will sell American goods and create American jobs and pay American salaries to good, solid Americans to sell American products made by American people.

It is exciting. It has meant that we are a very prosperous Nation. It will bring prosperity to our children, and without fast track the possibility of a continual rise in our economic growth is truly, truly compromised.

I do not want to be too pessimistic, but one could paint rather grim scenarios about economic growth without fast track.

Mr. KOLBE. Well, I think the gentlewoman is absolutely right, and I think we do not want to be apocalyptic about that, and certainly the world will go on, and the United States will continue to trade, but we will trade on much more difficult terms and not as well as we would do if we have trade agreements, and those can only come about if we have fast track authority to allow the President to negotiate those trade agreements.

We have been talking a bit this evening about NAFTA, and I just want to take a minute to talk about it, because if you listen to some of the opponents of fast track authority, you would think that the North American Free Trade Agreement, or NAFTA as it is called, that links the United States, Mexico and Canada in a free trade agreement is the only agreement we have ever negotiated under using the fast track authority. But the fact is we have had four other critical agreements, and those are the 1979 Tokyo Round of GATT talks, General Agreement on Trade and Tariffs; the 1985 U.S.-Israel Free Trade Agreement; the 1988 U.S.-Canada Free Trade Agreement; and the 1994 Uruguay Round of GATT talks. Now in that last round, of course, GATT became the World Trade Organization, so we talk now about WTO.

But those four rounds, all of which made significant breakthroughs for the United States in the areas of not just of tariff barriers, but of allowing us access to different markets, were absolutely critical for us.

Now, I want to just focus for a moment on the North American Free Trade Agreement in Mexico because a lot of people shy away from this and say, oh, we should not talk about that, and it is very important to understand that this fast track authority is not about Mexico, it is not about NAFTA, it is about allowing the President of the United States authority to negotiate all kinds of trade arrangements.

But I still take on the issue of NAFTA and confront it head on because I believe that when the book is written, and I think some of it is already being written, it will be demonstrated that the North American Free Trade Agreement has been a good agreement for not just Mexico, but for the United States as well.

Yes, it is true that we had a trade surplus before NAFTA, and today we have a trade deficit with Mexico. But it was not NAFTA that caused that. It was the collapse of the Mexican peso, where all of a sudden after the collapse of the Mexican peso that had nothing to do with NAFTA and everything to do with some ill-founded policies that were followed by the previous administration in Mexico and the mishandling of a currency devaluation, the collapse of that peso, the result of that is that suddenly anybody trying to buy something when they are in Mexico from another country is going to pay a lot more in dollar terms, and anybody outside of Mexico buying something in Mexico is going to pay a lot less. And so the Mexican exports to the United States went up, and U.S. imports to Mexico or exports to Mexico went down by comparison.

But let me just give a couple of facts to show why I think we can say that NAFTA has worked in terms of leveling out the dips and making it less of a slide than would otherwise be the case, because in 1982 we had a similar, almost equal, amount of devaluation of the Mexican currency. When that occurred in 1982, U.S. exports to Mexico dropped 49 percent; repeat that, 49 percent our exports dropped, and it took us 7 years for us to restore the level of exports to Mexico that we had before 1982.

In 1995, when the peso was devalued, that time about the same amount of devaluation, that time we had a 9.4-percent drop in U.S. exports to Mexico, and it took us 1 year to get back up over the level of exports that we had before that time.

And so I think we can see that the NAFTA agreement, the reason for that, people say, well, so what does NAFTA have to do with that? Why was that the case? Well, what happened in 1982 was that when you did not have an agreement, when they have a peso devaluation, a country tries to trade itself out of that, they slap on import quotas, the hundred percent tariffs, licensing requirements, all the things that make it impossible for an American exporter to get their products into Mexico while they are able to export, take advantage of the peso devaluation and export to the United States.

With NAFTA, Mexico, and with other free trade agreements, the other countries cannot do that. They are not able to resort to that kind of thing in order to what I would call beggar thy neighbor approach, and so as a result of that, Mexico was, although our exports to Mexico dropped, those that were able to get the money, to get their hands on the cash in Mexico, were still able to buy. And so our exports to Mexico did continue. They dipped, but within 1 year we were back up over where we had been before.

So I would say, quite frankly, to my colleagues who decry the North American Free Trade Agreement, the NAFTA agreement, I would say, you are wrong, it has worked, it has done precisely as we wanted.

And I will yield, and we only have just about 5 more minutes, and we are going to close up, and I will yield to you, and then I will end.

Mrs. JOHNSON of Connecticut. Let me just mention that one of the big issues in the NAFTA negotiations was the failure of Mexico to enforce their own labor laws. They look good on paper, but they did not enforce them, and we have learned something from those NAFTA negotiations.

In those negotiations we made what is called a side agreement, and as a result of that, Mexican investment in enforcement of their own labor laws has increased 250 percent. In other words, we forced them to try to start enforcing their own laws, which were good on paper and lousy in reality, and in this new fast track authority we specifically include the right for the United States to negotiate the enforcement of domestic laws in labor and environment because lots of countries have good-sounding laws, but they do not enforce them, and that does make it harder for us to compete. So we have now expanded this negotiating authority to include enforcement of domestic laws because we did learn from those negotiations in Mexico the need for that breadth.

So this time we are not only asking for the President to have negotiating authority, but we are asking for that authority to reflect the experience that we have in what defends America's interest and what strengthens our own future and creates opportunity for our people.

Mr. KOLBE. I think the gentlelady's comments are right on target, and I think they summarize exactly why America needs to have fast track authority, why the President of the United States needs fast track authority, why we need to be able to pursue opportunities.

Opportunities for trade means opportunities for jobs for Americans. It means opportunities for American consumers. It means opportunities for our children and opportunities for the future. None of us in this body should be afraid of the future. The American people are not afraid of the future.

And this issue about fast track is not a partisan issue. It is an issue about whether we are going to lead, lead for ourselves and lead with the rest of the world.

And Republicans and Democrats alike have spoken out strongly on the issue of free trade, and I would like to simply end tonight with some quotations that I think very well express the importance of why we need to have these kinds of trade agreements.

The current Secretary of the Treasury, Bob Rubin, said this: We are now at a crossroads. The question before Congress is whether to grant the President fast track so that we can continue to open markets, expand trade and raise standards of living here at home, or to refuse and watch as U.S. workers and businesses lose out in access to the opportunities in the global economy.

Brent Scowcroft was a White House national security adviser in President Reagan and President Bush's administration, and he said this: We cannot say we will lead on NATO and regional security, but not on trade. We cannot say we will lead on democracy and human rights, but not on trade. And we cannot say we will lead on the environment, but not on trade.

Senator Dole, Robert Dole, the former majority leader and Republican Presidential nominee this last campaign, said, global trade is inevitable and Presidential fast track authority is indispensable if America is to lead the community of nations into the next century.

And finally, the President of the United States, President Clinton, has said this: We owe it to the working men and women of America and around our entire country to level the playing field for trade so that when our workers are given a fair chance, they can and they do outcompete anyone anyplace in the world.

My colleagues, I appreciate my colleague from Connecticut participating with us this evening. I think it is very clear where the merits of this argument lie. We are confident about America's future, and I think we are confident that fast track authority will lead us into a brighter future for our children.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MENENDEZ (at the request of Mr. GEPHARDT), for Tuesday, November 4, on account of election day in his home State of New Jersey.

Ms. MCKINNEY (at the request of Mr. GEPHARDT), after 2:30 p.m., Wednesday, November 5, and on Thursday, November 6, on account of business in the district.

Ms. CARSON (at the request of Mr. GEPHARDT), for Thursday, November 6, on account of official business in the district.

Mr. YATES (at the request of Mr. GEPHARDT), for Thursday, November 6, after 5:30 p.m., and Friday, November 7, after 11 a.m., on account of personal reasons.

Mr. MICA (at the request of Mr. ARMEY), for Thursday, November 6, until 6:30 p.m., on account of accompanying the President to the Bush Library dedication.

Mr. PORTMAN (at the request of Mr. ARMEY), for Thursday, November 6, until 6:30, on account of attending the dedication of the George Bush Presidential Library.

Mr. QUINN (at the request of Mr. ARMEY), for today, after 3:30, until 6 p.m., November 8, on account of attending a funeral.

Mr. GILLMOR (at the request of Mr. ARMEY), from today, 5 p.m., and for Saturday and Sunday, on account of personal reasons.

Mr. FORBES (at the request of Mr. ARMEY) for Thursday, November 6, until 6:30 p.m., on account of attending the dedication of the George Bush Presidential Library.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mr. MCNULTY, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. POSHARD, for 5 minutes, today.
Mr. TRAFICANT, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Mr. LAFALCE, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Mr. FAZIO, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. SANDERS, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mr. RUSH, for 5 minutes, today.
Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. GIBBONS) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, each day, today and November 9.
Mr. GUTKNECHT, for 5 minutes, today.
Mr. GEKAS, for 5 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. PORTMAN, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. KASICH, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. PAPPAS, for 5 minutes, today.
Mr. MORAN, for 5 minutes, today.
Mr. SANFORD, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HANSEN, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $3,334.00.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2367. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 2367. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

H.J. Res. 101. Joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes.

ADJOURNMENT

Mr. KOLBE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, November 8, 1997, at 12 noon.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 31, 1997.

Re notice of adoption of amendments under section 204 of the Congressional Accountability Act of 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 304 of the Congressional Accountability Act

of 1995 (the "Act"), 2 U.S.C. §1384, I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of amendments to regulations under section 204 of the Act, together with a copy of the adopted amendments, for publication in the Congressional Record.

Section 304 specifies that the enclosed notice and amendments be published on the first day on which both the House of Representatives and the Senate are in session following this transmittal, and that the notice and amendments be referred to the appropriate committee or committees of the House and Senate for consideration of whether the amendments should be approved.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE—THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995: EXTENSION OF RIGHTS AND PROTECTIONS UNDER THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 204 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1314, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the CONGRESSIONAL RECORD and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 204 applies rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA"). Section 204 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 204 to include GAO and the Library. The amendments also make minor corrections to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 205 and 215 of the CAA, which apply the rights and protections, respectively, of the Worker Adjustment and Retraining Notification Act and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 205 and 215 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540–1999. Telephone: (202) 724–9250 (voice), (202) 426–1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 CONG. REC. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 204 of the CAA, 2 U.S.C. §1314, applies the rights and protections of the Employee Polygraph Protection Act of 1988 ("EPPA") by providing, generally, that no employing office may require a covered employee to take a lie detector test where such a test would be prohibited if required by an employer under paragraph (1), (2), or (3) of section 3 of the EPPA, 29 U.S.C. §2002(1), (2), (3).

For most employing offices and covered employees, section 204 became effective on January 23, 1996, and the Board published interim regulations on January 22, 1997 and final regulations on April 23, 1996 to implement section 204 for those offices and employees. 142 CONG. REC. S260–62, S262–70) (daily ed. Jan. 22, 1996) (Notices of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations); 142 CONG. REC. S3917–24, S3924 (daily ed. Apr. 23, 1996) (Notices of Issuance of Final Regulations). However, with respect to GAO and the Library, section 204 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 204 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 204 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as now apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations under section 204, the scope of coverage is established by the definitions of "employing office" in section 1.2(i) and "covered employee" in section 1.2(c), and the amendments add GAO and the Library and their employees into these definitions. In addition, as proposed in the NPRM, the amendments make minor corrections to the regulations.[1]

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM: *(1)* that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, *(2)* that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and *(3)* that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, D.C., on this 31st day of October, 1997.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

The regulations implementing section 204 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3917–24 (daily ed. Apr. 23, 1996), are amended by revising section 1.2(c) and the first sentence of section 1.2(i) to read as follows:

"Sec. 1.2 Definitions

* * * * *

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; (8) the General Accounting Office; or (9) the Library of Congress.

* * * * *

"(i) The term *employing office* means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress. * * *".

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 31, 1997.

Re Notice of adoption of amendments under section 205 of the Congressional Accountability Act of 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 304 of the Congressional Accountability Act of 1995 (the "Act"), 2 U.S.C. §1384, I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of amendments to regulations under section 205 of the Act, together with a copy of the adopted amendments, for publication in the Congressional Record.

Section 304 specifies that the enclosed notice and amendments be published on the first day on which both the House of Representatives and the Senate are in session following this transmittal, and that the notice and amendments be referred to the appropriate committee or committees of the House and Senate for consideration of whether the amendments should be approved.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Worker Adjustment and Retraining Notification Act.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 205 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1315, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the Congressional Record and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 205 applies rights and protections of the

[1] In the definitions of "employing office" and "covered employee," the references to the Office of Technology Assessment and to employees of that Office are removed, as that Office no longer exists.

Worker Adjustment Retraining and Notification Act ("WARN Act"). Section 205 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 205 to include GAO and the Library. The amendments also make a minor correction to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 204 and 215 of the CAA, which apply the rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Occupational Safety and Health Act of 1970. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 204 and 215 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540-1999. Telephone: (202) 724-9250 (voice), (202) 426-1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 Cong. Rec. S9014 (daily ed. Sept. 9, 1997) ("NPRM'), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 205 of the CAA, 2 U.S.C. §1315, applies the rights and protections of the Worker Adjustment and Retraining Notification Act ("WARN Act") by providing, generally, that no employing office shall be closed or a mass layoff ordered within the meaning of section 3 of the WARN Act, 29 U.S.C. §2102, until 60 days after the employing office has provided written notice to covered employees.

For most covered employees and employing offices, section 205 became effective on January 23, 1996, and the Board published interim regulations on January 22, 1997 and final regulations on April 23, 1996 to implement section 205 for those offices and employees. 142 Cong. Rec. S270-74) (daily ed. Jan. 22, 1996) (Notice of Adoption of Regulation and Submission for Approval and Issuance of Interim Regulations); 142 CONG. REC. S3949-52 (daily ed. Apr. 23, 1996) (Notice of Issuance of Final Regulations). However, with respect to GAO and the Library, section 205 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 205 with respect to GAO and the Library as well.

2. Description of Amendments

In the NPRM, the Board proposed that coverage of the existing regulations under section 205 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as now apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations implementing section 205, the scope of coverage is established by the definition of "employing office" in section 639.3(a)(1), which, by referring to the definition of "employing office" in section 101(9) of the CAA, 2 U.S.C. §1301(9), includes all covered employees and employing offices other than GAO and the Library. The amendments add to this regulatory provision a reference to section 205(a)(2) of the CAA, which, for purposes of section 205, adds GAO and the Library into the definition of "employing office." In addition, as proposed in the NPRM, the amendments make a minor correction to the regulations.[1]

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, *(1)* that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, *(2)* that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and *(3)* that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution.

Signed at Washington, D.C., on this 31st day of October, 1997.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

The regulations implementing section 205 of the CAA, issued by publication in the CONGRESSIONAL RECORD on April 23, 1996 at 142 CONG. REC. S3949-52 (daily ed. Apr. 23, 1996), are amended by revising the title at the beginning of the regulations and the introductory text of the first sentence of section 639.3(a)(1) to read as follows:

"APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

* * * * *

"*§639.3 Definitions.*

"(a) *Employing office.* (1) The term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. §1301(9), and either of the entities included in the definition of "employing office" by section 205(a)(2) of the CAA, 2 U.S.C. §1315(a)(2), that employs—

"(i) * * *".

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, October 31, 1997.

Re notice of adoption of amendments under section 215 of the Congressional Accountability Act of 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 304 of the Congressional Accountability Act of 1995 (the "Act"), 2 U.S.C. §1384, I am transmitting on behalf of the Board of Directors the enclosed notice of adoption of amendments to regulations under section 215 of the Act, together with a copy of the adopted amendments, for publication in the Congressional Record.

Section 304 specifies that the enclosed notice and amendments be published on the first day on which both the House of Representatives and the Senate are in session following this transmittal, and that the notice and amendments be referred to the appropriate committee or committees of the House and Senate for consideration of whether the amendments should be approved.

Sincerely,

GLEN D. NAGER,
Chair of the Board.

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Extension of Rights and Protections Under the Occupational Safety and Health Act of 1970.

NOTICE OF ADOPTION OF AMENDMENTS TO REGULATIONS AND SUBMISSION FOR APPROVAL

Summary: The Board of Directors ("Board") of the Office of Compliance has adopted amendments to the Board's regulations implementing section 215 of the Congressional Accountability Act of 1995 ("CAA"), 2 U.S.C. §1341, and is hereby submitting the amendments to the House of Representatives and the Senate for publication in the CONGRESSIONAL RECORD and for approval. The CAA applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices within the Legislative Branch, and section 215 applies rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct"). Section 215 will go into effect with respect to the General Accounting Office ("GAO") and the Library of Congress ("Library") on December 30, 1997, and these amendments extend the coverage of the Board's regulations under section 215 to include GAO and the Library. The amendments also make minor corrections and changes to the regulations.

The Board has also adopted amendments to bring GAO and the Library within the coverage of the Board's regulations under sections 204 and 205 of the CAA, which apply the rights and protections, respectively, of the Employee Polygraph Protection Act of 1988 and the Worker Adjustment and Retraining Notification Act. To enable the House and Senate to consider and act on the amendments under sections 204, 205, and 215 separately, if the House and Senate so choose, the Board adopted the amendments under these three sections by three separate documents and is submitting the Notices for the amendments under sections 204 and 205 together with this Notice to the House and Senate for publication and approval.

For further information contact: Executive Director, Office of Compliance, John Adams Building, Room LA 200, Washington, D.C. 20540-1999. Telephone: (202) 724-9250 (voice), (202) 426-1912 (TTY).

SUPPLEMENTARY INFORMATION

1. Background and Purpose of this Rulemaking

The background and purpose of this rulemaking were described in detail in a Notice of Proposed Rulemaking published by the Board on September 9, 1997, at 143 CONG. REC. S9014 (daily ed. Sept. 9, 1997) ("NPRM"), and will be summarized here briefly. The CAA, enacted on January 23, 1995, applies the rights and protections of eleven labor and employment and public access laws to covered employees and employing offices in the Legislative Branch. Section 215 of the CAA, 2 U.S.C. §1341, applies the rights and protections of the Occupational Safety and Health Act of 1970 ("OSHAct") by providing, generally, that each employing office and each

[1] The title at the beginning of the regulations is being corrected.

covered employee must comply with the provisions of section 5 of the OSHAct, 29 U.S.C. §654.

For most covered employees and employing offices, section 215 became effective on January 1, 1997, and the Board adopted regulations published on January 7, 1997 to implement section 215 for those offices and employees. 143 CONG. REC. S61-70 (Jan. 7, 1997) (Notice of Adoption and Submission for Approval). However, with respect to GAO and the Library, section 215 will become effective on December 30, 1997, and the purpose of this rulemaking is to adopt regulations to implement section 215 with respect to GAO and the Library as well.

2. DESCRIPTION OF AMENDMENTS

In the NPRM, the Board proposed that coverage of the existing regulations under section 215 be extended so that the same regulatory provisions would apply to GAO and the Library and their employees as would apply to other employing offices and covered employees. No comments were received, and the Board has adopted the amendments as proposed.

In the Board's regulations implementing section 215, the scope of coverage is established by the definitions of "covered employee" in section 1.102(c) and "employing office" in section 1.102(i) and by the listings in sections 1.102(j) and 1.103 of entities that are included as employing offices if responsible for correcting a violation of section 215 of the CAA, and the amendments add GAO and the Library and their employees into these definitions and listings. In addition, in the provisions of the Board's regulations that cross-reference the Secretary of Labor's regulations under the OSHAct, the amendments correct several editorial and technical errors and incorporate recent changes in the Secretary's regulations, and the amendments make other typographical and minor corrections to the Board's regulations.[1]

Recommended method of approval. The Board adopted three identical versions of the amendments, one amending the regulations that apply to the Senate and employees of the Senate, one amending the regulations that apply to the House of Representatives and employees of the House, and one amending the regulations that apply to other covered employees and employing offices, and the Board recommends, as it did in the NPRM, *(1)* that the version amending the regulations that apply to the Senate and employees of the Senate be approved by the Senate by resolution, *(2)* that the version amending the regulations that apply to the House and employees of the House be approved by the House by resolution, and *(3)* that the version amending the regulations that apply to other covered employees and employing offices be approved by the Congress by concurrent resolution. The Board's regulations under section 215 have not yet been approved by the House and Senate, and, if the regulations remain unapproved when the amendments come before the House and Senate for consideration, the Board recommends that the House and Senate approve the amendments together with the regulations.

[1] In the definition of "employing office" in section 1.102(i), "the Senate" is stricken from clause (1) and "of a Senator" is inserted instead, and "or a joint committee" is stricken from that clause, for conformity with the text of section 101(9)(A) of the CAA, 2 U.S.C. §1301(9)(A). In section 1.102(j), "a violation of this section" is stricken and "a violation of section 215 of the CAA (as determined under section 1.106)" is inserted instead, for consistency with the language in section 1.103 of the regulations.

Signed at Washington, D.C., on this 31st day of October, 1997.

GLEN D. NAGER,
Chair of the Board,
Office of Compliance.

The regulations implementing section 215 of the CAA, adopted and published in the CONGRESSIONAL RECORD on January 7, 1997 at 143 CONG. REC. S61, 66-69 (daily ed. Jan. 7, 1997), are amended as follows:

1. Extension of coverage.—By revising sections 1.102(c), (i), and (j) and 1.103 to read as follows:

"*§1.102 Definitions.*

* * * * *

"(c) The term *covered employee* means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; (9) the General Accounting Office; and (10) the Library of Congress.

* * * * *

"(i) The term *employing office* means: (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance; (5) the General Accounting Office; or (6) the Library of Congress."

* * * * *

"(j) The term *employing office* includes any of the following entities that is responsible for the correction of a violation of section 215 of the CAA (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such violation occurs: (1) each office of the Senate, including each office of a Senator and each committee; (2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee; (3) each joint committee of the Congress; (4) the Capitol Guide Service; (5) the Capitol Police; (6) the Congressional Budget office; (7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden); (8) the Office of the Attending Physician; (9) the Office of Compliance; (10) the General Accounting Office; and (11) the Library of Congress.

* * * * *

"*§1.103 Coverage.*

"The coverage of Section 215 of the CAA extends to any "covered employee." It also extends to any "covered employing office," which includes any of the following entities that is responsible for the correction of a violation of section 215 (as determined under section 1.106), irrespective of whether the entity has an employment relationship with any covered employee in any employing office in which such a violation occurs:

"(1) each office of the Senate, including each office of a Senator and each committee;

"(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

"(3) each joint committee of the Congress;

"(4) the Capitol Guide Service;

"(5) the Capitol Police;

"(6) the Congressional Budget Office;

"(7) the Office of the Architect of the Capitol (including the Senate Restaurants and the Botanic Garden);

"(8) the Office of the Attending Physician;

"(9) the Office of Compliance;

"(10) the General Accounting Office; and

"(11) the Library of Congress.".

2. Corrections to cross-references.—By making the following amendments in Appendix A to Part 1900, which is entitled "References to Sections of Part 1910, 29 CFR, ADOPTED AS OCCUPATIONAL SAFETY AND HEALTH STANDARDS UNDER SECTION 215(d) of the CAA":

(a) After "1910.1050 Methylenedianiline." insert the following:

"1910.1051 1,3-Butadinene.

"1910.1052 Methylene chloride.".

(b) Strike "1926.63—Cadmium (This standard has been redesignated as 1926.1127)." and insert instead the following:

"1926.63 [Reserved]".

(c) Strike "Subpart L—Scaffolding", "1926.450 [Reserved]", "1926.451 Scaffolding.", "1926.452 Guardrails, handrails, and covers.", and "1926.453 Manually propelled mobile ladder stands and scaffolds (towers)." and insert instead the following:

"Subpart L—Scaffolds

"1926.450 Scope, application, and definitions applicable to this subpart.

"1926.451 General requirements.

"1926.452 Additional requirements applicable to specific types of scaffolds.

"1926.453 Aerial lifts.

"1926.454 Training.".

(d) Strike "1926.556 Aerial lifts.".

(e) Strike "1926.753 Safety Nets.".

(f) Strike "Appendix A to Part 1926—Designations for General Industry Standards" and insert instead the following:

"APPENDIX A TO PART 1926—DESIGNATIONS FOR GENERAL INDUSTRY STANDARDS INCORPORATED INTO BODY OF CONSTRUCTION STANDARDS".

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5806. A letter from the Acting Administrator, Food and Consumer Service, transmitting the Service's final rule—Commodity Supplemental Food Program—Caseload Assignment (RIN: 0584-AC60) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5807. A letter from the Acting Assistant Secretary for Command, Control, Communications, and Intelligence, Department of Defense, transmitting a report describing the support services other than telecommunications provided to the White House by the Department of Defense through the White House Communications Agency for the 4th quarter of FY 1997, pursuant to Public Law 104—201, section 912; to the Committee on National Security.

5808. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled "Model Comprehensive Program for the Treatment of Substance Abuse, Metropolitan Area Treatment Enhancement System (MATES)" for

Fiscal Year 1996, pursuant to Public Law 102—321, section 301 (106 Stat. 419); to the Committee on Commerce.

5809. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Defense Special Weapons Agency Privacy Program [DSWA Instruction 5400.11B] received October 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5810. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report on the Program Fraud Civil Remedies Act for fiscal year 1997, pursuant to 31 U.S.C. 3810; to the Committee on Government Reform and Oversight.

5811. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting a letter stating that an emergency exists at Devils Lake, North Dakota, pursuant to Public Law 93—288, section 102; to the Committee on Transportation and Infrastructure.

5812. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Miscellaneous Educational Revisions (RIN: 2900–AI69) received October 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5813. A letter from the Acting Administrator, Food and Consumer Service, transmitting the Service's final rule—Food Distribution Programs—Reduction of the Paperwork Burden (RIN: 0584–AB27) received October 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and the Workforce.

5814. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Revisions to Payment Policies and Adjustments to the Relative Value Units Under the Physician Fee Schedule, Other Part B Payment Policies, and Establishment of the Clinical Psychologist Fee Schedule for Calendar Year 1998 [BPD–884–FC] (RIN: 0938–AH94) received October 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Commerce and Ways and Means.

5815. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of amendments to regulations under section 205 of the Congressional Accountability Act of 1995 for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

5816. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of amendments to regulations under section 215 of the Congressional Accountability Act of 1995 for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

5817. A letter from the Chair of the Board, Office of Compliance, transmitting notice of adoption of amendments to regulations under section 204 of the Congressional Accountability Act of 1995 for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2578. A bill to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General (Rept. 105–387). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform and Oversight. Gulf war veterans' illnesses: VA, DOD, continue to resist strong evidence linking toxic causes to chronic health effects (Rept. 105–388). Referred to the Committee of the Whole House on the State of the Union.

Mr. GEKAS: Committee on the Judiciary. House Joint Resolution 95. Resolution granting the consent of Congress to the Chickasaw Trail Economic Development Compact (Rept. 105–389). Referred to the House Calendar.

Mr. LIVINGSTON: Committee of Conference. Conference report on H.R. 2264. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–390). Ordered to be printed.

Mr. PRYCE of Ohio: Committee on Rules. House Resolution 311. Resolution providing for consideration of certain resolutions in preparation for the adjournment of the first session sine die (Rept. 105–391). Referred to the House Calendar.

Mr. LEACH: Committee of Conference. Conference report on S. 1026. An act to reauthorize the Export-Import Bank of the United States (Rept. 105–392). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, and Mr. BOEHNER):

H.R. 2864. A bill to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements; to the Committee on Education and the Workforce.

By Mr. FOX of Pennsylvania:

H.R. 2865. A bill to amend the Federal Election Campaign Act of 1971 to prohibit any individual from making a contribution to a candidate for election for Federal office which is not accompanied by a written certification that the contribution consists solely of personal funds of the individual; to the Committee on House Oversight.

By Mr. CALVERT (for himself, Mr. POMBO, Mr. MCKEON, Mr. RADANOVICH, Mr. GILCHREST, Mr. HORN, Mr. ROYCE, Mr. ROHRABACHER, Mr. BILBRAY, and Mr. GALLEGLY):

H.R. 2866. A bill to amend the Federal Election Campaign Act of 1971 to require candidates for election for the House of Representatives or the Senate to raise at least 50 percent of their contributions from individuals residing in the district or State involved, and for other purposes; to the Committee on House Oversight.

By Mr. GILMAN:

H.R. 2867. A bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of the South Caucasus and Central Asia; to the Committee on International Relations.

By Mr. PAUL:

H.R. 2868. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow consumers greater access to information regarding the health benefits of foods and dietary supplements; to the Committee on Commerce.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, Mr. GREENWOOD, and Mr. BOEHNER):

H.R. 2869. A bill to amend the Occupational Safety and Health Act of 1970 to exempt safety and health assessments, audits, and reviews conducted by or for an employer from enforcement action under such Act; to the Committee on Education and the Workforce.

By Mr. PORTMAN (for himself, Mr. KASICH, and Mr. HAMILTON):

H.R. 2870. A bill to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests; to the Committee on International Relations.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, and Mr. BOEHNER):

H.R. 2871. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the establishment of advisory panels for the Secretary of Labor; to the Committee on Education and the Workforce.

By Mr. FOX of Pennsylvania:

H.R. 2872. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit for a portion of the expenses of providing dependent care services to employees, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, and Mr. BOEHNER):

H.R. 2873. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. ACKERMAN (for himself, Mr. COBURN, Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Mr. BECERRA, Mr. BISHOP, Mr. BONO, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CLYBURN, Mr. COOK, Mr. CRAMER, Mr. DEFAZIO, Mr. DELLUMS, Mr. DEUTSCH, Ms. ESHOO, Mr. FARR of California, Mr. FAZIO of California, Mr. FOGLIETTA, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GRAHAM, Mr.

GREEN, Mr. GUTIERREZ, Mr. HEFNER, Mr. HINCHEY, Mr. HOYER, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mrs. KELLY, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KUCINICH, Mr. LAFALCE, Mr. LAMPSON, Mr. LAZIO of New York, Mr. LEWIS of Georgia, Mrs. LOWEY, Mrs. MCCARTHY of New York, Ms. MCKINNEY, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mr. NADLER, Mr. ORTIZ, Mr. OWENS, Mr. PALLONE, Mr. PAXON, Ms. RIVERS, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ROTHman, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. THOMPSON, Mr. TURNER, Ms. VELÁZQUEZ, Mr. WALSH, Mr. WAXMAN, and Mr. WEXLER):

H.R. 2874. A bill to provide for prompt disclosure to insured individuals of their medical conditions after undergoing medical examinations necessary to qualify for insurance coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, and Mr. BOEHNER):

H.R. 2875. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2876. A bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, Mr. GREENWOOD, and Mr. BOEHNER):

H.R. 2877. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. ANDREWS (for himself and Mr. MENENDEZ):

H.R. 2878. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a loan program and a bond guarantee program to assist local educational agencies in the construction, reconstruction, and renovation of public elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, Mr. GREENWOOD, and Mr. BOEHNER):

H.R. 2879. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2880. A bill to amend title 23, United States Code, to encourage States to require background checks requested in connection with the Brady Handgun Violence Prevention Act; to the Committee on Transportation and Infrastructure.

By Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, Mr. GREENWOOD, and Mr. BOEHNER):

H.R. 2881. A bill to amend the Occupational Safety and Health Act of 1970; to the Committee on Education and the Workforce.

By Mr. BONO:

H.R. 2882. A bill to amend chapter 1 of title 9 of the United States Code to permit each party to certain contracts to accept or reject arbitrations as a means of settling disputes under the contracts; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. ARMEY, Mr. HORN, and Mr. SESSIONS):

H.R. 2883. A bill to amend provisions of law enacted by the Government Performance and Results Act of 1993 to improve Federal agency strategic plans and performance reports; to the Committee on Government Reform and Oversight.

By Mr. CRANE:

H.R. 2884. A bill to amend the Internal Revenue Code of 1986 to limit the tax rate for certain small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia:

H.R. 2885. A bill to authorize the establishment of a Cold War memorial; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 2886. A bill to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System; to the Committee on Resources.

By Mr. EVANS (for himself, Mr. FILNER, Mr. MASCARA, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 2887. A bill to amend title 38, United States Code, to require certain contracts of the Department of Veterans Affairs to be subject to the same procurement law applicable to other departments and agencies of the Federal Government; to the Committee on Veterans' Affairs.

By Mr. FAWELL (for himself and Mr. ANDREWS):

H.R. 2888. A bill to amend the Fair Labor Standards Act of 1938 to exempt from the minimum wage recordkeeping and overtime compensation requirements certain specialized employees; to the Committee on Education and the Workforce.

By Mr. GEKAS:

H.R. 2889. A bill to establish a commission to recommend a strategy for the global eradication of disease; to the Committee on Commerce.

By Mr. GOODLING (for himself and Mr. GEKAS):

H.R. 2890. A bill to amend title 18, United States Code, to provide a mandatory minimum prison sentence for certain wiretapping or electronic surveillance offenses by Federal officers or employees; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself and Mr. EHRLICH):

H.R. 2891. A bill to amend the Fair Labor Standards Act of 1938 to provide a limited overtime exemption for employees performing emergency medical services; to the Committee on Education and the Workforce.

By Mr. HALL of Ohio (for himself, Mr. SMITH of New Jersey, and Mr. HUNTER):

H.R. 2892. A bill to amend title 18, United States Code, with respect to the dissemination of indecent material on cable television; to the Committee on the Judiciary.

By Mr. HASTINGS of Washington:

H.R. 2893. A bill to amend the Native American Graves Protection and Repatriation Act to provide for appropriate study and repatriation of remains for which a cultural affiliation is not readily ascertainable; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. POMBO):

H.R. 2894. A bill to amend the Endangered Species Act of 1973 to enable Federal agencies responsible for the preservation of threatened species and endangered species to rescue and relocate members of any of those species that would be taken in the course of certain reconstruction, maintenance, or repair of Federal or non-Federal manmade flood control levees; to the Committee on Resources.

By Mr. KILDEE:

H.R. 2895. A bill to provide for the establishment of the National Lighthouse Museum; to the Committee on Transportation and Infrastructure.

By Ms. KILPATRICK (for herself, Mr. FROST, and Ms. MILLENDER-MCDONALD):

H.R. 2896. A bill to authorize the Secretary of Defense to make military helicopters and their crews available to State and local law enforcement agencies to assist in law enforcement and rescue operations; to the Committee on National Security.

By Mr. LEWIS of Georgia (for himself, Mr. YATES, Mr. STARK, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, and Mr. FALEOMAVAEGA):

H.R. 2897. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on persons who operate vending machines that dispense tobacco products; to the Committee on Ways and Means.

By Mr. LUTHER (for himself, Mr. KASICH, Mr. DELLUMS, and Mr. FOLEY):

H.R. 2898. A bill to limit production of the B-2 bomber; to the Committee on National Security.

By Mr. MALONEY of Connecticut (for himself and Mr. SHAYS):

H.R. 2899. A bill to amend the Harmonized Tariff Schedule of the United States to provide for reduced duty treatment for certain fully assembled bicycle wheels; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself, Ms. SLAUGHTER, Mr. WALSH, Ms. NORTON, Mr. SANDERS, Ms. JACKSON-LEE, Mr. BROWN of California, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YATES, Ms. CHRISTIAN-GREEN, Mr. DELLUMS, Mrs. MINK of Hawaii, Mr. PASCRELL, Ms. MILLENDER-MCDONALD, and Mr. ENGEL):

H.R. 2900. A bill to provide for research to determine the extent to which the presence of dioxin, synthetic fibers, and other additives in tampons and similar products used by women with respect to menstruation pose any risks to the health of women, including risks relating to cervical cancer, endometriosis, infertility, ovarian cancer, breast cancer, immune system deficiencies, pelvic inflammatory disease, and toxic shock syndrome, and for other purposes; to the Committee on Commerce.

By Mr. MCDADE (for himself, Mr. KLUG, and Ms. ESHOO):

H.R. 2901. A bill to improve cellular telephone service in selected rural areas and to achieve equitable treatment of certain cellular license applicants; to the Committee on Commerce.

By Mr. McDERMOTT (for himself, Mr. BARTLETT of Maryland, Mr. KLUG, Mrs. THURMAN, Mrs. TAUSCHER, Mr. MILLER of California, and Mr. WAXMAN):

H.R. 2902. A bill to amend the Internal Revenue Code of 1986 to apply the energy credit to small wind turbines; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. TIAHRT, Mr. RYUN, and Mr. SNOWBARGER):

H.R. 2903. A bill to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Commerce.

By Mr. NADLER:

H.R. 2904. A bill to make an exception to the United States embargo on trade with Cuba for the export of medicines or medical supplies, instruments, or equipment, and for other purposes; to the Committee on International Relations.

By Mr. NADLER:

H.R. 2905. A bill to provide for comprehensive reform for managed health care plans; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN:

H.R. 2906. A bill to authorize and direct the Director of the Office of Management and Budget to reduce nondefense discretionary spending limits by two percentage points for each of fiscal years 1999 through 2002; to the Committee on the Budget.

By Mr. NEUMANN:

H.R. 2907. A bill to require the destruction of the United States stockpile of landmines other than self-destructive landmines and to prohibit the acquisition of such landmines in the future; to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUSSLE:

H.R. 2908. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. CAMPBELL, Mr. FRANKS of New Jersey, Mr. ANDREWS, Mr. PASCRELL, Mr. SAXTON, Mr. PAYNE, Mr. WAXMAN, Mr. SMITH of New Jersey, Mr. ROTHman, Mr. PAPPAS, Mrs. ROUKEMA, Mr. LoBIONDO, Mr. MENENDEZ, and Mr. FRELINGHUYSEN):

H.R. 2909. A bill to amend the Federal Power Act to establish requirements regarding the operation of certain electric generating facilities, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Mr. SANDERS, and Mr. ALLEN):

H.R. 2910. A bill to reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO (for himself and Mr. HERGER):

H.R. 2911. A bill to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to prevent natural flood disasters; to the Committee on Resources.

By Mr. RAHALL (for himself, Mr. POSHARD, Mr. MOLLOHAN, Mrs. CLAYTON, Ms. KILPATRICK, Mr. McINTYRE, Mr. FROST, Mr. COSTELLO, Mr. CLEMENT, Mr. BAESLER, Mr. ADERHOLT, Mr. BOUCHER, and Mr. CRAMER):

H.R. 2912. A bill to amend the Balanced Budget Act of 1997 to reinstate payment under Medicare for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under the Medicare Program with respect to such services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2913. A bill to amend the Internal Revenue Code of 1986 to clarify the mortgage subsidy bond benefits for residences located in disaster areas; to the Committee on Ways and Means.

By Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. LoBIONDO, Mr. EVANS, Mrs. LOWEY, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. GOSS, Mr. FALEOMAVAEGA, Mr. SANDERS, Mr. DELLUMS, Mr. SHAYS, Mrs. MORELLA, Mr. UNDERWOOD, Mr. SERRANO, Ms. WOOLSEY, Mr. EHLERS, Ms. PRYCE of Ohio, Mr. SMITH of New Jersey, Mr. ACKERMAN, Mr. DAVIS of Virginia, Ms. RIVERS, Mr. DeFAZIO, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. YATES, Ms. ESHOO, Ms. PELOSI, Ms. MILLENDER-McDONALD, Mr. FAWELL, Mrs. MEEK of Florida, Mr. BARRETT of Wisconsin, Ms. NORTON, and Mr. MORAN of Virginia):

H.R. 2914. A bill to improve the governmental environmental research and information by organizing a National Institute for the Environment, and for other purposes; to the Committee on Science.

By Mr. DAN SCHAEFER of Colorado:

H.R. 2915. A bill to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act; to the Committee on Commerce.

By Mr. BOB SCHAFFER (for himself, Mr. SKAGGS, and Mr. McINNIS):

H.R. 2916. A bill to provide for the conveyance of an unused Air Force housing facility in La Junta, Colorado, to the City of La Junta; to the Committee on National Security.

By Mr. SHAYS:

H.R. 2917. A bill to temporarily increase the number of visas available for backlogged spouses and children of lawful permanent resident aliens and to provide for certain limitations on the adjustment of status of nonimmigrants physically present in the United States to permanent residence; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 2918. A bill to amend the Internal Revenue Code of 1986 to increase the amount of the deduction allowed for meals and entertainment expenses; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 2919. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; to the Committee on Education and the Workforce, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, Commerce, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. QUINN, Mr. HASTINGS of Washington, Mr. METCALF, Mr. LaFALCE, Mr. HILL, Mr. McHUGH, Mr. CAMP, Mr. PAXON, Mr. UPTON, Mr. POMEROY, Mr. OBERSTAR, Mr. BALDACCI, Mr. NETHERCUTT, Mrs. CHENOWETH, Mr. CRAPO, Mr. ALLEN, and Mr. SMITH of Texas):

H.R. 2920. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to modify the requirements for implementation of an entry-exit control system; to the Committee on the Judiciary.

By Mr. TAUZIN (for himself, Mr. MARKEY, and Mr. BOUCHER):

H.R. 2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT (for himself, Mr. MURTHA, Mr. BILBRAY, and Mr. ROHRABACHER):

H.R. 2922. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to assign members of the Armed Forces, under certain circumstances and subject to certain conditions, to assist the Immigrantion and Naturalization Service and the United States Customs Service in the performance of border protection functions; to the Committee on National Security.

By Mr. WALSH (for himself, Mr. McHUGH, Mr. KING of New York, Mrs. MALONEY of New York, Mr. KILDEE, Mr. FORBES, Mr. BOEHLERT, Mr. LAZIO of New York, and Mr. FOSSELLA):

H.R. 2923. A bill to establish programs regarding early detection, diagnosis, and interventions for newborns and infants with hearing loss; to the Committee on Commerce.

By Mr. YOUNG of Alaska:

H.R. 2924. A bill to amend the Alaskan Native Claims Settlement Act to provide for selection of lands by certain veterans of the Vietnam era and by the Elim Native Corporation; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. HYDE):

H.R. 2925. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. LIVINGSTON:

H.J. Res. 101. A joint resolution making further continuing appropriations for the fiscal year 1998, and for other purposes; to the Committee on Appropriations. The Committee on Appropriations discharged; considered and passed.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. ACKERMAN, Mr. BLUNT, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. CARDIN, Mr. CHABOT, Mr. DAVIS of Florida, Mr. ENGEL, Mr. FILNER, Mr. FOLEY, Mr. FOX of Pennsylvania, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. HASTINGS of Florida, Ms. HARMAN, Mr. HORN, Mr. HYDE, Mr. KING of New York, Mr. LEACH, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. LOWEY, Mr. MANZULLO, Mr. MENENDEZ, Mr. NADLER, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. ROYCE, Mr. SCHUMER, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. YATES, Mr. MCHUGH, and Mr. BERMAN):

H.J. Res. 102. A joint resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the founding of the modern State of Israel and reaffirming the bonds of friendship and cooperation between the United States and Israel; to the Committee on International Relations.

By Mr. LANTOS (for himself, Mr. PORTER, Mr. SMITH of New Jersey, Mr. ABERCROMBIE, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Mr. HALL of Ohio, Mr. LEACH, Mr. MALONEY of Connecticut, Mr. MCDERMOTT, Mr. MEEHAN, Mr. MENENDEZ, Ms. NORTON, Mr. SNYDER, and Ms. PELOSI):

H. Con. Res. 185. Concurrent resolution expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration; to the Committee on International Relations.

By Mr. BROWN of Ohio:

H. Con. Res. 186. Concurrent resolution commending all who served with the United States Navy Asiatic Fleet throughout the Far East from 1910 to 1942, especially those sailors and marines who put their lives on the line for this Nation during the earliest days of our involvement in World War II; to the Committee on National Security.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. GRANGER, Mr. TURNER, Mr. SANDLIN, Mr. HINOJOSA, Mr. STENHOLM, Mr. GREEN, Mr. DOGGETT, Mr. EDWARDS, Ms. JACKSON-LEE, Mr. ORTIZ, Mr. LAMPSON, Mr. FROST, Ms. KILPATRICK, Ms. NORTON, Ms. CHRISTIAN-GREEN, Mr. GUTIERREZ, Mrs. MORELLA, Mr. COMBEST, Mr. BONILLA, Mr. BRADY, Mr. PAUL, Mr. SMITH of Texas, Mr. ARCHER, Mr. BARTON of Texas, Mr. THORNBERRY, Mrs. JOHNSON of Connecticut, and Mr. RODRIGUEZ):

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress that the museum to be known as "The Women's Museum: An Institute for the Future", in Dallas, Texas, should be designated as a Millennium Project for the United States; to the Committee on Education and the Workforce.

By Mr. PAPPAS (for himself, Mr. BILIRAKIS, Mrs. MALONEY of New York, Mr. KLINK, Mr. ACKERMAN, Mr. ANDREWS, Mr. CUNNINGHAM, Mr. FILNER, Ms. HOOLEY of Oregon, Mr. NEY, Mr. MANTON, Ms. RIVERS, Mr. SHERMAN, Mr. POMBO, Mr. LOBIONDO, Mrs. ROUKEMA, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. PORTER, Mrs. JOHNSON of Connecticut, and Mr. FOSSELLA):

H. Con. Res. 188. Concurrent resolution expressing the sense of the Congress regarding Turkey's claim of sovereignty to the islets in the Aegean Sea called Imia by Greece and Kardak by Turkey; to the Committee on International Relations.

By Mr. SANDERS:

H. Con. Res. 189. Concurrent resolution revising the congressional budget for the United States Government for fiscal year 1998 with respect to the appropriate budgetary levels for Social Security and national defense for fiscal years 1999 through 2002 in order to maintain the level of administrative expenses for Social Security by taking into account anticipated inflation; to the Committee on the Budget.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FILNER, and Mrs. MINK of Hawaii):

H. Res. 312. A resolution urging the President to authorize the transfer of ownership of one the bells taken from the the town of Balangiga on the island of Samar, Philippines, which are currently displayed at F.E. Warren Air Force Base, to the people of the Philippines; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

220. The SPEAKER presented a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 186 requesting the 105th Congress to amend certain Sections of the Organic Act of Guam, Title 48 United States Code, to mandate the establishment and independent election of the position of the Attorney General; to the Committee on Resources.

221. Also, a memorial of the Legislature of the Territory of Guam, relative to Resolution No. 85 requesting the 105th Congress to amend the Organic Act by adding a new Section 6 to confirm that the adoption of a Constitution establishing local government shall not preclude or prejudice the further exercise in the future by the people of Guam of the right of self-determination regarding the ultimate political status of Guam; to the Committee on Resources.

222. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 17 memorializing the President and the Congress to maintain the existing restrictions on trucks from Mexico and other foreign nations entering California and continue efforts to assure full compliance by the owners and drivers of those trucks with all highway safety, environmental, and drug enforcement laws; to the Committee on Transportation and Infrastructure.

223. Also, a memorial of the Senate of the State of Michigan, relative to Senate Rsolution No. 69 memorializing the Congress of the United States to provide for the distribution of the Leaking Underground Storage Tank Trust Fund's proceeds to the states for cleanup projects determined by the states; jointly to the Committees on Commerce and Ways and Means.

224. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution 18 commending the local, national, and international efforts of the National Committee on the United Nations to promote the universal adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and urging the United State Senate to ratify CEDAW; jointly to the Committees on International Relations and the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. CARSON:

H.R. 2926. A bill for the relief of Adela T. Bailor; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 2927. A bill for the relief of Wayne R. Hultgren; to the Committee on National Security.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. THUNE, Mr. BEREUTER, Mr. LEWIS of Kentucky, Mr. HUNTER, Mr. DUNCAN, and Mr. MICA.

H.R. 76: Mr. DUNCAN.

H.R. 80: Mr. NEUMANN.

H.R. 100: Mr. HINOJOSA.

H.R. 135: Mr. GILMAN, Mr. TAYLOR of Mississippi, Mr. DICKS, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. SISISKY, Mr. SKELTON, Mr. SNYDER, Mr. HALL of Ohio, Mr. JOHN, Mr. VISCLOSKY, Mr. BOYD, and Mr. GOODE.

H.R. 145: Mr. BROWN of California.

H.R. 164: Mr. WALSH.

H.R. 192: Mr. SALMON.

H.R. 306: Mr. MCDADE, Mr. CLYBURN, and Mr. MALONEY of Connecticut.

H.R. 414: Mr. SALMON.

H.R. 586: Mr. PRICE of North Carolina.

H.R. 616: Mr. CALVERT, Mr. CLEMENT, Ms. MCCARTHY of Missouri, Ms. NORTON, MR. CRAMER, Ms. KILPATRICK, Mr. EVANS, Mr. SANDLIN, Mr. FRELINGHUYSEN, Mr. TORRES, Ms. FURSE, Mrs. TAUSCHER, Mr. VENTO, Mr. GRAHAM, and Mrs. CHENOWETH.

H.R. 634: Mr. ISTOOK.

H.R. 676: Mrs. MORELLA and Mr. PAYNE.

H.R. 677: Mr. SALMON.

H.R. 692: Mr. HASTINGS of Washington.

H.R. 715: Mrs. KELLY and Mr. ENGEL.

H.R. 738: Mr. SCHUMER.

H.R. 758: Mr. BONO and Mr. SMITH of Michigan.

H.R. 768: Mr. STRICKLAND.

H.R. 815: Mr. PRICE of North Carolina.

H.R. 843: Mr. MCGOVERN.

H.R. 851: Mr. BROWN of California.

H.R. 900: Mr. FORBES and Mr. JOHNSON of Wisconsin.

H.R. 971: Mr. ANDREWS.

H.R. 991: Ms. DEGETTE.

H.R. 1005: Mr. NEUMANN.

H.R. 1018: Mr. PASCRELL.

H.R. 1061: Mr. SANDLIN and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1114: Mr. GOSS and Mr. BOYD.

H.R. 1117: Mrs. LOWEY and Ms. ESHOO.

H.R. 1121: Mr. GRAHAM.

H.R. 1146: Mr. NORWOOD.

H.R. 1159: Mr. SANDLIN.

H.R. 1165: Mrs. MCCARTHY of New York.

H.R. 1173: Mr. MARTINEZ.
H.R. 1231: Mr. GRAHAM.
H.R. 1240: Ms. CARSON.
H.R. 1329: Mr. PASCRELL.
H.R. 1376: Mr. PALLONE and Mr. CLYBURN.
H.R. 1404: Mr. STRICKLAND.
H.R. 1415: Mr. FORD, Mr. WOLF, Mr. BLUMENAUER, Mr. STOKES, and Mr. POMBO.
H.R. 1438: Mr. SALMON.
H.R. 1500: Mr. HALL of Ohio and Mr. MOAKLEY.
H.R. 1507: Mr. SHAYS.
H.R. 1524: Mr. CALLAHAN and Mr. MANTON.
H.R. 1560: Ms. DANNER, Mr. ALLEN, Mr. FRELINGHUYSEN, and Mr. MILLER of California.
H.R. 1625: Mr. BATEMAN, Mr. DOOLITTLE, Mr. HUTCHINSON, Mr. TAYLOR of North Carolina, Mr. ISTOOK, Mr. BRADY, Mr. CHABOT, Mr. BURTON of Indiana, Mr. CANNON, Mr. MICA, and Mr. MCCRERY.
H.R. 1671: Mr. ADAM SMITH of Washington.
H.R. 1689: Mr. ORTIZ and Mr. CRANE.
H.R. 1711: Mr. HOBSON, Mr. FOLEY, and Mr. POMBO.
H.R. 1736: Mr. LEWIS of Georgia, Mr. PAYNE, Mr. LANTOS, Mr. ACKERMAN, MRS. MALONEY of New York, Mr. FROST, Mrs. MORELLA, and Mrs. THURMAN.
H.R. 1766: Mr. DUNCAN.
H.R. 1812: Mr. NEUMANN and Mr. SALMON.
H.R. 1858: Mr. KLINK and Mr. RODRIGUEZ.
H.R. 1909: Mr. KOLBE.
H.R. 1972: Mrs. THURMAN.
H.R. 1975: Mr. RUSH.
H.R. 1987: Ms. SLAUGHTER, Mr. GEJDENSON, Mr. LEWIS of Georgia, Mr. LANTOS, and Mr. OWENS.
H.R. 2038: Mr. NORWOOD.
H.R. 2062: Mr. MANZULLO.
H.R. 2069: Mr. LUTHER.
H.R. 2077: Ms. FURSE.
H.R. 2085: Mr. LUTHER.
H.R. 2094: Ms. FURSE and Mr. ALLEN.
H.R. 2116: Mr. SANDLIN.
H.R. 2143: Ms. FURSE.
H.R. 2174: Ms. RIVERS, Mr. ADAM SMITH of Washington, and Mrs. THURMAN.
H.R. 2229: Mr. CALVERT.
H.R. 2250: Mr. SANDLIN.
H.R. 2254: Mr. RUSH and Mr. KUCINICH.
H.R. 2263: Mr. UNDERWOOD.
H.R. 2273: Mr. HASTINGS of Florida.
H.R. 2305: Ms. PRYCE of Ohio, Mr. WATT of North Carolina, Mr. STOKES, Mrs. CLAYTON, Mr. SAWYER, Mr. BALLENGER, Mr. OXLEY, Mr. HEFNER, Mr. TRAFICANT, Mr. ETHERIDGE, Mr. GILLMOR, Mr. PRICE of North Carolina, Mr. BROWN of Ohio, Mr. TAYLOR of North Carolina, Mr. LATOURETTE, Mr. STRICKLAND, Mr. KASICH, Ms. KAPTUR, and Mr. KUCINICH.
H.R. 2331: Mr. OBERSTAR.
H.R. 2340: Mr. CALVERT.
H.R. 2359: Mr. ENGEL and Mr. BLUMENAUER.
H.R. 2365: Mr. WALSH and Mr. NADLER.
H.R. 2380: Mr. SALMON.
H.R. 2391: Mr. HINCHEY, Ms. CHRISTIAN-GREEN, Mr. SANDLIN, Mr. FALEOMAVAEGA, and Mr. BONIOR.
H.R. 2397: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SPRATT, Mr. TAYLOR of Mississippi, and Mr. CALVERT.
H.R. 2400: Mr. THOMPSON, Mr. RANGEL, Mr. LEWIS of Kentucky, Mrs. LINDA SMITH of Washington, and Mr. OWENS.
H.R. 2408: Mr. CUMMINGS.
H.R. 2431: Mrs. MALONEY of New York, Mr. ANDREWS, Mr. HILL, Mr. FORBES, and Mr. FRANKS of New Jersey.
H.R. 2432: Mr. HEFNER.
H.R. 2450: Mrs. THURMAN.
H.R. 2451: Mr. MCDERMOTT.
H.R. 2456: Mr. FOSSELLA, Mr. FAWELL, and Mr. KLECZKA.
H.R. 2459: Mr. CARDIN, Mr. WATT of North Carolina, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Mr. MEEHAN, Mr. LEVIN, Mr. LEWIS of California, and Mr. HINOJOSA.
H.R. 2481: Mr. RAHALL.
H.R. 2497: Mr. MICA, Mr. BATEMAN, Mr. BURTON of Indiana, Mr. WALSH, Mr. POMBO, and Mr. HEFLEY.
H.R. 2499: Mr. WAXMAN, Mr. FILNER, Mr. HASTINGS of Florida, Mrs. JOHNSON of Connecticut, and Mr. CUNNINGHAM.
H.R. 2503: Mr. GRAHAM.
H.R. 2525: Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GUTIERREZ.
H.R. 2527: Mr. ALLEN and Mr. FATTAH.
H.R. 2536: Mr. SAWYER.
H.R. 2560: Mr. HORN, Mr. FOLEY, Mr. MALONEY of Connecticut, Mr. DEUTSCH, Mr. BLILEY, Mr. COOK, Mr. BERRY, Ms. ESHOO, Mr. KUCINICH, Mr. WAXMAN, Ms. HARMAN, Mr. PALLONE, Mr. MANTON, Mr. CALVERT, Mr. SANDLIN, and Mr. NEAL of Massachusetts.
H.R. 2568: Mr. CRAPO, Mr. NEAL of Massachusetts, and Mr. LEWIS of Kentucky.
H.R. 2593: Mr. DUNCAN, Mr. SHERMAN, and Mr. CANADY of Florida.
H.R. 2597: Mr. STARK.
H.R. 2602: Mr. OLVER.
H.R. 2611: Mr. BONILLA, Mr. BONO, Mr. BRADY, Mr. BURTON of Indiana, Mr. COOK, Mr. GOODE, Mr. HASTINGS of Washington, Mr. HOSTETTLER, Mr. HYDE, Mr. JONES, Mr. KASICH, Mr. LEACH, Mr. LINDER, Mrs. MYRICK, Mr. PARKER, Mr. POMBO, Mr. SKEEN, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. ADERHOLT, Mr. BARTLETT of Maryland, Mr. BUNNING of Kentucky, Mr. DICKEY, Mr. GILCHREST, Mr. TIAHRT, Mr. WATTS of Oklahoma, Mr. SHAYS, Mr. ENSIGN, Mrs. FOWLER, Mr. HERGER, Mr. MCDADE, Mr. PETERSON of Pennsylvania, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. TALENT, Mr. THORNBERRY, and Mr. YOUNG of Alaska.
H.R. 2631: Mr. GILMAN.
H.R. 2635: Mrs. LOWEY, Ms. LOFGREN, Ms. SLAUGHTER, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. FARR of California, Mr. MCDERMOTT, Mr. SHERMAN, and Mr. ENGEL.
H.R. 2639: Mr. HALL of Ohio.
H.R. 2648: Mr. GRAHAM.
H.R. 2704: Mr. BONIOR.
H.R. 2713: Mr. ABERCROMBIE and Mr. CUMMINGS.
H.R. 2714: Mr. FROST.
H.R. 2715: Mr. BONO, Mrs. CHENOWETH, and Mr. WELLER.
H.R. 2719: Ms. WATERS.
H.R. 2740: Mr. SOLOMON, Mr. HAYWORTH, Mr. TIAHRT, Mrs. CHENOWETH, Mr. PICKERING, Mr. BALLENGER, Mrs. MYRICK, Mr. TRAFICANT, Mr. WALSH, Mr. CAMP, Mr. SESSIONS, Mr. GOODLING, Mr. POMBO, Mr. BOB SCHAFFER, and Mr. DOOLITTLE.
H.R. 2748: Mr. LAHOOD.
H.R. 2754: Mr. HINCHEY and Ms. FURSE.
H.R. 2760: Mr. PICKETT.
H.R. 2761: Mr. GEJDENSON and Mr. BLAGOJEVICH.
H.R. 2775: Mr. GEKAS, Mr. MASCARA, Mr. HOLDEN, Mr. BORSKI, and Mr. MURTHA.
H.R. 2783: Mr. REDMOND and Mr. STRICKLAND.
H.R. 2786: Mr. BEREUTER and Mr. TIAHRT.
H.R. 2791: Mr. PETERSON of Minnesota, Mr. FROST, and Mr. ENGEL.
H.R. 2805: Mr. BLUMENAUER.
H.R. 2810: Mr. DINGELL.
H.R. 2821: Mr. KINGSTON, Mr. BLUNT, Mr. GRAHAM, and Mr. WELDON of Florida.
H.R. 2824: Mr. LARGENT.
H.R. 2829: Mr. CALVERT, Ms. DELAURO, Mr. DIXON, Mr. EDWARDS, Mr. ENGEL, Mr. HAMILTON, Mr. KINGSTON, Mr. MCDADE, Mr. MICA, Mr. MORAN of Virginia, Ms. PELOSI, Mr. REDMOND, Mr. SAWYER, Mr. STARK, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TORRES, Mr. UPTON, and Mr. WAXMAN.
H.R. 2837: Mr. BARR of Georgia.
H.R. 2863: Mr. CUNNINGHAM.
H.J. Res. 66: Mr. CLEMENT, Mr. SHERMAN, Mr. BROWN of Ohio, Mr. KENNEDY of Massachusetts, Mr. WEXLER, Mr. WAXMAN, Mr. FAWELL, and Mr. BALDACCI.
H. Con. Res. 22: Mr. ROGAN.
H. Con. Res. 37: Mr. POMBO.
H. Con. Res. 121: Mr. CRAMER, Mr. CARDIN, Mr. FROST, Mr. ADAM SMITH of Washington, and Mr. KLECZKA.
H. Con. Res. 152: Mr. FOX of Pennsylvania and Mr. MCNULTY.
H. Con. Res. 170: Mr. CALVERT.
H. Con. Res. 181: Mrs. KELLY, Mr. KUCINICH, Mr. COYNE, Mr. PAYNE, Mr. ANDREWS, Mr. ACKERMAN, Mr. MCNULTY, Mr. KENNEDY of Rhode Island, Mrs. LOWEY, Ms. PELOSI, Mr. MEEHAN, Mr. FILNER, Mr. PALLONE, Mr. WELDON of Pennsylvania, Mr. WEYGAND, Mr. BLAGOJEVICH, Mr. BROWN of Ohio, Mr. CUNNINGHAM, Mr. MANTON, Mr. FAZIO of California, and Mr. CALVERT.
H. Con. Res. 183: Mr. GRAHAM.
H. Res. 16: Mr. BISHOP.
H. Res. 26: Mr. HINCHEY.
H. Res. 144: Ms. DANNER, Mr. ALLEN, Mrs. KELLY, Mr. FRELINGHUYSEN, Mr. POSHARD, Mr. MILLER of California
H. Res. 172: Mr. DEFAZIO.
H. Res. 211: Mr. GIBBONS, Mr. GRAHAM, Mr. JONES, Mr. PICKERING, Mr. EHRLICH, and Mr. EVERETT.
H. Res. 224: Mr. BARRETT of Wisconsin, Mr. GOODLING, and Mrs. TAUSCHER.
H. Res. 251: Mr. REYES and Ms. WOOLSEY.
H. Res. 267: Mr. ETHERIDGE.
H. Res. 279: Mr. HORN, Mr. LAMPSON, Mr. MEEHAN, Mr. PAYNE, Mr. MILLER of California, and Mr. NEAL of Massachusetts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

27. The SPEAKER presented a petition of the Racine Taxpayers Association, Inc., relative to a resolution indorsing Representative Mark Neumann's Debt Reduction Bill and charging the Congress to swiftly pass it; to the Committee on the Budget.

EXTENSIONS OF REMARKS

CANCER AWARENESS MONTH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize October as Breast Cancer Awareness Month. It is my hope the awareness of breast cancer will continue throughout the year.

Last year 182,000 women were diagnosed with this horrendous disease. Breast cancer affects young and old—regardless of race, religion, or economic status. The women affected are our mothers, sisters, wives, and friends.

It is through brave women such as Helen Gibbons, Sammye Fark, Sandra Rank, Mary Dreas, and Lynda Long that I have learned about breast cancer. And most importantly the devastating effects it has on these women and their families. While the medical community has made great advances in the detection and treatment of this disease—chances of survival increase dramatically if breast cancer is caught early. That is why I encourage women over 40 to have regular mammograms and for all women to do a self breast exam once a month.

Even through October has ended, we all must continue to keep the spotlight on this devastating disease.

IN HONOR OF LUCRETIA L. STOICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor Ms. Lucretia Stoica, who will receive an honorary lifetime membership in the Northeast Ohio Chapter of the Fulbright Association.

As a young child, Ms. Stoica moved to Romania, where she grew up and completed her university studies. Following World War II, Lucretia returned to Cleveland and joined the staff of the organization now known as the International Services Center. During her 41 years of service to the International Services Center, Ms. Stoica served as a case worker, deputy director, and executive director, a position she held for 26 years. As part of her professional activities, Ms. Stoica wrote for the Voice of America, defended aliens in immigration and deportation hearings at Ellis Island, and volunteered for the Immigration and Naturalization Service.

Over the years, Ms. Stoica received numerous civic and professional awards from various organizations, educational institutions, public officials, and nationality groups. In addition, she served on the boards and committees of the Ohio Arts Council, Greater Cleveland Round Table, Cleveland Bicentennial Commission, Zonta International and the Nationality Movement.

With great pleasure, I will be present on November 7, 1997, as my friend, Lucretia Stoica, receives this much deserved recognition for her tireless commitment to her community and country.

My fellow colleagues, please join me in congratulating Ms. Lucretia Stoica.

A MEMORIAL DAY FOR THE VICTIMS OF RUSSIAN COMMUNISM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. GILMAN. Mr. Speaker, the Congress of Russian-Americans has strongly supported the transformation of the Russian Federation into a prosperous and democratic society based on a market economy since Russia became independent in 1991 upon the dissolution of the Soviet Union. In fact, the Congress of Russian-Americans has joined the Government of the United States and numerous private organizations in directly supporting that transformation through humanitarian donations and cultural and educational contacts.

Now, as we approach November 7, a day that was celebrated by the former Soviet regime in honor of the Communist coup in Russian in 1917, and is now noted as a Day of Forgiveness and Reconciliation by the Russian Federation, the board of directors of the Congress of Russian-Americans has issued a statement calling for November 7 to be honored instead as a Memorial Day for Victims of Communism.

Mr. Speaker, we are all aware of the many millions of people of Russian, Ukrainian, and other ethnic backgrounds who suffered and died at the hands of Vladimir Lenin and Joseph Stalin during the Communist dictatorship over Russia and its neighbors. I believe that the Congress of Russian-Americans makes a compelling point in suggesting that the Russian Government should take the opportunity every November 7 to remember those in Russia who died tragic and horrible deaths at the hands of the Bolshevik, Soviet dictatorship. I commend the following statement by the board of directors of the Congress of Russian-Americans to the attention of all my colleagues.

NOVEMBER THE 7TH——MEMORIAL DAY FOR THE VICTIMS OF COMMUNISM

On the 7th November of 1917, in defiance of the people's will, bolsheviks brutally seized power in Russia: during the elections to the Constitutional Assembly, they received less that 25% of the vote. Lenin's program to bring about Russia's defeat in WWI (sponsored and financed by the German General Staff), led to the downfall of the new-born Russian democracy, to Russia's disintegration, and to a long and bloody Civil War.

Immediately after the November putsch, Lenin introduced mass terror tactics and executions by firing squad on the basis of social standing that resulted in the physical annihilation of Russian Orthodox clergy, the intelligentsia, the officer corps, and *millions* of workers and farmers. The genocide that began on November 7, 1917, was continued and "perfected" by Stalin. It resulted in a loss of over 100 million of Russian and other lives, led to today's poverty, and, facilitated by the destruction of Orthodox ethics, to the universal spread of crime and corruption.

This is why November 7th is not a holiday for the Russian people!

It is the Memorial Day for the Victims of Communist Genocide!

Although after 1991 marxism ceased to serve as the official ideology and communism has lost its significance, communists remain active and are attempting to return to power, while communism still has not been condemned for what it is: an inhuman and anti-people doctrine that brought Russia to a dead end. *Communism must be denounced*, just as Nazism was in postwar Germany.

As a first step in this direction, Lenin must be exposed as a betrayer of Russia. His mummy, which still lies in honored repose beside the Kremlin walls and disgraces Moscow and all of the Russian people, must be removed (together with all his statues throughout Russia).

We call upon the government of the Russian Federation to replace the November 7th "celebration" with a national Memorial Day for Victims of Communism, to remove all communist regalia, to restore to cities, districts, and streets their traditional historical names, and to assign proper names to towns and streets built after 1917.

We believe, that the Russian people, having overcome numerous difficulties in their thousand-year old history, will survive the after effects of communism as well as the chaos of the present "Troubled Times," that they will resurrect Orthodox ethics, and then will rebuild the economy of the richest country on earth. The commemoration of November 7th, as the Memorial Day for Victims of Communism must become a Russian tradition for ages to come.—National Board of Directors, Congress of Russian-Americans.

UNITED STATES-CARIBBEAN TRADE PARTNERSHIP ACT

SPEECH OF

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. McINTYRE. Mr. Speaker, I rise today to voice my opposition to H.R. 2644, the United States-Caribbean Trade Partnership Act.

NAFTA parity for 24 Caribbean Basin countries will have a disastrous effect on the American worker and our domestic textile and apparel industry.

Since 1994, 250,000 American apparel workers have lost their jobs to Mexico and Caribbean nations. The negative effects of prior Caribbean trade agreements can be witnessed in the 7th Congressional District of North Carolina. Converse, which has the largest domestic shoe plant in the United States and is located in my hometown of Lumberton, NC., has experienced job loss as a direct result of the terms of the Caribbean Basin Initiative. In the 6 years since rubber footwear from the Caribbean became duty-free, imports of such products have increased from 200,000 pairs a year to 12 million. This increase in unfair competition has resulted in a loss of 600 jobs at the Converse plant in Lumberton.

American industries such as Converse that comply with labor laws, minimum wage requirements, health codes, and environmental laws cannot and should not be expected to compete with foreign industries who pay their workers below the cost of living, use child labor, and pollute the environment. H.R. 2644 gives foreign competition an unfair advantage over America's domestic industries.

Supporters of H.R. 2644 state that Caribbean nations have been placed at a disadvantage by NAFTA and need parity with NAFTA. Yet, the countries' imports of apparel to the United States have increased by 63 percent since they enacted NAFTA. Last year apparel imports from the Caribbean totaled $6.1 billion compared with $3.6 billion from Mexico. Caribbean countries are not suffering under the terms of NAFTA.

Developing strong trade relationships are important to America's economic future. Yet, our success will depend not on the quantity, but the quality of those trade agreements. The agreement before us today is neither fair not reciprocal. The bill will open the United States market to Caribbean exports, but does not require Caribbean countries to open their markets to the United States. This legislation is not a trade agreement. It is a foreign subsidy to 24 Caribbean countries—a subsidy of jobs at the expense of American workers and their families.

As the 105th Congress looks for solutions to provide additional economic opportunities for our citizens, it is imperative that we not lose any more of our current jobs as a result of the Caribbean Basin Initiative. I urge my colleagues to stand up for the American worker and vote "no" on H.R. 2644.

ALABAMA-COOSA-TALLAPOOSA RIVER BASIN COMPACT

SPEECH OF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GEKAS. Mr. Speaker, pursuant to unanimous consent granted on November 4, 1997 during debate on House Joint Resolution 92, I introduce the report on that joint resolution from the Congressional Budget Office which was not available at the time of the filing of the committee report.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 4, 1997.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 92, a joint resolution granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.J. Res. 92.—Granting the consent of Congress to the Alabama-Coosa-Tallapoosa River Basin Compact

SUMMARY

H.J. Res. 92 would grant congressional consent to the Alabama-Coosa-Tallapoosa River Basin (ACT Basin) Compact. The compact would establish the ACT Basin Commission, which would determine an allocation formula for apportioning the surface waters of the ACT basin between the states of Alabama and Georgia. The commission would consist of state and federal representatives.

Provisions in the compact that could have an impact on the federal budget include: an authorization of appropriations for a federal commissioner to attend meetings of the commission and for employment of personnel by the commissioner, an authorization for federal agencies to conduct studies and monitoring programs in cooperation with the commission, and a requirement that the federal government comply with the water allocation formula once it has been adopted by the commission (to the extent that doing so would not conflict with other federal laws).

CBO estimates that enacting H.J. Res. 92 would result in new discretionary spending of less than $500,000 in fiscal year 1998, and about $8 million over the 1998–2002 period, assuming appropriations consistent with its provisions. The compact also would increase direct spending; hence, pay-as-you-go procedures would apply to the legislation. But CBO estimates that enacting H.J. Res. 92 would increase direct spending by less than $500,000 a year, beginning in fiscal year 1999.

The resolution does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and any costs resulting from the compact would be borne voluntarily by Alabama and Georgia as a result of the agreement.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

Implementing H.J. Res. 92 would affect both spending subject to appropriation and direct spending. CBO estimates that enacting H.J. Res. 92 would result in new spending subject to appropriation of less than $500,000 in 1998, about $3 million in 1999, $2 million in 2000, and $1 million a year thereafter. CBO estimates that the compact would increase direct spending, beginning in 1999, by reducing offsetting receipts from recreation fees and federal hydropower operations, but any such changes would likely be insignificant. The costs of this legislation fall within budget function 300 (natural resources and environment). The estimated budgetary effects of H.J. Res. 92 are shown in the following table.

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law:					
Estimated Authorization Level[a]	25	25	25	25	25
Estimated Outlays	26	26	25	25	25
Proposed Changes:					
Estimated Authorization Level	([b])	3	2	1	1
Estimated Outlays	([b])	3	2	1	1
Spending Under H.J. Res. 92:					
Estimated Authorization Level[a]	25	28	27	26	26
Estimated Outlays	26	29	27	26	26
CHANGES IN DIRECT SPENDING					
Estimated Authorization Level[a]	0	([b])	([b])	([b])	([b])
Estimated Outlays	0	([b])	([b])	([b])	([b])

[a]The 1998 level is the amount appropriated in that year for programs conducted by the U.S. Army Corps of Engineers in the ACT basin. The amounts shown for subsequent years reflect assumed continuation of the current-year funding level, without adjustment for inflation. Alternatively, if funding were increased to cover anticipated inflation, funding under current law would gradually grow from $25 million in 1998 to $28 million in 2002.

[b]Less than $500,000.

BASIS OF ESTIMATE

Spending Subject to Appropriation

For purposes of this estimate, CBO assumes that (1) the compact is approved in the next few months, (2) a commission is formed in 1998, (3) all amounts estimated to be authorized by the legislation will be appropriated, and (4) a new plan for allocating water among the states will be approved in fiscal year 1999. New discretionary spending would be necessary for expenses of a federal commissioner to participate in the ACT commission, for conducting studies and monitoring activities in coordination with the commission, and for operating federal facilities in the river basin in a manner consistent with the new allocation plan.

Federal Commissioner. CBO estimates that the cost of sending the federal commissioner to meetings of the commission and of funding a personal staff will be less than $500,000 a year beginning in 1998. The commissioner would serve without compensation. General expenses of the commission would be paid by the states of Alabama and Georgia.

Studies and Monitoring. CBO estimates that the compact would result in new spending subject to appropriation of about $2 million in fiscal year 1999 and about $1 million in 2000 for completing an environmental impact statement of options for allocating water in the ACT basin, for developing a plan for monitoring water levels and quality in the basin, and for conducting additional studies. Additional spending of less than $500,000 a year beginning in 2000 would occur for implementing, operating, and maintaining programs and equipment for monitoring the basin.

Beginning in 1991, the Congress has appropriated to the U.S. Army Corps of Engineers (the Corps) an average of almost $2 million a year—about $13 million in total—for studying the long-term needs for water and availability of water resources in the ACT and Apalachicola-Chattahoochee-Flint (ACF) basins. An additional $5 million was provided to the Corps in 1997 for conducting a preliminary environmental impact statement regarding options for allocating water in the ACT and ACF basins.

Federal Facilities. Based on information from the Corps, CBO estimates that operating federal facilities in the ACT basin in a manner that complies with a new water allocation plan may result in additional discretionary spending of about $1 million a year, beginning in 1999. We expect that these annual costs could range from near zero to $2 million a year, depending on whether a new

allocation plan is adopted and whether it results in a significant change in water use in the river basin.

Most of the expense of implementing a new water allocation plan would be for operating and maintaining channels for navigation because the cost of that activity is highly dependent on water flows. Under current law, CBO estimates that the Corps will spend about $9 million in 1998 for navigation-related activities in the ACT basin. CBO anticipates that the cost of other major activities in the basin would not change significantly as a result of the compact. The cost of operating and maintaining hydropower facilities is not likely to change significantly as a result of minor changes in water flows. Moreover, any major flood control activities in the basin would likely require further authorization by Congress.

DIRECT SPENDING

CBO anticipates that the compact would have an impact on direct spending by reducing the amount of receipts returned to the Treasury from recreation facilities operated by the Corps and the Department of the Interior in the ACT basin. A new water allocation plan could affect receipts from recreation areas by directly or indirectly changing water levels at lakes and other recreation areas so that their use is reduced. This type of impact would be most likely in years when total water supplies were already low, for example, because of below-average rainfall. CBO estimates that the impact on receipts from recreation elements would be less than $500,000 annually, beginning in 1999.

The compact could also affect receipts from hydropower operations, but CBO estimates that the net impact on hydropower revenues from any likely water allocation plan would be insignificant. A new plan could affect power operations by limiting the amount of water that can flow through federal power-generating facilities. This could affect the amount of power that can be produced and sold. However, CBO estimates that any impact on hydropower receipts is likely to be insignificant because federal law requires that, to the extent market conditions permit, hydropower operations cover expenses. In the case of limits on power production, the price of power could be increased to offset any reduction in the quality of power produced and sold.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act of 1985 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.J. Res. 92 would increase direct spending by less than $500,000 a year, beginning in 1999. Enacting the legislation would not affect governmental receipts.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.J. Res. 92 would give the consent of the Congress to an agreement mutually entered into by two states, Alabama and Georgia. The resolution contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and any costs to the states resulting from the compact would be borne voluntarily as a result of the agreement.

Estimate prepared by: Federal Costs: Gary Brown; Impact on State, Local, and Tribal Governments: Leo Lex.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

SHAME IN SAIPAN: EXPLOITATION OF WORKERS IN THE GARMENT INDUSTRY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of all Members of the House the appalling labor conditions that exist in the garment industry in the Commonwealth of the Northern Mariana Islands [CNMI].

These islands, which were under Japanese control during World War II and were occupied by the United States in 1944, have been governed by a covenant with the United States since 1986. The covenant grants United States citizenship to the residents of the Marianas, but the United States agreed not to extend United States immigration laws there, responding to fears that excessive immigration might result. The Federal minimum wage was also not extended to the Mariana Islands.

Mr. Speaker, a recent congressionally mandated report notes that, "Ironically, CNMI policies have resulted in aliens becoming a majority of the island's population. . . . The garment industry takes full advantage of the immigration and minimum wage exception privileges, as well as privileged exceptions to the Federal trade laws, to ship products partially manufactured in the islands into the United States market even though the islands are outside the customs territory of the United States."

The worst aspect of these developments has been the increasing practice by which Chinese bonded and indentured workers are imported into the factories of the Marianas, unprotected by labor laws, under contracts which prevent these workers from practicing their religions, engaging in political activity, or even marrying. Ample documentation exists that the barracks in which these workers are housed are as squalid as anywhere in the world, but ironically apparel produced in these sweatshops comes into the United States labeled "Made in the USA". According to the Federal Government, "the average landed value of CNMI garment shipments to the United States is now at a rate of $625 million annually."

Mr. Speaker, it is totally unacceptable for manufacturing to take place on what is American soil under these deplorable conditions. There is a new administration that will soon take office in Saipan, and President Clinton is to be commended for insisting that the CNMI live up to United States labor and human rights standards in order to continue receiving the preferences and aid it receives under the covenant. I hope that all Members will support legislation that will correct these inequities.

IN HONOR OF THE 125TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN CLANTON, AL

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. RILEY. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the 125th anniversary of the First Baptist Church in Clanton, AL. For 125 years, the First Baptist Church has offered spiritual guidance to the community of Clanton. The church was organized on November 5, 1872, with Rev. J.A. Mullins and Rev. P.H. Lundy serving as the church's first ministers. From a small beginning of only 10 members, the membership grew to 70 in 1886 and then to 1,470 in 1996.

First Baptist Church has made great strides during these 125 years in the spreading of the good news to mankind. The Sunday School has always been a very strong part of the teaching ministry of the church since the first mention of a Sunday School in 1877. Last year, the records show that 959 children and adults were enrolled in Sunday School.

In addition to Sunday School, the Baptist Young People's Union was formed for Sunday night training. Currently, it is known as Discipleship Training. Whatever the name, the organization has always taught Baptist doctrine, leadership courses, and Bible study. The enrollment was up to 251 in 1996.

Mr. Speaker, let me share with you the ways in which First Baptist Church mission programs have brought the ministry of the church into the community. It was the ladies of the church who began the mission programs by forming Ladies Aid Society, which is now known as the Women's Missionary Union. Recognizing the need for mission study for all ages, Mission Friends, Girl's Auxiliary, and Acteens were also organized. For the men in the congregation, the Brotherhood organization began which sponsors the boys' groups like the Lads, Crusaders, and Challengers.

First Baptist Church also started three missions in the community: The West End Baptist Church in 1948, the Northwide Baptist Church in 1954, and Lomax Baptist Church in 1958. All three are now active, growing churches in Clanton.

Mr. Speaker, in addition to its distinguished mission program, the First Baptist Church has always maintained an excellent music program. There are three Children's Choirs, a Youth Choir, and an Adult Sanctuary Choir. Programs of special music are performed on many occasions and have included hand bells. In 1995, a church orchestra was formed. Most recently, the outstanding "Living Pictures" was presented in 1997.

Mr. Speaker, First Baptist Church has been very successful in reaching out to the young and old alike. The youth ministry is also a vital program which emphasizes Bible teaching, recreation, retreats, youth camps, youth week, and person soul winning. For the older members of the congregation, the fellowship of the Keenagers meet each month for lunch and an inspirational message. Trips to places of special interest are taken regularly. For those who are not physically able to attend services, a

Homebound Ministry is provided which provides church literature on each of their monthly visits.

Under the current leadership of Dr. Michael, new ideas have been promoted including greeters for each service, prayer partners during worship services, and a worship service for children ages 4 to 6.

Finally, Mr. Speaker, in honor of this anniversary of the First Baptist Church in Clanton, let me share with you the church's invaluable vision which has been and will continue to be: "As a unconditional love in accomplishing our mission for Jesus."

10-YEAR ANNIVERSARY FOR THE CITY OF SANTA CLARITA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. McKEON. Mr. Speaker, today I rise to commemorate the 10th anniversary of the founding of the city of Santa Clarita, CA. The city of Santa Clarita encompasses 45 square miles within the Santa Clarita Valley and is situated just 35 miles north of downtown Los Angeles. The population is estimated at 141,000 and is consistently rated by the FBI as one of the top five safest cities of its size in the Nation. The city was incorporated on December 15, 1987, as a general law city, and operates under a council-manager form of government. Five members are elected to the city council at large on a nonpartisan basis, with members serving overlapping terms.

Santa Clarita was founded by a group of community leaders who led the charge for a local based government where area residents could attend meetings in Santa Clarita. Their vision was for a city that embodied the best of each community while encouraging cutting edge commercial and retail industry to locate in Santa Clarita. Today, that vision is a reality as evidenced by a May 1997 Wall Street Journal article which named Santa Clarita as the west coast's fastest growing retail market.

As you can see, Mr. Speaker, Santa Clarita has accomplished much since its founding 10 years ago. Having been so fortunate to not only represent this wonderful community in Congress, but having served as both a city council member and mayor, I am proud to rise today and mark this special day in Santa Clarita's history. I join the residents of Santa Clarita, CA, in the pride we share for this wonderful city on its 10th anniversary.

CONGRATULATIONS TO THE MINNEAPOLIS COMMUNITY DEVELOPMENT AGENCY AND THE MINNEAPOLIS PUBLIC HOUSING AUTHORITY

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. SABO. Mr. Speaker, I rise today to pay tribute to the Minneapolis Community Development Agency and the Minneapolis Public Housing Authority. These agencies are celebrating 50 years of exceptional service to the citizens and businesses of Minneapolis, MN.

The Minneapolis Housing and Redevelopment Authority [MHRA] was established on November 5, 1947, for the purpose of eliminating urban blight and developing low-cost housing for Minneapolis residents. The MHRA developed its first locally financed renewal project in 1950; built, owned, and managed its first public housing units in 1952; developed its first federally assisted project in 1955; and over the next three decades, built and managed nearly 8,000 units of public housing and implemented hundreds of redevelopment projects, providing affordable housing, commercial and industrial development sites.

In 1981, the MHRA merged with the Minneapolis Industrial Development Commission and the development division of the city coordinator's office to create the Minneapolis Community Development Agency [MCDA], a new streamlined agency to coordinate city development resources. In 1991, the Minneapolis Public Housing Authority [MPHA] separated from the MCDA, creating two independent agencies.

Mr. Speaker, the MCDA and the MPHA have made significant and lasting contributions to the quality of life in Minneapolis in the areas of housing, economic development, and the arts, and continue to forge new traditions in community building. These agencies have received numerous awards and recognitions of their outstanding achievements in the areas of housing and economic development, including a 1971 award from the Department of Housing and Urban Development naming the MHRA the most outstanding urban renewal agency in the Nation, the first such award ever presented. Congratulations to these two agencies and best wishes for continued success in their efforts to make Minneapolis an outstanding city in which to live, work, and play.

TRIBUTE TO JOHN N. STURDIVANT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. WOLF. Mr. Speaker, and distinguished colleagues, today I rise to acknowledge the work of John N. Sturdivant, president of the American Federation of Government Employees, who died October 28 after a long battle with leukemia.

I admired Mr. Sturdivant for his committed advocacy on behalf of the Federal worker. Having first-hand knowledge of how very difficult it can be at times to be an outspoken friend of the Federal worker, I rise to commend his convictions and integrity in championing the national service of the Federal employee.

All too often, hard working and dedicated Federal employees become the target of unfair treatment from both the Government and citizens they serve. Nevertheless, their work is essential and vital to our constituents. Mr. Sturdivant recognized their value to this country and thus dedicated his career to their advocacy.

Mr. Speaker, in closing I want to extend my sympathy and prayers to the family and friends of Mr. Sturdivant as we mourn the loss of this friend of the Federal worker.

CHARLES BLACK: A LIFETIME OF SERVICE

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to a truly outstanding individual, my constituent Charles Black. On November 6, Charlie's family and many friends and colleagues will honor him upon his retirement from General Public Utilities [GPU] after 32 years of service to the company. He has left an indelible mark upon Morris County, NJ, having devoted countless hours to helping make it one of America's finest places to live.

Charles Black was born in Quakertown, PA, in the fall of 1938. During his summers in between college semesters, Charlie worked various jobs, from employment as a button setter at a blouse factory to getting his first start at a power company in New Jersey. In 1960, perhaps the most important year of Charlie's life, he earned his bachelor of arts degree in business administration from Gettysburg College. That year, he also married the former Joyce Hoffmann, and then began his service with the U.S. Air Force.

Charlie Black's commitment to service started with his commitment to duty and honor with the U.S. Air Force. In fact, Charlie continues to be active with the U.S. Air Force in the reserve program, as a liaison officer commander with the U.S. Air Force Academy, and as chairman of my own 11th Congressional District Academy Review Board for prospective nominees to our Nation's service academies.

Starting with Jersey Central Power & Light Co. in 1965, Charlie has served as GPU's director of communications since 1983. This position made him a visible figure in the community, as GPU serves approximately 2 million people in New Jersey and Pennsylvania, and facilitated the beginning of his long-standing service to his community. Over the last 15 years, it was a rare occasion for me to be at a charitable event in Morris County in which Charlie was not involved. He has always been there when called upon, and, although, much has been made this year on promoting voluntarism, it has been people like Charlie Black has been a stalwart of our Nation's volunteer efforts throughout his life.

Over the years, Charlie Black's name has been synonymous with the County College of Morris Foundation, on which he served as a past president of the board of directors, so it comes as no surprise that the County College of Morris is regarded as one of the finest county colleges in the Nation. Charlie also served on the boards of directors of the Morris County United Way and the Dope Open Golf Tournament, offering a helping hand to those in need.

Although Charlie has been active on behalf of many wonderful organizations, he has been invaluable to me in his commitment to promoting and preserving the important mission

at the Army Armament Research, Development and Engineering Center at Picatinny Arsenal which employees 4,000 people in New Jersey. When Picatinny was listed on a preliminary list for closure during the 1995 base realignment and closure process, I looked to Charlie to be a leader on my Picatinny Working Group which was a key element in recognizing the arsenal's importance to the region's economy, the identities of surrounding communities and promoting the incredible "smart" weapons being developed by Picatinny's engineers. Charlie was also a founding member of the Picatinny defense fund, and served as the organization's vice president. His work in getting the Picatinny defense fund established ensures that Picatinny Arsenal's mission will continue to be well defended in the future.

Just this past May, Charlie's commitment to Picatinny and the U.S. Air Force intertwined when he worked along with Mary Mulholland, as he so often did, to plan a luncheon honoring Secretary of the Air Force Sheila Widnall after she toured Picatinny Arsenal. Needless to say, Charlie and Mary's luncheon for Secretary Widnall was a remarkable success. Unfortunately, Charlie could not attend the luncheon because he was wearing one of his many hats and had to deliver a speech for GPU in New Orleans.

Mr. Speaker, shortly, Charlie and his wife Joyce Black will be moving to Arizona to enjoy life in retirement. But anyone who knows Charlie knows that he won't be at rest for too long—he will be contributing to the enrichment of his new community in no time. I only hope that the State of Arizona knows what an exemplary citizen they are gaining. Good luck Charlie and Joyce.

COMMENDING THE LUBOML EXHIBITION PROJECT

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. NADLER. Mr. Speaker, I rise today to commend and call attention to a project of passion and nobility, a project dedicated to the preservation of a world lost to us. It was a world of happiness and light. A world of families and children, of community and spirituality. It was the world of the Polish town of Luboml. In 1942, it was from this Earth untimely ripped—destroyed by an evil that marched across Europe leaving death in its path. More than 4,000 members of Luboml's Jewish population were killed by the Nazi barbarians. Only 51 survived.

Now, thanks to the efforts of a New York businessman, Aaron Ziegelman, we are able to get a glimpse of this lost world. Mr. Ziegelman, who was born in Luboml, came to this country in 1938 at the age of 10. When he, his mother, and his sister left for America, more than 50 residents of the town came out to bid them farewell; only one of those residents survived the Holocaust. Mr. Ziegelman has made it his mission to keep alive the memory of those who perished: the memory not only of their deaths, but of their lives.

In 1994, Mr. Ziegelman initiated the Luboml Exhibition Project. So far, the project has collected nearly 2,000 photographs and artifacts from more than 100 families and from archives from around the world. These include a hand-embroidered matzo cover; a photograph of three young girls smiling for the camera; a picture of Luboml's bustling market day; a group portrait of the "Luboml bicycling club"; a school identification card; a photo of an ice skating party. As Mr. Ziegelman said, "Before they were victims, they were people," and therein lies the deepest sense of tragedy.

Seeing life breathed into this perished world, one cannot help thinking of the hundreds, or even thousands, of towns just like Luboml. Towns where families were torn apart, where children were not allowed to grow into adults, where vibrant lives were cut short. Considering Luboml, this quintessential 20th-Century tragedy once again takes on a more concrete, more personal resonance. Thanks to the work of Mr. Ziegelman, we are once again reminded of the fundamental belief we are voicing when we say, "Never Again."

ON THE 96TH ANNIVERSARY OF THE A.J. McCLUNG YMCA CHAPTER COLUMBUS, GA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. COLLINS. Mr. Speaker, on Friday, November 21, 1997, the citizens of Columbus, GA will celebrate 96 years of service provided by the A.J. McClung Chapter of the Young Men's Christian Association. They will gather to honor an institution that was founded in 1901 and is recognized as the oldest serving minority YMCA in the Nation. Also, they will honor the man for which it was later named—Arthur J. McClung, mayor pro tem, city of Columbus and the longest serving director of the branch.

This is an institution rich in history. Originally known as the Ninth Street Branch YMCA, it was founded through the efforts of a small prayer group led by Mr. W.E. Clark, Mr. S.W. Yarbrough, Prof. S.R. Marshall, and Dr. R.H. Cobb. Professor Marshall and Dr. Cobb both served terms as chairman of the board of management during its early years. The variety of activities and the number of boys and young men served rapidly outgrew the original small frame building on Ninth Street.

In 1907, two prominent Columbus brothers, George Foster Peabody and Royal Canfield Peabody, provided the funds to build a then-modern facility that included a dormitory, indoor swimming pool, gymnasium, game room, cafeteria, and office space. In 1925 the Army and Navy YMCA of Fort Benning and local citizens contributed funds to make additional improvements to the facility. Mr. Booker T. Washington was the guest speaker at the dedication which also featured renowned soloist Gertrude "Ma" Rainey.

After many years of service to the community, the Ninth Street YMCA Branch was destroyed when the roof collapsed from a rare Columbus snowstorm. While a new facility was being built, Dr. S.P. Charleston generously provided a building he owned on Shepherd Drive to continue the mission of service provided by the YMCA.

On Sunday, November 21, 1965, the new facility was dedicated as the Brookhaven Boulevard Branch YMCA. In 1978 the facility was renamed in honor of Arthur J. McClung who provided years of leadership and service to the YMCA and the community as a whole. In 1986, the board of managers elected to become an independent association known as the A.J. McClung Young Men's Christian Association, Inc.

There have been many changes throughout the years—facilities, locations, programs, board members and executive directors—but the primary mission and purpose of the A.J. McClung YMCA has remained constant. And that is to improve the quality of life of all people. In addition to its exercise and recreational facilities, the A.J. McClung YMCA provides programs seeking to prevent heart disease, juvenile delinquency, substance abuse, AIDS, school dropouts, and youth unemployment. The institution also promotes positive attitudes and values among young people.

The citizens of Columbus and Fort Benning, GA and Phenix City, AL have given generously of their time and energies to the A.J. McClung YMCA over its 96 year history. I would like to recognize the fine men who have served as chairman of the board of management. They include: Dr. E.H. Mayer, 1901–02; Prof. S.R. Marshall, 1903–04; Dr. R.H. Cobb, 1905–09; Dr. E.J. Turner 1909–12; Prof. M.H. Spencer 1912–14; Dr. R.H. Cobb, 1914–22; Dr. M.L. Taylor, 1922–25; Dr. E.J. Turner, 1925–26; Dr. R.H. Cobb, 1926–30; Dr. F. Coffee, 1930–32; Prof. F.R. Lampkin, 1939–45; Mr. M.R. Ashworth, 1945–52; Mr. Steve Knight, 1952–53; Mr. Sandy D. Allen, 1953–60; Atty. Albert W. Thompson, 1961–69; Mr. Samuel Byrd, 1970–71; Mr. Lorenzo Manns, 1972–80; Dr. Henry L. Cook, 1981–83; Mr. Robert L. Anderson, 1984–87; Mr. Scott Wise, 1987–89; Mr. Spurgeon A. Glenn, Jr., 1989–90; Mr. Robert L. Anderson, 1990–92; Mr. James Walker, 1992–present.

I also want to recognize those fine individuals who have served as director of the institution. They include A.Z. Kelsey, A.G. Randall, Joseph Allen, T.B. Neely, R.D. Kelsey, G.F. Rivers, J.L. Johnson, Henry Byrd, H.R. Williams, Joseph Rholta, L.J. Johnson, K.D. Reddick, H.R. Williams, O.R. Bryant, E.E. Farley, D.D. Moody, Theodore Rutherford, G.F. Rivers, W.S. Douglass, W.R. Bennett, Jr., Arthur J. McClung, W.T.L. Vann, Wane A. Hailes, and Ira Flowers, the present director.

Mr. Speaker, I join in congratulating the A.J. McClung Young Men's Christian Association Chapter on its 96 years of service to the communities of Columbus, Fort Benning, and Phenix City. Also, I salute the dedication and contributions of Mayor Pro Tem Arthur J. McClung to the citizens of Columbus and the YMCA named in his honor. I wish them all the best in the years to come.

TRIBUTE TO MIKE NASH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BONIOR. Mr. Speaker, the United States was founded under the principles of life, liberty, and the pursuit of happiness for all. Throughout our history, everyday citizens have become our heroes while they worked to protect our inalienable rights. Mike Nash, an advocate for Vietnam veterans, was one of those heroes. On May 25, 1997, Mike Nash died, but his legacy will live throughout the ages.

Mike Nash was a decorated U.S. Army veteran who fought for his country in Vietnam from 1969 through 1970. His experience in Vietnam forever changed his life. In 1987, Mike joined Chapter 154 of the Vietnam Veterans of America and served the organization at the national level and local level. His calm demeanor and tenacious spirit made him a driving force in the fight for veterans causes.

As a prominent member of the Michigan and national chapters of Vietnam Veterans of America, Mike spent his free time counseling veterans and working to find veterans who were missing in action in Vietnam. Last year Mike traveled to Vietnam to search for information on MIA's. As Mike once said, "As long as proof remains that even one MIA is still alive, we will try to find him." His passion to find missing veterans was fueled by the completeness of his family. He was so thankful to be with his wife, June and their two daughters, Jacquelyn, and Jessica. He hoped that someday, missing veterans would one day be reunited with their loved ones.

Mike Nash was a tireless advocate for Vietnam Veterans: to all who knew him, a friend; to June, Jacquelyn, and Jessica, he was a husband and father. Mike lived his life caring and serving other people. I am honored to have had the opportunity to call Mike my friend. We will all miss Mike's advocacy for Vietnam Veterans, but most of all we will miss his friendship.

HONORING SELECT MEMBERS OF THE WILCOX COUNTY COMMISSION

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. HILLIARD. Mr. Speaker, I come before you today to honor some select members of the Wilcox County Commission for their support of the historic Gee's-Bend Ferry project in Wilcox County, Alabama.

Commission Chairman Darryl Perryman, Vice-Chairman John Clyde Riggs, and County Commissioners David Wright, and Lena Powell have shown an extraordinary amount of foresight, sound judgment, and compassion in fully supporting the plight of the residents of Gee's-Bend Alabama by reestablishing the ferry boat service which has unfairly divided their community since the days of segregation and Jim Crow rule. These public servants understood that you can not explain–away why the citizens of Gee's-Bend must wait up to 2 hours for an ambulance to take them to the hospital, or for their children to ride to and from school, or just to go to the grocery store or the bank.

Mr. Speaker, I feel this Congress owes these aforementioned County Commission Members a hearty "thank you" and a resounding "job well done." I myself, am gratified by their unselfish service.

HONORING TRESSLER ADOPTION SERVICES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. GEKAS. Mr. Speaker, I rise today to recognize Tressler Adoption Services of York, PA, which celebrates 25 years of doing the most rewarding work—creating families. I cannot say enough about the people who open their homes and hearts to those children who are given up for adoption, and I have the utmost respect for those professionals who spend their time and energy finding the right match for both parents and children.

The good people at Tressler have been placing children with loving families in Pennsylvania, Maryland, and Delaware for the last quarter of a century, believing that every child deserves a caring, stable environment in which to grow and develop as a human being. It is this belief that has made Tressler somewhat unique in the field of adoption services, focusing on placing older children and children with special needs, rather than the much sought after newborn adoptees.

Tressler's success has been nothing short of magnificent. In their 25 years of service, Tressler has placed nearly 2,500 children of American descent, giving them what you and I take for granted—a home with parents, who couldn't love them any more than if they were their natural parents.

Their mission—to help create a stable, caring environment by providing the adoption services that place children in loving homes, preparing families for the adoption experience, and offering ongoing support for all families involved in their program—deserves both our recognition and respect.

I also want to specifically thank Mrs. Barbara Holtan, director of adoption services, and her staff at Tressler for their compassion and dedication.

Mr. Speaker, in honor of all of the years of Tressler's service to the families and adopted children of central Pennsylvania, I want to reaffirm our commitment as a nation that we will do all that we can to provide children with a loving, stable, and emotionally secure family life. Tressler has set a high standard to meet during their next quarter century, and I am confident that they will continue to push their benchmark ever higher.

DR. JAMES H. BILLINGTON'S COMMENTS ON THE 100TH ANNIVERSARY OF THE OPENING OF THE THOMAS JEFFERSON BUILDING OF THE LIBRARY OF CONGRESS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LANTOS. Mr. Speaker, this week marks the centenary of the opening of the Thomas Jefferson building of the Library of Congress. This magnificent edifice has now served the American people and the U.S. Congress for 100 years.

This is an anniversary that should be noted, remembered, and appreciated by all of us here in the Congress, who benefit from the excellent facilities and the outstanding staff of the Library, and it is an anniversary that all Americans should join with us in celebrating. All Americans are blessed with the outstanding collection of materials housed in the Library, but we are also fortunate to be able to enjoy the beauty of the Thomas Jefferson building, which is one of the finest public buildings in our Nation. This building reflects the best of American architecture, art, engineering, and construction.

Mr. Speaker, on this important anniversary of the opening of the Thomas Jefferson building, I ask that a short article of Dr. James H. Billington, the Librarian of Congress, be placed in the RECORD, and I urge my colleagues to read it. The article by Dr. Billington appeared in the October/November issue of Civilization, a magazine published by the Library of Congress which provides information and background about the incredible resources our National Library possesses. Mr. Speaker, Civilization is only one of the many creative innovations that Dr. Billington has contributed since he became Librarian of Congress 10 years ago this September.

Mr. Speaker, I invite my colleagues to join me in celebrating a century of service to the American people of the Thomas Jefferson building and to join me in commending Dr. Billington on his decade of outstanding service to our Nation as Librarian of Congress.

A GLORIOUS MOMENT FOR MR. MAX WEST

(By Dr. James H. Billington)

On a rainy Monday, November 1, 1897, the "largest, costliest, and safest" library building in the world opened its doors to the public without ceremony. In a front-page story that day, the Washington Evening Star noted that "the rain did not come amiss to the bookworms" who rushed to the Library's new building but "rather served to heighten their enjoyment [of] the literary feast provided for them."

The first volume requested after the doors were opened, reported the Star, was "'Roger Williams' Year Book' of so recent a date that it had not been received. . . . The first book applied for and given out was 'Martha Lamb's History of New York City' and the gentleman [reader] . . . bore the name of Max West."

The new Italian Renaissance building housed 1 million books, 55,000 maps and other items that had been carted across the street from the Capitol, which had been the Library's overcrowded home for 97 years.

The new structure was not only the most modern library building in existence, it was also a unique architectural feat. The Library's glittering dome, plated with 23-carat gold leaf, capped an elaborately decorated facade and a spectacular marble interior adorned by murals, frescoes and statuary created by more than 40 leading American artists.

For months prior to the official opening, newspapers and popular magazines carried effusive articles about the new Library. Few visitors were disappointed. Senator Justin Morrill of Vermont, one of the Library's chief supporters in Congress, felt that its "grandeur and felicitous finish" would be likely to remain long unrivaled "in this or any other country." Speaker of the House Joseph G. Cannon called it the best public building in Washington. Architecture critic Montgomery Schuyler praised the structure as a "national possession, an example of a great public building monumentally conceived, faithfully built, and worthily adorned." On November 25, 1897, more than 4,700 people visited the Library during special Thanksgiving Day tours.

The new building—today one of the Library's three major buildings on Capitol Hill and named the Thomas Jefferson Building after the Library's chief founder—was completed at a time of considerable optimism and national pride. The election of William McKinley in 1896 had seemed to inaugurate a period of domestic tranquillity. Prosperity was returning after the great Wall Street panic of 1893. There was unfinished business: The Civil War and Reconstruction had brought black Americans emancipation but nothing close to equality, and reformers decried child labor, slums and extremes of wealth and poverty. Nevertheless, all 45 states (Oklahoma, Arizona and New Mexico were still territories) were now linked by telegraph and transcontinental railroads; the population, swollen by European immigration, had reached 76 million; the country boasted steel mills and farms second to none; the telephone was beginning to take hold in the cities; the first automobiles had appeared. New land-grant colleges, notably in the Midwest, were producing future managers, engineers and teachers, and Andrew Carnegie's philanthropy had begun to build hundreds of local public libraries. Progress was in the air.

This November, we plan to mark the 100th birthday of this glorious building without great fanfare but with deep gratitude to our forebears. There will be a gathering of members of Congress and other friends and benefactors of the Library, and a new brass plaque honoring Senator Morrill will be unveiled. Curators will make fresh additions to "American Treasures," our permanent rotating exhibition of great artifacts and published works from the Library's collections.

And, as we look back to the 1890s, we also will note certain differences in the 1990s. Visitors to the exhibition halls have to come and go through security gates—a necessity, sadly, on Capitol Hill these days. On the bright side, more than 60 images of the "American Treasures," which range from the original rough draft of the Declaration of Independence to Thomas Edison's first copyrighted motion picture, have been digitized and made available to people across the nation on the Internet, along with 350,000 other unique items of Americana from the Library's collections and our entire electronic card catalog with 27 million entries. The Library now serves not only people who come to Washington. Thanks to new technology, the Library's most useful resources are becoming accessible on-line to all Americans every where. That is progress.

HONORING DISTINGUISHED CITIZEN JOHN N. STURDIVANT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. GILMAN. Mr. Speaker, today I join with my colleagues in honoring the memory of a man who diligently strove to serve the best interests of his fellow citizen. John N. Sturdivant, who passed away October 28, admirably and selflessly worked, in his role as president of the American Federation of Government Employees, on the behalf of the workers that make this Government function.

President Sturdivant headed a group that represented over one-third of those workers employed by the Federal Government. This number compares to that of the constituency that each of us here in this House is elected to represent. President Sturdivant knew he held the livelihoods of thousands of people in his hands, and he did everything he could to better their lives.

The Washington Post called John Sturdivant a "true man of the people." As his record shows, this could not be more correct. President Sturdivant continuously worked to increase pay, extend retirement benefits, and to make sure that his union did not stand idle as the Government, out of necessity, began to reshape itself in the post-cold-war era.

Perhaps one of his most memorable acts as president of the AFGE was his opposition to the Government shutdowns of 1995 and 1996. I joined in with President Sturdivant in criticizing these actions and strongly called for the reopening of our Government. President Sturdivant had the best interests of those he represented, as well as that of the United States, in mind when he vocalized his opposition to this event.

I had the pleasure and honor over the years of having worked with John Sturdivant. As a member of the House Government Reform and Oversight Committee, I know just how strongly and passionately President Sturdivant cared for those who elected him to fight for them. His advocacy led to numerous improvements in the benefits earned by hardworking Federal employees.

While achievements for his union are his most prominent legacy, President Sturdivant was accomplished in other areas as well. In sitting on the executive board of the AFL–CIO, he reached one of the highest ranks ever achieved by an African-American in the history of that organization. A graduate of Antioch College, President Sturdivant studied law at George Washington University, and was a veteran of the U.S. Air Force.

Mr. Speaker, John Sturdivant was a distinguished citizen who will be sorely missed. I join with my colleagues in extending condolences to the Sturdivant family, their friends, and the AFGE.

THE PROMISE KEEPERS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. SHIMKUS. Mr. Speaker, sometimes people become so carried away by the media and spectacle of an event that they miss the basic message or main point of the effort.

In the wake of the hype and hoopla of the October 4 Promise Keepers' rally, I want to praise the basic message of the Promise Keepers as one of support for the fundamental American values upon which our Nation was founded.

It's a bold message. It's a message of individual responsibility. A message of family values. A message of acceptance of their commitments to the most basic fabric of our country, our families. The Promise Keepers call for a return to these commitments.

These men recognize that through fulfilling their most important commitments, those to their wives and children and to God, all of America benefits.

Mr. Speaker, I applaud the message of Promise Keepers and those who strive to fulfill it.

IN HONOR OF BERTRAM F. DOYLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of Mr. Bertram F. Doyle for his many years of service and countless contributions to his community and his country.

Bertram Doyle was born in Cleveland and raised in Euclid, Ohio. After graduating from Shaw High School in East Cleveland, Mr. Doyle enrolled at Cleveland College of Western Reserve University, where he earned a bachelor's degree in business.

During World War II, the Marines assigned Mr. Doyle the crucial duty of operating the combat telephone. He played an instrumental role in two of the most important battles of the war, Bougainville Island and Iwo Jima. In 1946, Bertram Doyle was discharged from the Marines, having achieved the rank of staff sergeant.

Bertram Doyle served his community through his involvement with Democratic politics and his participation in various charitable organizations. Mr. Boyle served as an administrative assistant to both the Ohio Department of Transportation district director and the Ohio auditor, as well as Democratic ward leader in Seven Hills, OH. Mr. Doyle also belonged to the Holy Name Society at St. Columbkille Catholic Church and American Legion Breckville Post 196 and volunteered at the Deaconness Hospital.

Mr. Doyle leaves behind a wife, three sons, and five grandchildren. He will be greatly missed.

TRIBUTE TO SYBIL BRAND

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Sybil Brand, a woman of extraordinary compassion and a keen sense of social justice. Now in her 90's, Mrs. Brand has devoted her life to helping people in need. We would all do well to emulate her example.

Born in Chicago, Mrs. Brand moved with her family to Los Angeles when she was only 2. Her involvement in charitable service began at the tender age of 12, when she and her friends made diapers for patients at Childrens' Hospital. The material was donated by her father, A.W. Morris. In her teens, Mrs. Brand volunteered as a nurse's aid in the orthopedic ward of the hospital, bringing gifts and cheer to children with disabilities.

These early acts of charity led to the work that would make Mrs. Brand both beloved and honored throughout in southern California. Nearly 40 years ago, she was appointed to the Institutional Inspection Committee of the Public Welfare Commission. She was appalled at the overcrowded conditions, and skillfully used her position to lobby for change.

She spoke to law enforcement and elected officials and worked hard to get the voters to approve funding for another facility. Due primarily to her efforts, the Sybil Brand Institute was constructed to house female prisoners in Los Angeles. Mrs. Brand is the only living woman to have a correctional institute bear her name.

Mrs. Brand has received hundreds of commendations from civic and charitable organizations, including her selection as Woman of the Year by the cities of Beverly Hills and Los Angeles and by the Friars Club Charity Foundation. In recognition of her 50 years of service to the people of Los Angeles and her 90th birthday, the Los Angeles County Board of Supervisors in May 1992, honored Mrs. Brand at a ceremony held in the Grand Hall of the Music Center.

I ask my colleagues to join me and the Chaplain's Eagles of the Los Angeles Probation Department in saluting Sybil Brand, who has worked tirelessly to make this a better world. She is an extraordinary example of what one dedicated individual can accomplish. We thank her for her service to the human family.

THE INTRODUCTION OF THE NATIONAL URBAN WATERSHED MODEL RESTORATION ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Ms. NORTON. Mr. Speaker, today, I introduce the National Urban Watershed Model Restoration Act, a bill which will establish a new approach to restoring urban waters. This pilot program, to be administered by the Environmental Protection Agency [EPA], will serve as a national model for the restoration of urban watersheds and community environments. To achieve more focused and rapid action, the new program will integrate the various regulatory and nonregulatory programs of the EPA with other Federal, State, and local programs to restore and protect the Anacostia River and promote community risk reduction. EPA is to coordinate its efforts with other Federal partners, particularly the U.S. Army Corps of Engineers. In addition to addressing a major local environmental concern, this model program will provide a framework for urban communities around the Nation to work toward sustainable community redevelopment and to meet national environmental goals.

Under the new program, EPA shall allocate a total of $750,000 per year over the next 4 fiscal years to implement the provisions of the model program. EPA may authorize no less than $400,000 per year in the form of grants, which are to be matched on a 75–25 basis with other Federal funds and State, local, and private contributions.

The Anacostia River has been my top environmental priority since coming to Congress in 1991. I realize that restoring a river requires a long-term commitment. I am committed to whatever time and effort it takes to restore the river that runs through our neighborhoods. I am particularly pleased that all of the regional Members of Congress whose districts encompass the Anacostia River, Representatives CONNIE MORELLA, STENY HOYER, and ALBERT WYNN, recognize the importance of this effort and have become original cosponsors of this legislation.

WELCOME DR. STEPHEN CHEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. THOMPSON. Mr. Speaker, today, I rise to join others in welcoming Dr. Stephen Chen to Washington, DC. He has recently assumed the position of Taiwan's top representative in Washington, replacing D. Jason Hu.

Representative Chen comes to Washington with impeccable diplomatic credentials. Prior to this appointment, he served as Deputy Secretary-General to President Lee Teng-hui of the Republic of China [ROC]. Dr. Chen is a distinguished career diplomat. He served at the Embassy of the ROC in Manila in 1953, and has held a number of diplomatic posts throughout the world. In the sixties, he was stationed in Brazil and in the early seventies he held various consular posts in the United States.

Representative Chen is married to Madam Rose Te Chen, has two sons and one daughter. I am told he speaks several languages fluently, and I know that he speaks and understands the English language and its nuances and idioms quite well.

Representative Chen will undoubtedly have a challenging job in Washington, but I believe he will strive hard to strengthen the good relations between Washington and Taipei.

I extend to Dr. Chen and his family the very best wishes for a productive and worthwhile experience during their Washington tenure.

RURAL INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 5, 1997, into the CONGRESSIONAL RECORD.

RURAL INDIANA COMMUNITIES

The Ninth Congressional District consists of 20 full counties and part of one other. It takes over 6 hours to drive from southwestern Spencer County to eastern Union County. With the exception of the counties in the Louisville metropolitan area, principally Clark and Floyd, it is among the most rural congressional districts in the country.

The Ninth District is made up of plowed fields, rolling hills, celebrated woodlands, and small to moderate-sized communities. Few people traverse the highways and byways of southern Indiana more frequently than I have in recent years. I feel quite at home among the farms, along the back roads, as well in the bustling towns. I get immense pleasure from the beauty of rural southern Indiana, and especially enjoy the variety of court house squares. Yet despite the attractiveness of the area, many worry about the future of our rural communities.

RURAL ECONOMIES

Some of our rural Indiana counties are growing rapidly, often with robust growth associated with recreation, new or expanding industries, tourism, and retirement. Other counties are not growing at all and are having difficulty generating new jobs. They confront the basic problem of keeping their young people at home. The people of southern Indiana are generally less affluent than the rest of the State. We have several of the poorest counties in the State.

Rural America tends to be comparatively poor. It has great natural resources but that does not show up in the personal income of rural Americans. No rural district today in the U.S. House of Representatives is ranked in the top 100 in terms of median family income; most are in the bottom 100.

APPROACH TO ISSUES

The population of southern Indiana tends to be white, older, and moderate to conservative, especially on the social issues. There is always a strong emphasis on values, particularly self-reliance, and a deep skepticism by rural Hoosiers of life in the urban areas. They tend to view urban areas as the center of crime and drug activity, and not a very good place to raise a family. They have very strong ties to family, church, and community, and a strong desire to strive for a better life. The quality of life in rural Indiana compares favorably with many other areas of the country, and rural Hoosiers seem to be aware of it. As one of them said to me, "I really do not know where I would rather live."

People in southern Indiana are fiscally prudent and want their representatives to be in the mainstream on economic and social issues. They are independent and often split their ballots. This unpredictability is one reason why public officials pay particular attention to rural Indiana.

At the same time it is clear that over the years political clout nationwide has shifted to the suburbs. Merely one in five Americans

today lives in small towns or the countryside. Only 57 districts out of 435 in the U.S. House of Representatives could be considered rural—13 percent of the House. Most of these rural districts are in the South or in the Midwest.

Public officials, of course, love to identify themselves with smalltown America. President Eisenhower identified with Abilene Kansas; Jimmy Carter with Plains Georgia; Ronald Reagan with Dixon Illinois; and President Clinton with a place called Hope.

JOBS

There is great economic diversity in southern Indiana. On the one hand there are energetic, growing rural areas, and on the other there are rural communities that are isolated and struggling. Some of them seem locked in time and there is little movement in or out of the communities. Even a modest change like the addition of a new restaurant or shopping area can cause excitement in the community.

The common concern in the rural areas of Indiana, in my experience, is jobs. Many have confronted chronically high rates of unemployment and underemployment and there is constant demand for more high-paying jobs. Rural Hoosiers worry about the disappearance of family farms, layoffs in some manufacturing plants, and the challenges facing schools and cultural institutions like the libraries.

Not nearly as many people in these rural communities live on farms as one might think. Most of the small communities have a light industry or two to supply the jobs, and manufacturing is the largest source of employment in southern Indiana. The counties tend to have a higher percentage of people over age 65, often more than double the national average.

In the future, the viability of rural Indiana may very well depend on the number of people who are fed up with the pace and stress of living in the city. Many of them will move out of the urban areas into the rural areas. Computers may have an impact on rural Indiana, increasing the ability of people to live where they want to, not where they have to. Also, as the number of retired Americans increases, rural Indiana could very well experience a comeback.

I have always found Hoosiers who live in urban areas wanting to support and help the rural communities of our state. There is, of course, a special appeal to communities which are attached closely to the land and which have a social cohesion and solid anchors of home and church. But it is also true that Indiana will prosper much more if the farm and small factory towns can do well. If they do not do well they will drag the rest of the state down.

CONCLUSION

Small towns have always played a very large part in Indiana's view of itself. They are communities where common goals can be reconciled with rugged individualism. They are nurturing places that produce state and national leaders. The problems of the communities seem more manageable than those in the urban areas, and in many ways the communities have a mythical appeal.

Rural communities may be less affluent and face problems of unemployment, but generally I find rural Hoosiers content with their way of life. They have a sense of place and self, of where they come from, who they are, and what they want for their family and community. I am not at all pessimistic about the future of rural southern Indiana. New growth in these communities may well sustain the vitality and the viability of rural Indiana.

TOBACCO INDUSTRY REGULATION

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to oppose an agreement that was recently made between the tobacco industry and the FDA. The settlement addresses several issues, including the FDA's authority to regulate tobacco, advertising and promotion, youth access to tobacco products, environmental tobacco smoke, and immunity for the tobacco industry from future law suits.

Mr. Speaker, I am hesitant to enact legislation that will restrict the FDA's authority to regulate tobacco. More importantly, this enactment concerns me because it would give the tobacco industry a bailout from future liability. I cannot support legislation that does not include stringent safeguards aimed at protecting our Nation's youngsters from becoming addicted to nicotine; protecting our children should be our main concern.

I would like to enter into the RECORD a resolution adopted by the City Council of the City of Chicago, forwarded to me by the Honorable Edward M. Burke from the State of Illinois:

Whereas, The United States Congress will vote on a $385.5 billion proposed nationwide tobacco accord; and

Whereas, The Chicago City Council has been informed of this event by Alderman Edward M. Burke; and

Whereas, Cigarette makers and 40 state attorneys general agreed to a proposed accord aimed at helping to protect young people from the dangers of smoking in June of 1997; and

Whereas, Under the proposed settlement, cigarette companies would pay annual fines of $80 million for every percentage point that smoking by young people failed to drop below 30 percent over a five-year period, 50 percent over seven years and 60 percent over 10 years; and

Whereas, Annual payments would be capped at $2 billion under the proposed agreement; and

Whereas, Along with paying penalties for smoking by young people, tobacco companies under the proposal agreed to settle lawsuits by states and smokers and to impose broad restrictions on tobacco advertising; and

Whereas, In return, the plan which requires approval by the United States Congress, would provide the industry protection against certain types of lawsuits and punitive damages; and

Whereas, The members of the Illinois Congressional Delegation must vote on the proposed nationwide tobacco accord; and

Whereas, Critics of the proposed accord, including members of Congress and public health experts, have objected to the proposed settlements as a bailout of an outlaw industry that does not go far enough toward reducing addiction to nicotine; now, therefore

Be it Resolved, That we, the Major and members of the Chicago City Council assembled this tenth day of September, 1997, do hereby call upon the Illinois Congressional Delegation to vote against the proposed nationwide tobacco accord; and

Be it Further Resolved, That a suitable copy of this resolution be presented to the members of the Illinois Congressional Delegation.

A TRIBUTE TO ARTHUR (ART) H. COX

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. DOOLITTLE. Mr. Speaker, I would like to take this time to remember Arthur H. Cox, a man who served his community and his country with unparalleled distinction.

Art began his life of public service in the Air Force during World War II. He continued to serve his country with honor during the Korean war and ultimately retired from the Air Force Reserves as a lieutenant colonel.

For Art, however, public service did not only mean serving one's country; it also meant serving one's community. To that end, Art significantly contributed to the enhancement of all of the communities in which he, his wife, Yvonne, and their six children, Craig, Bryan, John, Dennis, Kevin, and Anne lived.

As a young man, Art was elected the Mayor of the City of Pomona, and served as the youngest mayor in the State of California. His service was distinguished by four successful terms.

While in Southern California, Art also worked tirelessly as the leader of numerous local agencies and organizations. He served as director of the Los Angeles County Sanitation District, director of the Los Angeles County Watershed Commission, president of the Los Angeles Area D Civil Defense, director of the Metropolitan Water District of Southern California, president of the Pomona Valley Municipal Water District, and chairman of the Pomona Valley Stadium Commission.

After moving to Auburn in 1974, Art continued to be an effective and dedicated community leader. Over the past 20 years, Art served both as mayor and councilman of the city of Auburn, president of the Auburn Area Chamber of Commerce, vice chairman of the Auburn Area Chamber of Commerce Economic Development Committee, chairman of the Placer County Office of Education Personnel Commission, and member of the Auburn Faith Community Hospital Board.

Art's contribution to the Auburn business community was also exemplary. He served as executive vice president of Heart Federal Savings and Loan, manager of the Heart of California Corp., and was a real estate, life insurance, and securities broker throughout his business career.

While Art's accomplishments and years of service to his country and community are exceptional, perhaps Art's greatest achievement was fulfilling his role as a husband of 50 years and father to his six children.

Art was always a shining example of community service and family devotion to those blessed to have known him. His integrity, humanity, and stalwart dedication to family, country, and community are rare assets and are worthy of our recognition today.

Last Sunday, surrounded by his loving and devoted family at his home in Auburn, Art Cox passed away. While everyone who knew him is saddened by his death, his spirit and enthusiasm for life will live on with us forever.

Mr. Speaker, as a tribute to Art and his lifetime's worth of accomplishments, I would ask that you join me, our fellow colleagues, and the citizens of Placer County in remembering Art and extending our heartfelt appreciation for his tireless efforts, unmatched commitment, and impassioned service, toward making his community and country a better place for us all to live.

IN HONOR OF THE 125th ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN CLANTON, AL

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. RILEY. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the 125th anniversary of the First Baptist Church in Clanton, AL. For 125 years, the First Baptist Church has offered spiritual guidance to the community of Clanton. The church was organized on November 5, 1872, with Rev. J.A. Mullins and Rev. P.H. Lundy serving as the church's first ministers. From a small beginning of only 10 members, the membership grew to 70 in 1886 and then to 1,470 in 1996.

First Baptist Church has made great strides during these 125 years in the spreading of the good news to mankind. The Sunday school has always been a very strong part of the teaching ministry of the church since the first mention of a Sunday school in 1877. Last year, the records show that 959 children and adults were enrolled in Sunday school.

In addition to Sunday school, the Baptist Young People's Union was formed for Sunday night training. Currently, it is known as discipleship training. Whatever the name, the organization has always taught Baptist doctrine, leadership courses, and Bible study. The enrollment was up to 251 in 1996.

Mr. Speaker, let me share with you the ways in which First Baptist Church mission programs have brought the ministry of the church into the community. It was the ladies of the church who began the mission programs by forming Ladies Aid Society, which is now known as the Women's Missionary Union. Recognizing the need for mission study for all ages, Mission Friends, Girl's Auxiliary, and Acteens were also organized. For the men in the congregation, the Brotherhood organization began which sponsors the boys' groups like the Lads, Crusaders, and Challengers.

First Baptist Church also started three missions in the community: the West End Baptist Church in 1948, the Northside Baptist Church in 1954, and Lomax Baptist Church in 1958. All three are now active, growing churches in Clanton.

Mr. Speaker, in addition to its distinguished mission program, the First Baptist Church has always maintained an excellent music program. There are three children's choirs, a youth choir, and an adult sanctuary choir. Programs of special music are performed on many occasions and have included hand bells. In 1995, a church orchestra was formed. Most recently, the outstanding "Living Pictures" was presented in 1997.

Mr. Speaker, First Baptist Church has been very successful in reaching out to the young and old alike. The youth ministry is also a vital program which emphasizes Bible teaching, recreation, retreats, youth camps, youth week, and person soul winning. For the older members of the congregation, the fellowship of the Keenagers meet each month for lunch and an inspirational message. Trips to places of special interest are taken regularly. For those who are not physically able to attend services, a homebound ministry is provided which provides church literature on each of their monthly visits.

Under the current leadership of Dr. Michael, new ideas have been promoted including greeters for each service, prayer partners during worship services, and a worship service for children ages 4 to 6.

Finally, Mr. Speaker, in honor of this anniversary of the First Baptist Church in Clanton, let me share with you the church's invaluable vision which has been and will continue to be: "As a family of Christians, we seek to reach people for Christ, exercise Biblical faith, and practice unconditional love in accomplishing our mission for Jesus."

SAM CASALE AND GLENN MILLER: GOOD MUSIC AND MEMORIES

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LoBIONDO. Mr. Speaker, I rise today to pay tribute to Mr. Sam Casale, a resident of Turnersville, NJ, for his involvement with the Glenn Miller Orchestra in the 1940's, and for his tireless efforts to convince the U.S. Postal Service to issue a Glenn Miller stamp.

Because of his strong advocacy over the years, Mr. Casale's dream has now been realized: the Postal Service recently issued a Glenn Miller Postage stamp as part of its series featuring American composers, musicians, and singers. What is more, Mr. Casale was given the honor of designing the second-day cancellation postmark which will be issued from the Egg Harbor Post Office, located in the Second Congressional District.

Sam Casale first heard Glenn Miller's distinctive brass and woodwind sound as a high school student. Like many others in that era, he was taken by such Miller hits as "In the Mood," "Chattanooga Choo Choo," and "Moonlight Serenade." Glenn Miller was a household name in the United States by 1939, and his band was a coast-to-coast sensation.

At age 17, Mr. Casale was able to become a part of the excitement when he was hired by the Miller Orchestra as a band boy. From that vantage point, he was able to watch Miller's artistry, professionalism, and—as Mr. Casale is quick to point out—Miller's good moral judgment.

Mr. Casale's big moment with the orchestra came in Atlantic City, minutes before a live radio performance. Miller, who was running late, had not yet shown up at the bandstand. With the broadcast about to go on the air, band members asked Casale, himself a clarinet player, to start the orchestra. With a swing of his arm, the band started their first number; at that moment, Miller walked on stage, greeting young Mr. Casale with a smile and an "OK" sign as he took control of his band.

Glenn Miller, of course, went on to join the Army Air Corps in World War II and aided the Allied war effort as a morale-building band leader. Although Miller died in the service of his country in 1944, Sam Casale's efforts in preserving his memory will ensure that our generation will never forget Glenn Miller's contribution to American music.

INTRODUCTION OF CHARITY IRA'S

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mrs. KENNELLY of Connecticut. Mr. Speaker, today, Mr. CRANE, Ms. DANNER, Mrs. EMERSON, Mrs. THURMAN, Mrs. LOWEY, Mr. LIPINSKI, Mr. RAMSTAD, Mr. YATES, and I are introducing legislation to allow charitable contributions from Individual Retirement Accounts. Our charitable IRA rollover proposal would allow individuals who have reached age 59½ to donate IRA assets to a charity without incurring income tax.

You may have heard from charities in your district recently that they are often approached by individuals who have accumulated large IRA's and wish to make a charitable donation but are effectively precluded from doing so by the unique tax laws that apply to IRA's. We want to change this.

Our legislation would allow an individual to donate his/her IRA to charity without incurring any income tax consequences. The IRA would be donated to the charity without ever taking it into income and paying tax on it. Similarly, because current law IRA's represent previously untaxed income, there would be no charitable deduction. IRA rollovers to qualifying charitable deferred gifts would receive similar treatment.

This minor change in tax law could provide a valuable new source of philanthropy for our Nation's charities. I would urge my colleagues to cosponsor.

A TRIBUTE TO M.B. "DUKE" RUDMAN

HON. RALPH M. HALL

OF TEXAS

HON. JIM TURNER

OF TEXAS

HON. MAX SANDLIN

OF TEXAS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. HALL of Texas. Mr. Speaker, my colleagues and I rise today to call the attention

of our colleagues to the remarkable life of an east Texas oil pioneer and philanthropist who was recently honored as one of 50 worldwide recipients of the State of Israel's 50th Anniversary Award.

Mr. M.B. "Duke" Rudman was born 87 years ago in Bonham, TX, and while drilling thousands of wildcat oil wells from North Dakota to Texas and from California to Florida during 60 years in the oil business, he also gained quite a reputation for his devotion to health and fitness and his work as a motivational speaker.

But none of his lifetime accomplishments have proven as rewarding as his civic and philanthropic activities. He has said many times that he wants to be remembered more for what he has done for others, not for anything he has done for himself.

He is 1 of 50 persons worldwide to receive the 50th Anniversary Award for his lifetime of extraordinary efforts on behalf of the State of Israel. He will take part in a November 22 gala at the United Nations in New York to celebrate the 50th anniversary of the November 1947 U.N. vote that partitioned the land of Israel.

Last Sunday was M.B. "Duke" Rudman Day in Tyler and Smith County, TX. Many of his east Texas friends and neighbors gathered in Tyler to recognize his contributions to Israel and to his native Texas. They made it clear that Israel's progress as a nation and a democracy could not have happened without people like Duke Rudman. He has helped fund student educations and purchased a fleet of 83 ambulances for that nation's emergency personnel in addition to a host of other philanthropic endeavors.

Mr. Rudman is well known throughout east Texas for his association with the oil industry. He attended Kemper Military Academy and the University of Oklahoma. He moved to east Texas in 1931 during the oil boom and relocated to Dallas in 1942. Wherever he has gone, he has endeavored to help communities prosper. Recently, he donated land to the city of Tyler for a public park.

Those of us who know Duke Rudman are gratified that he is finally receiving the praise and recognition that he has forever shunned. He says he gets more pleasure from helping others than do those he has helped.

East Texas. American patriot. Friend of Israel. Duke Rudman's goodwill toward his fellow man throughout his lifetime reflects his generosity and his love for the human race. We are proud to know him and to call him our friend.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. KIND. Mr. Speaker, another day has gone by and still no campaign finance reform.

While most are looking at yesterday's election results in terms of who won and who lost, I read a more interesting, and troubling result from those elections. In the race for Virginia Governor we saw two very capable candidates, the highest level of spending in Virginia history, a fairly clean campaign and still voter turnout that was the lowest in many years. We have to ask ourselves, why are voters increasingly turned off by the election process? In races where you have an especially negative race it is easy to understand why voters are not going to the polls. But in this case it was a clean race, the race included a meaningful discussion of real issues and each party spent millions of dollars trying to get their message to the voters. There must be another answer.

I believe it is clear that the voters have grown frustrated with the current big money political system. The public believes that Government is for sale to the highest bidder, and their vote doesn't matter. It is our responsibility to restore the faith of the public in our democratic system.

One way to begin that process is to clean up our own house, and eliminate the influence of big money in politics. Campaign finance reform is needed now more than ever. Clearly no one can argue that the problem of low voter turnout in Virginia would be solved by spending more money. It is time to pass campaign finance reform and send a clear signal to the people of this country, that this Government is not for sale, that their vote does count, and that this Government belongs to the people not the special interests.

The people are expressing this displeasure by staying home on election day. We must pass campaign finance reform before we adjourn this year. For all our sake, we cannot accept "no" as an answer.

222D ANNIVERSARY OF THE BIRTH OF THE UNITED STATES MARINE CORPS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. SPENCE. Mr. Speaker, I ask that my colleagues and all citizens of this Nation join me in congratulating the men and women of our U.S. Marine Corps as they celebrate the 222d anniversary of the birth of the corps this Monday, November 10.

In commemoration of this event, I would like to include for the record a description of the creation of the Marine Corps in 1775 and a brief summary of the history of the Marines "from the Halls of Montezuma" to the evacuation of American citizens from strife-ridden Sierra Leone.

U.S. MARINE CORPS HERITAGE

On Friday, 10 November 1775, Col. Benedict Arnold stood on the banks of the St. Lawrence River and looked in frustration across a mile of storm-whipped water at the objective—Quebec. It was critical that Arnold's army execute the crossing before British reinforcements arrived.

Outside Boston on that same day, Gen. George Washington and his army were encamped at Cambridge. Although reasonably provisioned, there were shortages of blankets, uniforms, and powder.

In Philadelphia that same Friday morning, the President of the Congress, John Hancock, convened the Second Continental Congress to consider the situations near Quebec and Cambridge. Major items of discussion focused on relieving pressure from Arnold's army by securing Nova Scotia and replenishing Washington's army with the captured supplies.

The success of the Nova Scotia plan called for the creation of two battalions of marines from Washington's army. Accordingly, the Continental Congress resolved that two battalions of marines would be raised and they "be able to serve to advantage by sea when required." The new battalions would be distinguished as the First and Second Battalions of American marines.

General Washington considered the decision to raise the marine battalions from his army impractical. Congress relieved Washington of this responsibility and ordered the marine battalions to be created independently of the army.

The expedition to Nova Scotia was eventually abandoned, but Congress refused to abandon the resolution to form two new marine battalions. The Continental Congress continued to maintain the idea of a corps of marines. During the subsequent decades and centuries, Congress has continued to nurture and support America's marines.

In the aftermath of World War II, Congress directed the maintenance of a versatile and efficient marine force. Congress resolved that a highly mobile and alert force of Marines should always be in position to impede a full-scale enemy aggression, while the American Nation is given time to mobilize its vast defense machinery. This capability remains the hallmark of today's Marine Corps.

Throughout their 222-year history, the U.S. Marine Corps has lived up to its reputation as America's most efficient force. Characterized by its amphibious, expeditionary, and combined arms capabilities, the Marine Corps has followed congressional direction that it "remain most ready when the Nation is least ready."

Since their creation in 1775, the marines have served our Nation in virtually ever clime and place:

They were with John Paul Jones and Gen. George Washington during the American Revolution.

They stormed the shores of Tripoli in 1805, and raised the United States flag for the first time in the Eastern Hemisphere.

They were the first United States troops to enter the capital and to occupy the Halls of Montezuma in Mexico City during the Mexican War.

They were at Bull Run and New Orleans during the Civil War, in Cuba and the Philippines during the Spanish-American War, and in China during the Boxer Rebellion.

They fought at Belleau Wood, Soisson, St. Michiel, and the Argonne during World War I.

They pioneered the concept of close air support in Nicaragua as marine aviators flew the first air missions in support of infantry forces.

They confirmed the legitimacy of amphibious warfare at Guadalcanal, Bougainville, Tarawa, Saipan, Iwo Jima, and Okinawa during their World War II island campaign in the Pacific.

They executed the classic amphibious assault at Inchon, and became the first military

organization to conduct helicopter operations in battle.

They destroyed seven enemy divisions at the Chosin Reservoir during the war in Korea.

They added to their lineage the names Da Nang, Hue City, Phu Bai, and Khe Sanh during the war in Vietnam.

They supported our Nation's interests in Beirut, Grenada, and Panama.

They embraced the techniques of vertical short takeoff, landing high-performance aircraft, and new concepts such as maritime prepositioned shipping.

They demonstrated their quick response, combat readiness, and logistical sustainability during the gulf war.

They demonstrated the capabilities of versatile forces in humanitarian assistance operations by distributing food to the starving people of Somalia.

Thus far in 1997, our marines have conducted or contributed to 14 operations beyond normal readiness training. The most recent of these was Operation Noble Obelisk, during which our marines assisted in the evacuation of more than 2,500 American citizens from Sierra Leone in late May and early June.

It is with these events in mind, that I say, "Happy Birthday, marines."

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

SPEECH OF

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GOSS. Mr. Speaker, I rise in support of S. 931, which would designate the Marjory Stoneman Douglas Wilderness Area and the Ernest F. Coe Visitor Center in the Florida Everglades.

The Everglades National Park—A unique national treasure—celebrates its 50th anniversary this year. As we celebrate this important milestone, it is fitting that we recognize the contributions of both of these individuals. As anyone familiar with the everglades knows, Marjory Stoneman Douglas had dedicated her life to the everglades. Her landmark Book, "The Everglades: River of Grass" brought attention to the unique everglades ecosystem and helped set in motion the tremendous restoration efforts now underway.

Mrs. Douglas, who celebrated her 107th birthday on April 7, was awarded the Presidential Medal of Freedom for her efforts.

Ernest F. Coe helped lead the charge to establish the Everglades National Park and is widely regarded as the park's "father."

Coe's dedication and leadership in this area led to the authorization of the park in 1943 by Congress and the dedication by President Truman in 1947.

Over the years, the everglades and its surrounding ecosystem have fallen victim to neglect and misunderstanding. Congress and the State of Florida have supported action to save the everglades, and have worked to ensure that a coordinated, effective restoration program moves forward.

The ongoing south Florida initiative promises to combine existing programs with new targeted efforts to address many immediate and long-term needs of the everglades, including: fresh water supply and timing, wildlife protection, pollution prevention, Florida Bay improvements, and more.

As we continue to work on the larger issue of everglades restoration, I believe S. 931 offers us the opportunity to recognize the contributions of two individuals that have done so much for this national treasure and I strongly encourage my colleagues to support it.

NATIONAL WILDLIFE REFUGE SYSTEM VOLUNTEER AND COMMUNITY PARTNERSHIP ACT OF 1997

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. ABERCROMBIE. Mr. Speaker, I rise in strong support of H.R. 1856. This bill was unanimously reported from the Resources Committee and the amendment before the House improves its benefits to wildlife even more.

The bill's sponsor, the gentleman from New Jersey, has done yeoman service for wildlife in this country by introducing this legislation and expeditiously bringing it before the House. The amendment does three things: it promotes volunteer programs on wildlife refuges; it protects wildlife habitat by reauthorizing the highly successful North American Wetlands Conservation Act; and it improves the management of nongame species of wildlife by reauthorizing a program of Federal matching grants for such activities.

Mr. Speaker, this bill is about protecting wildlife habitat and enhancing the management of both game and nongame wildlife. We have long since reached a point where Government cannot provide all the know-how and resources adequately to protect our wildlife. By establishing a pilot program to encourage partnerships between wildlife refuges and private organizations, we create a win-win situation for wildlife. Local citizens get an opportunity to gain firsthand experience with wildlife while enjoying the simple pleasure of volunteer service. For their part, wildlife refuges get expertise from the local community, as well as goods and services that would not otherwise be available to them.

In the 7 years of its existence, the North American Wetlands Act has resulted in the protection of more than 10 million acres of wetlands in the United States, Canada, and Mexico. $208 million in Government funds for this voluntary, nonregulatory program have been matched by more than $420 million in non-Federal funds, conserving valuable habitat for migratory birds and many nonmigratory species as well.

Last, the amendment reauthorizes the Partnerships for Wildlife Act, which provides matching grants for nongame wildlife conservation and appreciation. A permanent source of funding, like we have for sportfish and game conservation, is sorely needed for nongame species. The States currently estimate their unmet needs for nongame management and conservation at over $300 million annually. I hope that we have the opportunity to give permanent funding for nongame species serious consideration next session. In the meantime, we will continue doing what we can for nongame species under the Partnerships for Wildlife Program.

This is sound legislation to benefit wildlife through nonregulatory programs that leverage scarce Federal resources. I urge the House to support H.R. 1856.

SAN MATEO COUNTY, CA—CENTER OF THE BIOSICENCE INDUSTRY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LANTOS. Mr. Speaker, it is my privilege today to call to the attention of my colleagues in the Congress the significance of the biotechnology industry in San Mateo County, CA. A part of the impetus for my remarks today is the release of a recent report, "Bioscience in San Mateo County: An Industry Study," which was prepared by the Bay Area Bioscience Center in cooperation with SAMCEDA, the San Mateo County Economic Development Association.

The bioscience research industry in San Mateo County was ushered into our area in 1976, when the founders of Genentech, a pioneer and major biotech firm, rented space and began operations in the city of South San Francisco. Today, San Mateo County is home to nearly 100 bioscience companies employing over 10,000 men and women. In the past 15 years, San Mateo County has become one of the world's most important centers for the research and the commercialization of bioscience research and development.

The economic benefit to our local communities from bioscience companies is significant. Bioscience companies pay high wages, provide steady employment, and are environmentally clean operations. The members of its work force are well-educated and involved in their residential communities.

To win the benefits of this vibrant bioscience industry in our communities, economic development initiatives to support local bioscience companies have been undertaken by dozens of cities, counties, and States throughout the United States, as well as by Canada and many European countries. Often these recruitment efforts have targeted San Mateo County and other northern California companies with a variety of incentives. Although San Mateo County is the fortunate birthplace of the bioscience industry, there continues to be fierce competition for the industry's future growth.

In the 1950's and 1960's, California's civic and business leadership advanced the State economically by anticipating and encouraging the growth of the aerospace and the electronics industries. The basic elements of that long-term technology development strategy helped create a prosperous Silicon Valley and, more recently, benefited our State's growing bioscience industry.

According to the report "Bioscience in San Mateo County: "An Industry Study," few foreign countries and only one other State (Massachusetts) can match the extent of San Mateo County's booming bioscience activity. From industry leaders like Genetech and PE Applied Biosystems Division to promising young companies like Tularik and Arris Pharmaceuticals, the county has established itself as a locale of choice for bioscience companies. One of the principal reasons for this success is the high quality of life that we enjoy on the San Francisco Peninsula.

Ironically, this same success of San Mateo County in establishing its preeminence for the bioscience industry has also created challenges to county leaders in the effort to maintain preeminence in the bioscience industry. This report is a blueprint to assist local officials, business leaders, and the citizens of San Mateo County in considering what steps should be taken to ensure that the county can benefit from the continued growth of this valued industry.

Mr. Speaker, I ask that the executive summary of this report be placed in the CONGRESSIONAL RECORD. I think that it will be useful for our colleagues in the Congress to examine this report because it provides an excellent example of cooperative local efforts to deal with the problems of attracting industry for the benefit of a community. It is my hope that the information and recommendations contained in this report can provide a focus for discussion as well as a working tool for economic development by San Mateo County officials, public utilities companies, development authorities, and the national bioscience industry.

EXECUTIVE SUMMARY

During the last fifteen years, Sam Mateo County has become a locale of choice for the economically promising bioscience industry. To help ensure that the county maintains its prominence, the San Mateo County Economic Development Association (SAMCEDA) and several local bioscience companies asked the Bay Area Bioscience Center to conduct a Bioscience Business Environment Survey and to offer recommendations for maintaining the competitive advantages currently afforded the industry by the county.

This first-ever look at the scope of the dynamic and growing bioscience industry in San Mateo County comes at a time when the country's business community is implementing a county-wide economic development strategic plan for the retention, expansion and attraction of business through public/private partnerships. The information and recommendations contained herein are intended to provide a focus for discussion as well as a working tool for economic development efforts by county officials, public utilities, developers and the bioscience industry itself.

Selected information and recommendations are summarized on the following pages:

EMPLOYMENT

Forty survey participants expect to create 1,100 new jobs in 1997. This expansion represents a highly impressive overall employment growth rate of 15 percent.

The total operating budget of 32 bioscience companies in 1995 was more that $1.4 billion, including an estimated $470 million in salaries and benefits.

REAL ESTATE AND CONSTRUCTION

More than 3.7 million square feet of office, laboratory and distribution space is currently being utilized by the surveyed firms.

The rental expense incurred in San Mateo County by survey respondents for the years 1996 and 1997 is expected to be $71 million, a 48% increase over the $46.7 million two year total for 1994 and 1995.

Survey participants invested $138 million in new construction in San Mateo County for the two years 1994 and 1995, not counting tenant improvements paid for by landlords. The same companies plan to devote $186 million for construction spending in 1996 and 1997, an increase of 35%.

Facilities growth is not limited to a few large companies: More than 70% of the survey respondents planned to expand their facilities in the two year period 1996 and 1997, pending favorable financing and regulatory conditions.

RECOMMENDATIONS

Develop an incubator initiative in San Mateo County to assist bioscience entrepreneur in their startup operations. The high cost of doing business, and in particular the challenge of finding affordable wet-lab space, is a significant deterrent to new bioscience company formation in the county. A life sciences incubator would help ensure the county's continuing preeminence in bioscience for years to come.

Conduct a comparative analysis of the county's tax and regulatory policies vis-a-vis other leading bioscience counties in California and the nation, and initiate reforms as appropriate.

Establish within SAMCEDA a bioscience industry liaison position that will oversee all issues related to the growth of a strong bioscience industry in San Mateo County, and help implement the recommendations in this report.

Support continued efforts in education reform, particularly in improving the math and science curricula.

Work with high schools and community colleges to develop a school-to-work initiative such as a tech-prep or apprenticeship (work-based learning) program to train entry-level bioscience technical.

Expand the county's existing community and four-year college efforts to train bioscience laboratory technicans, with particular emphasis on providing minority students with access to the high-growth bioscience industry.

Work with the scientific, academic and industrial communities to increase teachers' familiarity with commercial applications of science and science-related careers for students, especially in bioscience and biotechnology. This may be done in many ways, including workshops for teachers, teacher education programs or career-oriented video presentations.

Promote lifelong training for local bioscience workers in a manner that is accessible to the workers and that offers relevant courses developed in cooperation with bioscience companies.

PROUD OF EAST TENNESSEE

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. DUNCAN. Mr. Speaker, I have lived in east Tennessee all my life. It is one of the most beautiful parts of our country, but what makes it really special is the people who live there.

We now have many thousands of wonderful people who have moved in from other parts of Tennessee, other States, and even many from other countries. Most of them love east Tennessee, too.

But I have to say that to me, native east Tennesseans are pretty special, unique people. Our part of the country was settled primarily by poor Scotch-Irish mountain farmers.

They and their descendants have always been proud, thrifty, hard-working, neighborly kind of people.

They have always been fiercely patriotic in time of war, but fiercely independent in times of peace. They have never really liked big government or having distant bureaucrats tell them what to do.

Maybe it has something to do with a heritage of moonshine whiskey, but they have never cared much for Federal revenue agents, and I once was told that the Federal court for east Tennessee had the lowest conviction rate in IRS cases in the entire country.

For many years I have been teased about my east Tennessee accent. Sometimes people have called us hicks and hillbillies. Once, when I was in college, a man in New York said to me in much amazement: "Your're from Tennessse, and you're wearing shoes?"

Perhaps because we have been teased and ridiculed and made fun of, we have been a little defensive at times. But I also think this has made us a little bit more loyal to each other.

At any rate, we have now become a secret that has been discovered. East Tennessee has become one of the most popular places to move to in the whole country.

Invariably, the people who have moved in tell that it was not only the beauty of our area that attracts them, but also the kindness of the people, their friendliness, their honesty, their work ethic, and so on.

I could say much more, because I am very proud of east Tennessee. It is home to me. It means family and friends and everything that is important and good to me.

I am just a visitor in Washington and even if someday I had to move to another part of our great Nation on a full-time basis, I would still tell people I was from east Tennessee.

I could go on and on, but what really prompted all this was a letter I read today in the Knoxville News-Sentinel from one of my constituents, and friend, John Mark Hancock.

In this letter, Mark, a seventh-generation east Tennessean, expresses far better than I have some of the great things about living where we do.

Because I was so touched by what he wrote, I wanted to call it to the attention of my colleagues and other readers of the RECORD.

EDITOR, the News-Sentinel: I am blessed. As a seventh-generation native East Tennessean on both sides of my family, I am truly blessed for having had the opportunity to live and grow up in this area.

Many times in life we find ourselves chasing after things that are fleeting in both our personal and professional relationships, namely love and money.

In doing so, we take for granted all the little things that are so much more important—like walking, talking, seeing, hearing, touching, smelling and moving about this wonderful region of our planet.

I had the distinct pleasure and the wonderful opportunity to take my 3-year-old niece,

Katie, to the Museum of Appalachia's Fall Homecoming this year.

As most of us know, it is a celebration of the fierce determination and independence of our ancestors who settled this area. It was satisfying to see the wonderment in the eyes of a new generation as we enjoyed the day together.

Listening to the strains of "Orange Blossom Special" wafting over the serene countryside, having traveled and lived all over the United States, I got a tear in my eye and a lump in my throat.

My heart and soul filled with pride upon hearing those sweet melodious tunes. They are from deep within our culture, and we should never forget what they mean to us.

That same weekend, I was privileged to witness another big University of Tennessee Volunteer football victory at the largest stadium in America. The pride in excellence of achievement, both athletically and academically, that my alma mater represents, is another part of our tremendous heritage.

The next day, I attended the harvest celebration at Dollywood and was again reminded of the bluegrass and gospel music that was born in these hills, mountains and valleys. Lyrics from "Will the Circle be Unbroken?" and "Wildwood Flower" pierced the crisp air.

It is truly a time for thanksgiving and prayerful reflection to know that there are some things in life that money cannot buy, like peace of mind and security. We race through life so rapidly oftentimes that we don't give ourselves the chance to take inventory.

The lessons our forefathers taught us in not ever giving up our faith in God and in ourselves are ones to be cherished and preserved.

In trusting love more than fear, we can love both ourselves and our neighbors. The people who settled this land knew what a great legacy they were leaving to us. The great English bard, Shakespeare, said that love looks with the heart and not with the eyes.

We must take to heart our beautiful ability to blend with nature and fulfill the dreams of those who have gone before us. Be appreciative of living and working in the richest area of the world, rich in resources and lore, for this is worth more than anything else.

Living in East Tennessee, we are all truly blessed.

JOHN MARK HANCOCK,
Knoxville.

INTRODUCING THE BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 1997

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. VISCLOSKY. Mr. Speaker, I—along with our distinguished colleague from New Jersey, Mr. LOBIONDO, and over 80 of our other House colleagues—am pleased to introduce the Bulletproof Vest Partnership Grant Act of 1997.

I was inspired to introduce this legislation when I learned that gang members in Northwest Indiana had the protection of bulletproof vests, but that many police departments simply could not afford to buy them for their officers. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the Nation's 600,000 State and local officers—do not have access to bulletproof vests.

The legislation I am introducing today would form a partnership with State and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof vest gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50–50 matching grants to State and local law enforcement agencies to assist in purchasing bulletproof vests and body armor for their officers.

These grants would be targeted to jurisdictions where most officers do not currently have access to vests, and they are designed to be free of the red tape that often characterizes other grant programs. In order to make sure that no community is left out of the program, the matching requirement could be waived for jurisdictions that demonstrate financial hardship in meeting their half of the match.

This bipartisan bill has been endorsed by the Fraternal Order of Police, the National Sheriff's Association, the International Union of Police Associations, the Police Executive Research Forum, the International Brotherhood of Police Officers, and the National Association of Police Organizations.

Far too many police officers are needlessly killed each year while serving to protect our citizens. Since 1980, 1,182 police officers have been feloniously killed by a firearm. According to the Federal Bureau of Investigation, 42 percent of those officers could have been saved if they had been wearing bulletproof vests.

Bulletproof vests are so effective in protecting law enforcement officers from death and injury that the lives of more than 2,000 police officers have been saved because they were wearing them. The FBI says that the risk of fatality to officers from a firearm while not wearing body armor is 14 times higher than for officers wearing body armor. One study indicates that between 1985 and 1994, no police officer who was wearing a bulletproof vest was killed by a gunshot that penetrated the officer's vest.

Mr. Speaker, if we are going to ask our law enforcement officials to risk their lives every day in the line of duty, it is incumbent upon us to give them every bit of protection possible. While no piece of equipment can save the life of every officer, having a bulletproof vest often means the difference between life and death. I would like to thank Mr. LOBIONDO, and my other colleagues who have already co-sponsored this important legislation, and I urge you and the rest of our colleagues to support it as well.

TRIBUTE TO DR. FRED KRINSKY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Dr. Fred Krinsky, a rabbi, professor of political science and fanatic Dodger fan—Brooklyn and Los Angeles—who died last month at the age of 73. Despite being diagnosed with insulin-dependent diabetes at the age of 8, Dr. Krinsky lived a life of extraordinary energy and achievement. He never wavered in his desire to bring together people of diverse backgrounds and to foster the growth of Judaism in areas with small but devoted Jewish communities.

Born in Poland, Dr. Krinsky came with his family to the United States when he was 3. He grew up in Brooklyn, which explains his passion for the Dodgers. "Passion" is too weak a word: Dr. Krinsky spent much of his life in agony over the fact that Dodger catcher Mickey Owen dropped a crucial third strike in the 1941 World Series against the New York Yankees.

Dr. Krinsky received his master's and doctorate degrees in political science at the University of Pennsylvania. He was also ordained as a rabbi through a private Orthodox Yeshiva in Brooklyn. Dr. Krinsky taught at Syracuse University from 1947 to 1960 and the University of Southern California from 1960 to 1972. He moved to Los Angeles 2 years after the Dodgers, but he always insisted it was mere coincidence.

Dr. Krinsky was an ardent Zionist who led several trips to Israel. His class on Middle Eastern politics at Pomona College, where he was chair and chair emeritus in government from 1972 to 1997, was one of the most popular on campus. Former students would return to hear the magic of his words and the wisdom of his views. Dr. Krinsky firmly believed that only through dialog could Israelis and Arabs—and Jewish-Americans and Arab-Americans—resolve their differences over the Middle East.

Dr. Krinsky's legacy includes four reform congregations in southern California and a fifth in Scottsdale, AZ. In each case he was the founding rabbi.

I ask my colleagues to join me today in saluting Fred Krinsky, whose courage and humanity were an inspiration to us all. He will be sorely missed by his family and friends.

TRIBUTE TO SERGEANT RICH GRAY

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. LOBIONDO. Mr. Speaker, today I am joining with my colleague PETER VISCLOSKY of Indiana in introducing the Bulletproof Vest Partnership Grant Act of 1997. This bill will create a new U.S. Department of Justice grant program which will assist State and local law enforcement agencies in providing their officers with the protection of bullet-resistant vests.

Mr. Speaker, since the introduction of the material used in vests, the lives of more than 2,000 officers have been saved because they were wearing protective vests or other body armor. Nonetheless, I was dismayed—but not surprised—to learn that 25 percent of our Nation's police officers are on the streets without

vests due to a lack of available funding. This underscores the need to provide those resources for our States and localities so that they may purchase critically needed vests. To me its simple—when you get your badge and gun, you should get your vest too.

I owe my level of interest and involvement on this issue to my friend Sgt. Rich Gray of the Pleasantville Police Department. It was Sgt. Gray who first brought this issue to my attention several years ago soon after he founded *Vest-A-Cop Inc.* and was working intensely to get the program moving. *Vest-A-Cop* is a nonprofit organization dedicated to the objective of outfitting all full-time duly sworn law enforcement officers in Atlantic County, NJ. Not only is Sgt. Gray well on his way to being successful in reaching that goal after working diligently to secure funding from a variety of sources, but last year his tireless efforts resulted in Governor Whitman signing into law a bill which would create a funding source to buy protective vests for every police officer in the State.

Rich Gray is not only an exceptional police officer and dedicated president of the Vest-A-Cop organization, but is a model citizen in other ways as well. He regularly organizes the Millville Harley-Davidson & Pleasantville Police Department Toy Run—an effort dedicated to providing toys and canned goods to the needy in Atlantic County—as well as other worthy community projects.

For all his duty- and civic-minded devotion and commitment, I am taking this opportunity to publicly recognize thank Sgt. Rich Gray. He is a model citizen and personal friend and I am proud to work with him on this important issue.

HONORING REVEREND M. KEITH COOKSEY AND TRUE VINE BAPTIST CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Rev. M. Keith Cooksey on his installment as pastor of the True Vine Baptist Church of Houston. Reverend Cooksey will add to True Vine's great tradition of impassioned sermons and providing spiritual nourishment and community service.

Born and raised in Houston, Reverend Cooksey attended Isaac Elementary, Fleming Junior High, and Kashmere High School in Houston before graduating from Texas Southern University in 1986. He is currently pursuing his masters in education from TSU.

Reverend Cooksey began his ministry in 1992. He delivered his first sermon at St. Matthew Baptist Church in Houston in 1993. He joins the True Vine Baptist Church after being ordained while serving as Minister of Christian Education for First Baptist Church Greens Bayou. He has attended Southwestern Extension Seminary and College of Biblical Studies, and plans to pursue his Master of Divinity in 1998 from Southwestern Theological Seminary of Houston.

Reverend Cooksey joins a wonderful family at True Vine Baptist Church, which is dedicated to meeting the diverse needs of our community. For years True Vine has drawn parishioners from across the State with its inspired sermons, and now is also recognized for its leadership to young people. The pastors and parishioners of True Vine Baptist know that it is not enough just to tell young people to feel better about themselves. To build a sense of self-worth and a commitment to service, opportunities, and activities must be available to our young people.

Pastors Jesse Johnson, Jr., and Harry Jackson know that simple instruction and guidance from the church can make a huge difference in young people's lives. Pastor Johnson likes to tell of a story about a young boy who wanted to become a doctor, but was not showing the discipline and drive needed to fulfill that dream. Johnson told the young boy that only by possessing focus and a sense of purpose can one succeed in life. Reverend Cooksey will now add to that legacy by designing and implementing programs to enhance the education and spiritual needs of the young people of our community.

The congregation of True Vine Baptist Church are building a better future for Houston by instilling a sense of purpose and duty to the community. Reverend Cooksey will only add to a church dedicated to building a congregation of good citizens, one member at a time.

Mr. Speaker, I congratulate Reverend Cooksey as he joins the True Vine Baptist Church family. I wish him continued success in providing vital leadership and spiritual guidance to all in our community.

TRIBUTE TO AN INDISPENSABLE VISION NOVEMBER 5, 1997

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. OWENS. Mr. Speaker, on previous occasions I have applauded President Clinton's assertion that this is an indispensable Nation. It is important, however, that this belief go forward with great humility. The United States is not the only indispensable Nation, and we are not the only people whose leaders have an indispensable vision. Dr. Tadahiro Sekimoto, the chairman of the board of NEC Corp., has demonstrated that he also has a unique and profound vision of the leadership needed for a new century of global peace, progress, and prosperity. I am submitting for the RECORD a portion of a speech made by Dr. Sekimoto calling for a world leadership summit:

CALLING WORLD LEADERS TO ACTION TO ADDRESS THE NEW ROLES AND RESPONSIBILITIES OF THE GLOBAL CORPORATION IN THE NEW CENTURY

As we approach the start of a new millennium, it is—I believe—time for those of us in positions of global stewardship to help illuminate the way to a new century of peace, progress, and prosperity for all.

GREAT CHANCE

During the half century that I have been in the information technology industry, I have been privileged to be an eye-witness to its creation of astounding change, perhaps the most dramatic of which has been the world's rapid advance toward a global society characterized by the accelerated movement of labor, goods, technology and capital across frontiers.

Some call this new episode the "Information Age". It is dramatically transforming—largely for the better—most aspects of daily life in most parts of the world. But perhaps even more important, it is leading to a new society that will be based on an ability to understand and respond to the need and wishes of individuals everywhere in the world.

ALSO GREAT CHALLENGES

With the expansion of this new global information economy and society will come radically new roles for our world institutions, including companies like mine. But what are these new roles going to be? How will they transform our multinational giants, the successful management of which challenges us greatly even today? What will this enterprise be like in the future? What should it be like?

By no means do I believe that I have a crystal-clear vision of the future. But I have begun trying to understand it and its urgent demands. And in my mind, the most compelling new responsibility of the 21st century global corporation is balancing economic growth—necessary in order to extend peace and prosperity throughout the world—with the protection of planet Earth's very fragile ecosystem.

More effective management of competition's chaotic expansion is the second most serious new responsibility that globalization is requiring us to assume. And I believe that cooperation at all levels—including those of global, regional, national, local and corporate—is the essential element here. World institutions will simply have to invent and engage in novel forms of collaboration at the same time they compete. In the business world we refer to this more contemporary and useful way of operating as the "complementarian" model where sometimes we compete, sometimes we cooperate, and more often we do both.

The third most serious challenge at the start of the next millennium is, in my view, figuring out how world institutions—including corporations—can most effectively manage their new roles and work together for the betterment of the global village. The perceptive business executive knows what his organization's "global citizenship" responsibilities are today. But who will they be in the decade ahead as globalization broadens and informs more and more aspects of our lives?

One answer is that the 21st century global corporation can no longer be parochial; its mission of service must encompass its entire community because to paraphrase Adam Smith, it too—just like other world institutions—exists to serve and strengthen its societies.

So the multinational's notion of corporate stewardship will have to change—as it already has in some more enlightened U.S. companies. Increasingly, all of us business leaders are going to have to expand our philanthropy considerably beyond where we are accustomed to giving. If, for instance, our contributions have been exclusively economic, we might need to move into social, technical, and cultural spheres as well.

We may also have to shift the emphases of our corporate good-citizenship efforts in terms of both geography and services provided. Instead of staying inside our comfortable local communities and simply continuing our work to support disabled people,

the arts, sports, and the like, we might have to look at transferring some of our attention to the globe's poorest nations and help them build farms and highways as well. The World Bank, with its recently-begun metamorphosis, may be showing us the way.

NEW MANAGEMENT STRATEGIES ARE ESSENTIAL

Despite these and other seriously demanding challenges—to which I have given decades of thought—I believe strongly in mankind's ability to successfully manage globalization and the resultant Information Age for the benefit of humanity, both our generation and the generations that follow us. Some multinational corporations have already started creating and employing different, more suitable management strategies for the future, and I am gratified to report that mine is one of them.

The highly complex nature of our business as a leading international IT supplier and multi-media pioneer has required us to learn how to operate much more efficiently and effectively. For instance, in recent decades we have successfully situated many corporate functions, including R&D and manufacturing, in what we consider the optimum location in the world. In like manner, we have bought and sold in the world's most suitable markets—wherever they are. And this concept, to which we refer simply as "mesh globalization", has given us a strong competitive edge.

In the process of deploying mesh globalization throughout our company—and puzzling over what the 21st century might require of us in terms of new management strategies—we were struck by the growing need to recognize both the needs of the group, or the whole, and the more personalized focus of the new era. But how to join the two seemingly divergent positions in compatible fashion. From the Greek words holos, meaning "whole", and on, signifying "individual", I coined the term "holonic" to indicate the need to harmonize the two.

So today we are successfully employing "holonic" management to assure the prosperity of the corporation as a whole while simultaneously respecting and honoring the sovereignty of the individual—whether that individual is a company subsidiary, a company employee, or a member of one of the hundreds of communities around the globe in which we operate. And this more sympathetic complementary strategy has become another competitive advantage for us.

Experience has taught us that one of the keys to employing it profitably is the sharing of information. Another is establishing and nurturing a culture—of the team or the subsidiary of the corporation—so that members have a meaningful concept around which to rally and with pride produce something they consider significant.

In fact these two notions—the sharing of information and the development of mutually-engaging culture—have become so important, at least from our observation, that we have added them to the three resources we have historically identified and valued: People, property, and money.

MY CALL TO ACTION—A NEW DIALOGUE FOR THE NEW CENTURY

Now you know something of my thought about the expansion of globalization and my efforts to position my company and my country advantageously for it. This leads me to share with you my great interest in building on the wisdom of world leaders from essential disciplines by bringing us together to identify vastly more creative ways to help all people achieve their desired goals in the new century.

It used to be that the complementary and productive partnerships between and among business and financial leaders, elected politicians, and government officials—Japan's "Iron Triangle"—was sufficient to assure prosperity and peace. The now seriously-outdated nature of this limited collaboration has inspired us to consider an expansion—actually a doubling of the size of the groups to include distinguished heads of labor, academia, and the media as well.

I refer to this new alliance as the "neo-hexagon". And I am issuing invitations to neo-hexagon leaders throughout the world, in developing as well as developed countries, to join me in a dialogue—a global conference—focused on identifying best management practices for the 21st century and preparing our organizations and our societies for the better tomorrow that our grandchildren and their great grandchildren deserve. I look forward to welcoming you there.

HONORING THE IWO JIMA MEMORIAL, THE MARINE CORPS AND THE AIR FORCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. SOLOMON. Mr. Speaker, as all of you in the House know, I am proud of my years in the Marine Corps and of what that distinguished branch of the military has done throughout our history and what it has meant to me personally. At the same time, I would hope it is also recognized that I have always been a fierce supporter of each and every branch of the military and of our courageous veterans who put their lives in harms way for this great nation and all it stands for. In fact, those of us who have worn the uniform are becoming fewer and farther between in this Congress and it is imperative that we all bind together and continue to bolster our national defense and look out for our brothers and sisters who have served. That is so important.

And you know, Mr. Speaker, I have always been able to count on the camaraderie and loyalty among members of the military, regardless of whether they're Marines, Air Force, Army or Navy. That's because there is a mutual respect and honor for one another. And it's time for each of us to recognize that honor and solemn respect once again. This time it is in relation to the placement of a memorial and museum honoring the deserving members of the U.S. Air Force. I am an enthusiastic supporter of that memorial, having voted to allow its creation and having pledged my support to help raise funds to build it. The problem is, Mr. Speaker, the Air Force Memorial Foundation, in large part because of flawed and fraudulent information and procedures related to placing this monument, has insisted on building this facility on the hand-picked hallowed ground that has been home to the Iwo Jima Monument for nearly fifty years. That monument has come to represent so much to so many people around this country and the world and in many ways, is one of the most famous monuments in our history. I would hope that those who have served in uniform and are in a position to impact the placement of the proposed Air Force Memorial would stand down and leave this site with honor and grace in respect to the Marine Corps, Marines, their loved ones, and all Americans who recognize the sanctity of this solemn memorial. I appeal to them to take heed of former Secretary of the Navy, James Webb, Jr.'s, advice and commend to everyone the following column that was printed in the Washington Post today. The eloquence and heartfelt manner in which Mr. Webb expressed himself is indeed powerful and sincere and constitutes the most compelling argument as to why this hallowed ground should be preserved as is that I have come across to date. His account is all you need read to understand the deep significance of this renowned monument to so many.

[From the Washington Post, Nov. 5, 1997]

JAMES H. WEBB JR.—WRONG PLACE FOR THE AIR FORCE MEMORIAL

Earlier this year I had the sad honor of burying my father, Col. James H. Webb, Sr., U.S. Air Force (retired). His grave sits on a gentle hill in Section 51 of the Arlington National Cemetery, just next to the small park on which stands the nation's most famous military landmark, the Marine Corps War Memorial.

Between his grave and the sculpture of the Marines raising the flag at Mount Suribachi on Iwo Jima, the Air Force Memorial Foundation proposes to build a large and intrusive memorial of its own. It is deeply unfortunate that the location of this proposed memorial promises nothing but unending controversy. And I have no compunction in saying that the foundation's methods in lobbying for this site would have puzzled and offended my Air Force father, just as it does both of his Marine Corps-veteran sons.

Until late this summer, few among the general public even knew that this site, which is within 500 feet of the Iwo Jima statue, had been approved by the National Capital Planning Commission (NCPC). The Air Force's first choice had been a place near the Air and Space Museum, a logical spot that would provide the same dignity, synergy and visitor population that benefit the Navy Memorial's downtown Washington location. Later, deciding on Arlington Ridge, the Air Force during hearings erroneously maintained that the Marine Corps posed no objection to the erection of a memorial so near to its own. The Marine Corps had yet to take an official position, and no Marine Corps witnesses were called to discuss the potential impact.

Once the NCPC decision became publicly known, it was met with a wide array of protest, including that of citizen groups and a formal objection from the Marine Corps. Despite a lawsuit and several bills having been introduced in Congress to protect the site, the Air Force is persisting.

This is not simply a Marine Corps issue or a mere interservice argument. Nor is it a question of whether the Air Force should have a memorial. Rather, it is a matter of the proper use of public land, just as important to our heritage as are environmental concerns. We have witnessed an explosion of monuments and memorials in our nation's capital over the past two decades. New additions should receive careful scrutiny. Their placement, propriety and artistic impact concern all Americans, particularly those who care about public art, through which continuing generations will gain an understanding of the nation's journey.

The mood around the heavily visited "Iwo" is by design contemplative, deliberately serene. The site was selected personally just after World War II by Marine Commandant Gen. Lemuel C. Shepherd Jr., who was concerned that the statue required "a large open area around it for proper display." Dozens of full-dress official ceremonies take place each year at the base of the hallowed sculpture. Even casual ballplaying is forbidden on the parkland near it. It is, for many Americans, truly sacred ground.

To put it simply, the proposed Air Force memorial would pollute Arlington Ridge, forever changing its context.

The main argument in favor of this location—that it is within a mile of Fort Myer, where the first-ever military flight occurred in 1908—is weak, as all the services have extensive aviation capabilities that might be traced to that flight. The Air Force also argues that since the "above-ground" aspect of its memorial would be 28 feet lower than the top of the flagpole on the Iwo Jima statue, it will not interfere with the grandeur of the Marine Corps memorial. What Air Force officials take pains to avoid discussing is that if one discounts the flagpole, their memorial would actually be higher, wider and far deeper. Some 20,000 square feet of below-the-ground museums and interactive displays are planned, enough floor space for 10 average-sized homes.

The Air Force plan for an extensive three-story museum and virtual-reality complex at its proposed memorial is a clear departure in context from this quiet place. During the period leading up to America's bicentennial commemoration, the Marine Corps itself considered constructing a visitor center and museum on the land adjacent to the Iwo Jima memorial. It abandoned this plan be cause such facilities would be inconsistent with the purpose and the impact of the monument itself. It is not without irony that the land the Marine Corps deliberately left open is now being pursued by the Air Force for the very purpose that was earlier rejected.

Existing federal law precludes this sort of intrusion. Title 40 of the U.S. Code states in section 1907 that "a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent possible, open space and existing public use." There can be no clearer example of the intentions of such law than the case of the Marine Corps War Memorial.

The puzzling question is why the Air Force leadership argues so vociferously that its memorial will not negatively affect the Iwo Jima memorial.

I grew up in the presence of some of the finest leaders our Air Force has ever produced, leaders who would never have considered dissembling before a political body about whether the Marine Corps concurred in a proposal that might diminish the impact of its most cherished memorial—leaders who in this situation would have shown the public, and particularly the Marine Corps, great deference, knowing that its open support was vital. Indeed, leaders who remembered that the very mission in the battle of Iwo Jima, carried out at a cost of 1,000 dead Marines for every square mile of territory taken, was to eliminate enemy fighter attacks on Air Force bombers passing overhead and to provide emergency runways for Air Force pilots who had flown in harm's way.

It is now up to Congress to enforce the law and assist the Air Force in finding a memorial site that will honor its own without taking away from the dignity of others.

APALACHICOLA-CHATTAHOOCHEE-FLINT RIVER BASIN COMPACT

SPEECH OF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. GEKAS. Mr. Speaker, pursuant to unanimous consent granted on November 4, 1997 during debate on House Joint Resolution 91, I introduce the report on that joint resolution from the Congressional Budget Office which was not available at the time of the filing of the committee report:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 4, 1997.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 91, a joint resolution granting the consent of Congress to the Apalachicola-Chattahoochee-Flint River Basin Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown, who can be reached at 226-2860.

Sincerely,

JUNE E. O'NEILL.

Enclosure

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

SUMMARY

H.J. Res. 91 would grant congressional consent to the Apalachicola-Chattahoochee-Flint River Basin (ACF Basin) Compact. The compact would establish the ACF Basin Commission, which would determine an allocation formula for apportioning the surface waters of the ACF basin among the states of Alabama, Florida, and Georgia. The commission would consist of state and federal representatives.

Provisions in the compact that could have an impact on the federal budget include: an authorization of appropriations for a federal commissioner to attend meetings of the commission and for employment of personnel by the commissioner, an authorization for federal agencies to conduct studies and monitoring programs in cooperation with the commission, and a requirement that the federal government comply with the water allocation formula once it has been adopted by the commission (to the extent that doing so would not conflict with other federal laws).

CBO estimates that enacting H.J. Res. 91 would result in new discretionary spending of less than $500,000 in fiscal year 1998, and about $12 million over the 1982-2002 period, assuming appropriations consistent with its provisions. The compact also would increase direct spending; hence, pay-as-you-go procedures would apply to the legislation. But CBO estimates that enacting H.J. Res. 91 would increase direct spending by less than $500,000 a year, beginning in fiscal year 1999.

The resolution does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and any costs resulting from the compact would be borne voluntarily by Alabama, Florida, and Georgia as a result of the agreement.

ESTIMATED COST OF THE FEDERAL GOVERNMENT

Implementing H.J. Res. 91 would effect both spending subject to appropriation and direct spending. CBO estimates that enacting H.J. Res. 91 would result in new spending subject to appropriation of less than $500,000 in 1998, about $4 million in 1999, $3 million in 2000, and $2 million a year thereafter. CBO estimates that the compact would increase direct spending, beginning in 1999, by reducing offsetting receipts from recreation fees and federal hydropower operations, but any such changes would likely be insignificant. The costs of this legislation fall within budget function 300 (natural resources and environment). The estimated budgetary effects of H.J. Res. 91 are shown in the following table.

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002
Spending subject to appropriation—					
Spending Under Current Law:					
Estimated Authorization Level[1]	31	31	31	31	31
Estimated Outlays	32	32	31	31	31
Proposed Changes:					
Estimated Authorization Level	(2)	4	3	2	2
Estimated Outlays	(2)	4	3	2	2
Spending Under H.J. Res. 91:					
Estimated Authorization Level[1]	31	35	34	33	33
Estimated Outlays	32	36	34	33	33
Changes in direct spending—					
Estimated Budget Authority	0	(2)	(2)	(2)	(2)
Estimated Outlays	0	(2)	(2)	(2)	(2)

[1]The 1998 level is the amount appropriated in that year for programs conducted by the U.S. Army Corps of Engineers in the ACF basin. The amounts shown for subsequent years reflect assumed continuation of the current-year funding level, without adjustment for inflation. Alternatively, if funding were increased to cover anticipated inflation, funding under current law would gradually grow from $31 million in 1998 to $35 million in 2002.

[2]Less than $500,000.

BASIS OF ESTIMATE

Spending Subject to Appropriation

For purposes of this estimate, CBO assumes that (1) the compact is approved in the next few months, (2) a commission is formed in 1998, (3) all amounts estimated to be authorized by the legislation will be appropriated, and (4) a new plan for allocating water among the states will be approved in fiscal year 1999. New discretionary spending would be necessary for expenses of a federal commissioner to participate in the ACF commission, for conducting studies and monitoring activities in coordination with the commission, and for operating federal facilities in the river basin in a manner consistent with the new allocation plan.

Federal Commissioner.

CBO estimates that the cost of sending the federal commissioner to meetings of the commission and of funding a personal staff with be less than $500,000 a year beginning in 1998. The commissioner would serve without compensation. General expenses of the commission would be paid by the states of Alabama, Florida, and Georgia.

Studies and Monitoring.

CBO estimates that the compact would result in new spending subject to appropriation of about $2 million in fiscal year 1999 and about $1 million in 2000 for completing an environmental impact statement of options for allocating water in the ACF basin, for developing a plan for monitoring water levels and quality in the basin, and for conducting additional studies. Additional spending of less than $500,000 a year beginning in 2000 would occur for implementing, operating, and maintaining programs and equipment for monitoring the basin.

Beginning in 1991, the Congress has appropriated to the U.S. Army Corps of Engineers (the Corps) an average of almost $2 million a

year—about $13 million in total—for studying the long-term needs for water and availability of water resources in the ACF and Alabama-Coosa-Tallapossa (ACT) basins. An additional $5 million was provided to the Corps in 1997 for conducting a preliminary environmental impact statement regarding options for allocating water in the ACF and ACT basins.

Federal Facilities.

Based on information from the Corps, CBO estimates that operating federal facilities in the ACF basin in a manner that complies with a new water allocation plan may result in additional discretionary spending of about $2 million a year, beginning in 1999. We expect that these annual cost could range from near zero to $4 million a year, depending on whether a new allocation plan is adopted and whether it results in a significant change in water use in the river basin.

Most of the expense of implementing a new water allocation plan would be for operating and maintaining channels for navigation because the cost of that activity is highly dependent on water flows. Under current law, CBO estimates that the Corps will spend about $14 million in 1998 for navigation-related activities in the ACF basin. CBO anticipates that the cost of other major activities in the basin would not change significantly as a result of the compact. The cost of operating and maintaining hydropower facilities is not likely to change significantly as a result of minor changes in water flows. Moreover, any major flood control activities in the basin would likely require further authorization by Congress.

Direct Spending

CBO anticipates that the compact would have an impact on direct spending by reducing the amount of receipts returned to the Treasury from recreation facilities operated by the Corps and the Department of the Interior in the ACF basin. A new water allocation plan could affect receipts from recreation areas by directly or indirectly changing water levels at lakes and other recreation areas so that their use if reduced. This type of impact would be most likely in years when total water supplies were already low, for example, because of below-average rainfall. CBO estimates that the impact on receipts from recreation elements would be less than $500,000 annually, beginning in 1999.

The compact could also affect receipts from hydropower operations, but CBO estimates that the net impact on hydropower revenues from any likely water allocation plan would be insignificant. A new plan could affect power operations by limiting the amount of water that can flow through federal power-generating facilities. This could affect the amount of power that can be produced and sold. However, CBO estimates that any impact on hydropower receipts is likely to be significant because federal law requires that, to the extent market conditions permit, hydropower operations cover expenses. In the case of limits on power production, the price could be increased to offset any reduction in the quantity of power produced and sold.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act of 1985 specifies pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.J. Res. 91 would increase direct spending by less than $500,000 a year, beginning in 1999. Enacting the legislation would not affect governmental receipts.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.J. Res. 91 would give the consent of the Congress to an agreement mutually entered into by three states, Alabama, Florida, and Georgia. The resolution contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and any costs to the states resulting from the compact would be borne voluntarily as a result of the agreement.

Estimated prepared by: Federal costs, Gary Brown, impact on State, local, and tribal governments, Leo Lex.

Estimated approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

THE PRINTED CIRCUIT INVESTMENT ACT OF 1997

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. CRANE. Mr. Speaker, I rise today to introduce the Printed Circuit Investment Act of 1997 and to encourage my colleagues to support this legislation.

This simple and straightforward bill will allow manufacturers of printed wiring boards and printed wiring assemblies, known as the interconnecting industry, to depreciate their production equipment in 3 years rather than the 5 years in current law. Printed wiring boards are those ubiquitous little green boards loaded with tiny wires and microchips which are the nerve centers of electronic items from television sets to computers to mobile phones.

The interconnecting industry, as with so much of the electronics industry, has changed dramatically in just the last decade. While the industry was once dominated by large companies, the industry now consists overwhelmingly of small firms, with many of them located in my home State of Illinois. The rapid pace of technological advancement today makes interconnecting manufacturing equipment obsolete in 18 to 36 months—tomorrow's advances will further reduce that time to obsolescence. This makes the interconnecting industry very capital intensive. In fact, capital expenditures totaled $2.1 billion in 1996 and are expected to be $2.3 billion this year. Considering that this is an industry dominated by small U.S. firms competing in ever more competitive world markets, clearly we need a Tax Code that more clearly reflects reality.

The depreciation rules found in the Tax Code, of course, have not kept pace with the realities of this dynamic market. The industry currently relies on tax law passed in the 1980's, which was based on 1970's era electronics technology. U.S. competitors in Asia, however, enjoy much more favorable tax treatment as well as direct Government subsidies. We must remove the U.S. Tax Code as an obstacle to growth in this industry. The Printed Circuit Investment Act will take a step in that direction. Quite frankly though, I view this as a very modest step and would like to provide much more generous tax relief to these businesses, considering the fierce competition from foreign countries.

Mr. Speaker, the Printed Circuit Investment Act of 1997 will provide modest tax relief to the interconnecting industry and the 250,000 Americans whose jobs rely on the success of this industry. I urge my colleagues to join me in providing this relief by cosponsoring the bill.

DRUG CRISIS IN MEXICO

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. GILMAN. Mr. Speaker, the Washington Post this week has been running a series of front-page articles documenting the effects of the overwhelming quantities of drugs pouring across our border with Mexico. The Post series has highlighted the terrible threat of corruption also in our own law enforcement ranks, breakdowns in cooperation at the working level between the United States and Mexico, and the spread of drug-related crime and drug gangs in our cities and among our immigrant communities.

I have long been deeply concerned about the escalating drug crisis in Mexico and the United States. In recent meetings with Mexico's Foreign Minister, attorney general, and Ambassador to the United States, I delivered a frank, critical message as a long-time friend of Mexico.

On the positive side, we should recognize that President Zedillo's move to quickly remove the corrupt drug czar, Gen. Jose Gutierrez, sent an important signal that even the highest officials can not betray Mexico's trust with impunity. The Mexican Government has also greatly improved its cooperation with refueling on our counternarcotics missions, especially for maritime deployments to interdict drugs along the transit route currently favored by narcotics traffickers.

However, grave problems persist in our counternarcotics efforts with Mexico which both countries are simply going to have to face and work harder to fix. The drug trade in all its facets threatens us equally. We must not let ourselves be divided in fighting this scourge. Because of this, President Zedillo's reported statements that the United States—as a consumer of illicit drugs—should make reparations for the damage caused to Mexico by the drug trade were especially troubling. We can not accept that assertion. We know empirically that the narcotics traffickers have been dumping drugs onto our streets and using supply to create the increased demand that lines their pockets with criminal wealth.

Our DEA agents who put their lives on the line in Mexico must be allowed to carry arms to defend themselves from deadly thugs. They must have the right to protect themselves as they help Mexico fight the scourge of illicit drugs. This matter should not be turned into a target of anachronistic rhetoric.

Despite President Zedillo's apparent good intentions, the organized crime units and other antidrug infrastructure and critically needed improvements seem to be moving slowly. Some 234 individuals dismissed for drug-related corruption have been reinstated on appeal. Recycling antidrug personnel unfortunately seems far too commonplace in Mexico. Moreover, compared to previous years, seizure rates especially for the cocaine which

has been pouring into the United States from Mexico, are disappointing and distressing.

No major cartel leader has been arrested in Mexico since the March 1 certification. Also, despite 23 pending requests for extradition of Mexican nationals on narcotics offenses, Mexico has not extradited a single Mexican—as opposed to dual—national to the United States on narcotics charges since certification. Finally, only 16 out 48 helicopters in the possession of the Mexican Army that we provided to Mexico are in operation. Those helicopters that are operating are primarily conducting surveillance missions and have not made any drug seizures.

The situation is not encouraging. As the Washington Post articles point out, drugs are breeding addiction and its attendant misery, violence, and corruption on both sides of our border with Mexico. We must redouble our Nation's commitment to reinforce every legitimate effort to combat this well-armed, wealthy, and ruthless underworld. It is essential that to be effective, our war on drugs must have the cooperation of our neighbors and the international community.

HONORING AMBASSADOR SHYAMULA B. COWSICK OF INDIA

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. McCOLLUM. Mr. Speaker, I am here today to honor the outgoing Deputy Chief of Mission of India, Ambassador Shyamula Cowsick. Over the past 2 years, I have had the pleasure of working closely with the Ambassador on improving relations between our two nations. The Ambassador has always been available to provide special briefings and materials as we worked through issues. Her involvement allowed the two nations to make historic progress at the legislative, executive, and non-governmental levels through an explosion of contacts and ongoing dialogues. Her special insight was valuable in that it allowed her to bridge the cultural and political gap that frequently confronts policy makers. As co-chair of the Congressional Caucus on India and Indian-Americans, it has been my pleasure to work with Ambassador Cowsick, and I am sure that my colleagues will join me in wishing her continued success.

FIRST BOOKS: THE JOYS OF READING

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. FILNER. Mr. Speaker, I rise today to honor a unique educational program—a partnership between the YMCA's Childcare Resource Service and KPBS Television in San Diego. The First Books program, part of the nationwide ready to learn campaign, will provide 200 free books each month to children from low-income families.

The First Books program has a simple goal: to promote literacy in homes where books may not be readily available. They plan to make reading books more pleasurable and entertaining by connecting them to public television programming.

Children in 25 different San Diego day care programs will receive free books from the First Books program. The YMCA's Childcare Resource Center staff, led by Director Nan Mitchell, hopes to extend the joy of books to the parents and teachers through monthly workshops designed to teach ways of making learning fun by combining books and public television.

Providing books to children in homes where books are not always available is a proven way to build a firm foundation for future generations of schoolchildren. When one member of a family reads, it inspires the whole family.

The First Books program will make sure that the children of working parents who strive to make ends meet, are not left behind, but will be involved in fun activities with books to make sure they are ready to learn.

Research tells us that reading to our children from a very young age supports their development and enhances their learning. The adults who read with them—whether it be their parents or childcare providers—share in unlocking the wonders of imagination that books foster.

This program ensures all children will have the opportunity to discover the delight of books. Books are many children's most cherished possessions and provide long-lasting memories. I salute KPBS and the Childcare Resource Service for introducing all children to this magical world.

PERSONAL EXPLANATION

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. BOEHNER. Mr. Speaker, I inadvertently voted "no" on rollcall No. 570, the United States-Caribbean Trade Partnership Act (H.R. 2644). I want the record to reflect that I strongly support this legislation and should have voted "yes."

VERNON E. HALL: UPON HIS RETIREMENT FROM THE PORT OF LOS ANGELES

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Ms. HARMAN. Mr. Speaker, I rise today to congratulate Vernon E. Hall, who will be honored today by his friends, family, and colleagues in San Pedro, CA. Vern is retiring after 27 years of dedicated service to the Port of Los Angeles.

Vern Hall has served as Director of Development for the Port of Los Angeles since May of 1995. Prior to that time, Vern served as Chief Harbor Engineer since 1988. He is responsible for the activities of the Port's development divisions which include Engineering, Construction Management and Environmental Management, as well as numerous consultants and contractors engaged in the planning, design, permitting and construction of Port terminals and supportive infrastructure. Hall, during his Port career, was responsible for numerous capital development projects and programs, ranging from the West Channel/Cabrillo Beach Recreational Complex to the $650 million Pier 300/400 Implementation Program. He has contributed to most of the significant Port development projects undertaken in the last 20 years either as an engineer, project manager or supervising chief engineer.

Vern is a product of Los Angeles City Schools in San Pedro: Leland Street Elementary, Dana Junior High and San Pedro High School. Since graduating from UCLA in 1958, Vern has performed professional services for the California Division of Highways as a Highway Engineer, the United States Navy as an Engineering Officer, and, since 1970, the Port of Los Angeles.

Vern has dedicated much of his professional life to the Port of Los Angeles and the San Pedro community. I am proud to join his friends, family and colleagues in extending my sincere admiration and appreciation to Vernon E. Hall.

Congratulations Vern.

H.R. 2840 THE REGULATORY RIGHT-TO-KNOW ACT OF 1997

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. BLILEY. Mr. Speaker, today I am introducing H.R. 2840, the Regulatory Right-to-Know Act of 1997. The Regulatory Right-to-Know Act of 1997 provides an important tool to understand the magnitude and impact of Federal regulatory programs on our economy. Recently, the President and Congress devoted a great deal of time and effort in preparing and debating the first balanced budget for the Federal Government in 28 years. This budget determines how much money the American people's Government will collect and where it will spend these funds. The budget for fiscal year 1997 is approximately $1.6 trillion.

However, the Federal budget fails to take into account the full impact of Federal programs on our economy. The Federal Government also imposes tremendous costs on the private sector, State and local governments and, ultimately, the public through ever-increasing Federal regulations. Some recent estimates place the compliance costs from Federal regulatory programs at over $680 billion annually and project substantial growth even without new legislation. These costs are often hidden in increased prices for goods and services, loss of international competitiveness in the global economy, lack of investment in private sector job growth, and pressure on the ability of State and local governments to fund essential services, such as crime prevention and education.

The benefits of Federal programs are no doubt substantial. Lack of accountability and

regulatory reform, however, has left many Federal programs inefficient or marginally productive. Unlike the private sector, where freedom of contract and free market competition drive price and quality, Federal programs are only accountable through the political process. Moreover, historically, both Congress and the executive branch have driven growth in Federal regulatory programs, creating layer upon layer of bureaucracy at great cost and with diminishing returns for the American people. If Congress and the executive branch do not take concrete steps to reform these programs, the United States will surely decline in the world economy. Consequently, the quality of life for our children will also decline.

The Regulatory Right-to-Know Act of 1997 is an important management tool to evaluate the cumulative impacts of regulatory programs through an accounting of national expenditures and statements of corresponding benefits for each regulatory program. The cumulative impact of regulatory costs must be debated at the same level that taxing and spending are debated; after all, they are all derived from the same two sources—the private sector and the American people. Rule-by-rule evaluations are insufficient to capture cumulative impacts or manage national expenditures. Moreover, a national debate that focuses solely on the $1.6 trillion Federal budget without accounting for the additional $680 billion in annual regulatory costs is an incomplete and uninformed debate that leads to poor national policy and mismanagement of resources.

What is needed is an accounting tool that allows the Federal Government to fully understand the cumulative impact of Federal programs. The Regulatory Right-to-Know Act would provide such a tool. The bill requires the President to provide an accounting statement every 2 years respecting the costs of regulation to the private sector and State and local governments, and Federal Government costs by program or program element. The President would also provide quantitative or qualitative statements of corresponding benefits. Such an accounting offers the opportunity for comprehensive analyses of impacts on our economy through an associated report. The bill also provides for input from the public and opportunities to identify areas for regulatory reform.

Citizens for a Sound Economy and the U.S. Chamber of Commerce agree that the American taxpayers and business have the right-to-know the costs and benefits of Federal regulations, and, therefore, have endorsed the Regulatory Right-to-Know Act of 1997. I would like to submit letters of endorsement for the Regulatory Right-to-Know Act of 1997 from Citizens for a Sound Economy and the U.S. Chamber of Commerce into the RECORD.

The legislation changes no regulatory standard or program. It will, however, provide vital information to Congress and the executive branch so they may fulfill their obligation to ensure wise expenditure of limited national economic resources in all regulatory programs.

The letters follow:

NOVEMBER 4, 1997.

Hon. THOMAS J. BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: On behalf of Citizens for a Sound Economy (CSE), a 250,000-member consumer advocacy and research organization, I would like to express my strong support for the "Regulatory Right-to-Know Act of 1997." This legislation would help establish a more effective approach toward regulation through increased public accountability and much-needed public dialogue concerning the costs and benefits of regulation.

Americans currently face an estimated regulatory burden of $680 billion annually. Increased accountability and a better understanding of the regulatory process would improve Federal regulations by providing Congress, the administration, and Federal agencies the necessary information to more carefully assess regulations.

CSE will work to ensure that regulatory process became law. The Regulatory Right-to-Know Act of 1997 is an important step toward a more reasonable regulatory process. By providing the public and the government more consistent information about the costs and benefits of regulations, the Regulatory Right-to-Know Act will allow regulatory agencies to make more informed decisions while avoiding excessive or unnecessary burdens on consumers.

Sincerely,

MATT KIBBE,
Vice President for Public Policy.

CHAMBER OF COMMERCE,
OF THE UNITED STATES OF AMERICA,
November 3, 1997.

HON. TOM BLILEY,
Chairman, House Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The U.S. Chamber of Commerce supports your proposed legislation to make permanent the regulatory accounting statement of the cumulative costs and benefits of federal regulatory programs.

A proliferation of federal regulations has occurred in recent years. Estimates now place the total cost of federal regulations on American taxpayers and the regulated community in excess of $700 billion annually. These costs are particularly onerous for small businesses that simply do not have the resources to comply with the increasing number of demands imposed upon them. According to the U.S. Small Business Administration, the proportionate cost of regulatory compliance for small business is almost three times that for large companies.

American taxpayers and businesses deserve to know the total costs and benefits of federal regulations. Adoption of your legislation would inject greater accountability into the regulatory process and facilitate better evaluation of regulatory programs. It would also help in allocating limited resources where the needs are the greatest. Requiring an annual regulatory accounting statement has strong bipartisan congressional support. It is time that it was made permanent.

The U.S. Chamber of Commerce—the world's largest business federation with an underlying membership of more than three million businesses and organizations of every size, section and region—applauds your efforts and urges expeditious adoption of this common sense, good government proposal.

Sincerely,

R. Bruce Josten.

POLITICAL FREEDOM IN CHINA ACT OF 1997

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of H.R. 2358, the Political Freedom in China Act of 1997. This legislation puts the U.S. Congress firmly on record as supporting the spread of democracy throughout the world.

This bill contains language authored by Representative LINDA SMITH which expresses the sense of Congress that the Chinese Government should be condemned for its practice of executing prisoners and selling their organs for transplants. As a cosponsor of Representative SMITH's House Concurrent Resolution 180, I am glad this language was included in this bill. Any Chinese official directly involved in these executions and operations should be barred from entering the United States. The language also urges American law enforcement officials to prosecute those who are illegally marketing and selling these organs in the United States.

Mr. Speaker, as a physician I am outraged that people have reportedly paid as much as $30,000 for the kidneys of executed prisoners at People's Liberation Army medical facilities. Chinese prisoners are being killed for profit and this outrage must stop.

I urge my colleagues to support this legislation.

CONGRATULATIONS TO MT. ZION MISSIONARY BAPTIST CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate Mt. Zion Baptist Church in Hammond, IN, as it prepares to celebrate its 78th anniversary on Sunday, November 16, 1997. I would also like to take this opportunity to commend Rev. Doctor A.R. Burns and the members of 78th Anniversary Committee, Yvonne Alexander, Shirley Sheppard, Ruby Peppers, Paul Lewis, Leo Harwell, and Jennifer Collins, for the hard work they have put forth in organizing this special event. The anniversary festivities will begin with a church service at 4 p.m., and will feature an exciting program of guest speakers.

A church of very modest beginnings, Mt. Zion was founded in 1919 by a group of Christian believers who desired to establish Hammond's first African-American Baptist Church. The African-American population in Hammond was small at that time, however, and the few people who began the church had meager resources. Therefore, a small, rented storefront building became the first home of the Mount Zion Missionary Baptist Church. The parishioners worshiped at this humble location for several months under the leadership of Reverend Phelps of Gary, IN.

As its parishioners experienced financial difficulties brought about by a lack of job opportunity in Hammond, Mt. Zion struggled to support a minister and find an adequate place of worship. As a result, the church was moved to several locations and was led by a variety of pastors. However, in spite of the trials they faced, the small group of parishioners continued to grow and prosper. Within a year of its founding, Mr. Zion had already established a senior choir and became officially organized by Reverend Jackson of Indianapolis, IN. In 1921, Rev. William Davis, of Morgan Park, IL, became pastor of Mt. Zion, and he brought with him a vision of a larger, revitalized parish. Although Reverend Davis passed away in October of 1945, he donated the first $25 toward a $4,000 building fund, and, thus, laid the groundwork for the young minister, Rev. A.R. Burns, to fulfill his dream.

Reverend Burns, who began his pastorship at Mt. Zion in December of 1945, led the parish in purchasing lots for a new church at 1027 Kenwood Street. In 1949, the parish moved from the basement structure they had been occupying for several years to the new Mt. Zion church, which then became known as "The Friendly Place of Worship." In addition to fulfilling Reverend Davis' dream, Reverend Burns followed his own dream of establishing a quality housing facility for the elderly. This dream became a reality in 1983, as a beautiful $6 million, seven-story, 128-unit building was completed at 940 Kenwood Street. The first tenants moved into the Mt. Zion Pleasant View Plaza in June 1983.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the Mt. Zion Missionary Baptist Church parishioners as they prepare to celebrate the 78th anniversary of their parish. The many obstacles the Mt. Zion congregation has overcome to successfully guide and serve others in its community is truly inspirational.

TRIBUTE TO J.M. "SAGE" REAGOR ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio. J.M. "Sage" Reagor will retire on November 12, 1997.

I have known Sage Reagor for longer than either one of us wants to admit. He is a man of integrity and of honor. His quick wit and eternal optimism are his hallmarks.

Sage Reagor served his country in the U.S. Navy from 1942–43 and again from 1950–52. He graduated summa cum laude from Texas Christian University in 1955 with a bachelor of arts degree. He received a masters in Business Administration from Georgia State University in 1968.

He began his professional career with the Humble Oil and Refining Co. as a draftsman in 1948. From 1953 to 1969, Sage Reagor held various positions with the Sinclair Pipeline Co., Sinclair Oil & Gas, the Sinclair Refining Co. and Sinclair Oil Corp.

After a 2-year stint with B.P. Inc., Sage Reagor moved to Standard Oil of Ohio. While at Standard Oil, Sage established and managed the company's first State government affairs department. For the next 14 years, his department grew from a one-man operation to over 30 professionals in four departments.

Sage Reagor tried retirement once before. In 1985 he retired from Standard Oil, only to return to the work force when he affiliated with Governmental Policy Group, Inc. of Columbus, Ohio. Given Sage's track record, I am confident that in his second go at retirement, he will be as active as ever.

Mr. Speaker, J.M. "Sage" Reagor is a gentleman who embodies all that corporate America can and should be. I ask my colleagues to join me in wishing him well as he enters his second retirement. Maybe he will finally get it right this time.

CLARIFYING U.S. POLICY TOWARDS JERUSALEM, H.R. 2832

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GILMAN. Mr. Speaker, today, along with Speaker GINGRICH, I introduced legislation clarifying United States policy with respect to Jerusalem as the capital of Israel. H.R. 2832 is a compendium of four important provisions that flow from Public Law 104–45, the Jerusalem Embassy Relocation Act. That legislation became law 2 years ago this week. Many of us attended the Rotunda ceremony that celebrated the passage of that landmark legislation, and which, regrettably, was the last time most of us saw Israeli Prime Minister Yitzbak Rabin before he was gunned down by an assassin. The law makes a statement of policy that "Jerusalem should remain an undivided city . . . recognized as the capital of . . . Israel; and the U.S. Embassy . . . should be established in Jerusalem no later than May 31, 1999."

In furtherance of those requirements, this bill has four basic provisions: first, it would authorize $25 million in fiscal year 1998 and $75 million in fiscal year 1999 for the construction of an embassy in Jerusalem. For those who may be unaware, in January 1989, the United States signed a 99-year lease with the Government of Israel at $1 per year for a 14 acre site in southwest Jerusalem. With the negotiations actively discussing going to final status talks, parallel activity needs to keep pace with these developments to ensure that a U.S. Embassy in Jerusalem is not going to be an afterthought.

Second, no funds appropriated by the act may be expended for the operation of the Consulate General or other diplomatic facilities in Jerusalem unless it comes under the supervision of the United States Ambassador to Israel. This provision is a follow-on measure to previous congressional achievements that list the United Stats consulate in Jerusalem under the "Israel" heading in the United States Government booklet listing embassies, consulates, and their personnel.

Third, that no funds appropriated by the act may be used for the publication of official Government documents that list countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel. This provision is necessary to for the implementation of Public Law 104–45, and to ensure consistency of U.S. policies.

Fourth, this bill requires that for those born in Jerusalem seeking a United States passport or other official document listing their birth, the place of birth shall be listed, upon request, as Jerusalem, Israel. Today, on passports of citizens born in the United States, the city of one's birth is listed. For those citizens who are naturalized the country of birth is listed. If you are an Israeli, born in Tel Aviv, your passport says Israel. But if you are an Israeli born in Jerusalem your United States passport says Jerusalem, not Israel. The option for individuals born in Jerusalem to have the place of birth in their passports listed as Jerusalem, Israel should be made available. It is a simple case of fairness, and of righting a wrong.

Mr. Speaker, I want to commend your ongoing leadership on this most important of issues. The congressional certification of Jerusalem as Israel's capital must continue to be one of our highest priorities. Accordingly, I urge our colleagues to co-sponsor this measure at their earliest possible opportunity.

H.R. 2832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1998 and 1999 for "Security and Maintenance of Buildings Abroad,", $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 are authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act should be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen, record the place of birth as Israel.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

SPEECH OF

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. HEFLEY. Mr. Speaker, today we are taking yet another step in giving the taxpayers of this country a few more rights in their battle with the IRS.

First I want to thank JIM TRAFICANT for pursuing one of these issues from day one. This bill will shift the burden of proof from the taxpayer to the IRS. I know what it's like to come out for something when everybody else thinks your crazy for doing it, and I know how gratifying it is when you can finally see your ideas be accepted by the body as a whole. We have you to thank for that provision.

I'm excited about another provision in this bill as well. Back about 8 years ago, I introduced legislation that would expand taxpayers rights. The last provision of that bill that is not yet law is in this bill. Finally the IRS will have to pay taxpayers interest at the same rate the taxpayer has to pay the IRS. No, it's not a big thing to do, but it is the right thing to do, and I thank the sponsors of this bill for including it.

But don't think that we're done with IRS reform. We need to do even more to force the IRS to justify their lifestyle audits. This bill takes a first step, but doesn't go far enough.

What's more, should a taxpayer actually win a court case against the IRS, they may never get paid. I think that if the IRS, with all the power of the Federal Government behind them, loses to a taxpayer in tax court, then they should not get any appeals, and they should pay the taxpayer within 90 days of the judgment against them. Again, it's the right thing to do.

Overall this legislation is another step towards restoring some of the rights the taxpayers of this country should have had all along.

INTRODUCTION OF CLINTON ADMINISTRATION'S TEACHER TRAINING LEGISLATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. KILDEE. Mr. Speaker, I am proud to introduce President Clinton's proposal for the reauthorization of title V, the teacher training title of the Higher Education Act. This important legislation has two important purposes: First, to improve the quality of teacher education programs in America's colleges and universities, and second, to provide schools in communities where the need is greatest of a new infusion of highly-qualified teachers.

I have said on many occasions that education is a capital investment. It is truly an investment in our future strength. Surely nothing could be more important than investing in our children by investing in the men and women who will teach them. All across America there are efforts underway to raise standards for student performance, but these efforts will be dramatically diminished if our teachers do not have the knowledge and skills to teach to those high standards.

The Federal Government currently addresses the professional development of teachers already in the classroom through efforts such as the Eisenhower Professional Development Program. Unfortunately, there is no similar Federal commitment in the education and training of new teachers. Simply put, we do little to recruit, prepare, and then support new classroom teachers.

Over the next decade we will experience a student enrollment boom that will bring more students than ever before into our classrooms. The result is that we will need to hire more than 2 million teachers. At the same time, shortages of qualified teachers will intensify in many areas of the country, and most especially in our Nation's most needy communities. Central cities with large concentrations of low-income students will need to hire approximately 345,000 teachers. An additional 207,000 teachers will be needed in isolated, and often poor, rural areas.

When schools face shortages of qualified teachers, they are forced to hire teachers who lack full certification, or who do not have any teacher training at all. Every year, 50,000 people who lack the training for their jobs enter the teaching profession. More than one-quarter of newly-hired teachers begin teaching without having full met State standards.

Shortages of qualified teachers often result in educators teaching outside their subject areas. Over one-third of public school teachers who teach the primary subjects do not have even a college minor in the field they are teaching. For students in high-poverty urban and rural schools—the very students who need the best teachers—the problem is even worse. Almost half of their teachers have neither a major nor a minor in the field they are teaching.

Of the 2 million teachers we will need to hire over the next 10 years, 1 million will be newly-prepared teachers. They will be called upon to teach all students to high standards. It is imperative, therefore, that their training be second to none.

Unfortunately, many teacher education programs do not sufficiently prepare teachers well for the challenges of today's classrooms, and especially for the demands and challenges of our high-poverty classrooms. Many teachers experience too little clinical training. They lack in-depth knowledge of their area of concentration and of effective classroom practices. Many teacher preparation programs do not prepare teachers to use technology to facilitate student learning. And, once new teachers enter the classroom, they are all too often left without the support they need to ease the transition from student to teacher.

The President's title V proposals address these challenges in a targeted, coherent way. The legislation would authorize $67 million for fiscal year 1999 for two programs focused on recruitment, preparation, and support for new teachers.

The Lighthouse Partnerships program seeks both to identify and disseminate widely the best practices in teacher preparation and to ensure that K–12 schools are actively involved with colleges in the preparation of new teachers. The program would identify higher education institutions that currently prepare teachers well, institutions that have already done the hard work of reforming their teacher education programs and have a track record of collaboration with K–12 schools. These institutions would partner with other teacher preparation institutions that want to restructure their programs. The result would be a dramatic change in teacher preparation and a new commitment to high-quality teacher education. The program places a special emphasis on preparing new teachers for the challenges of our Nation's high-poverty urban and rural classrooms.

The second part of the administration's proposal is the Recruiting New Teachers for Underserved Areas Program. This program would increase the number and diversity of teachers in the high-poverty areas that need them most. Partnerships between institutions of higher education and K–12 schools would work together to determine the schools' needs for teachers, such as the need for teachers in specific subject areas or the need for a more diverse teaching force. The partners would then work collaboratively to design programs to attract, prepare, and retain teachers to meet those needs. Prospective teachers would receive support services and scholarships if they agreed to teach in underserved areas for at least 3 years.

Mr. Speaker, everyone in this Chamber knows that our future depends upon the quality of the education our children receive. The quality of that education, in turn, depends upon establishing and maintaining a teaching force of the highest quality. The President's teacher training proposals constitute a prudent investment in our teachers, our children, and our Nation. As the ranking Democrat on the Postsecondary Education Subcommittee, I look forward to working with my colleagues on both sides of the aisle to enact strong teacher recruitment and preparation legislation that adheres to the President's proposals in this area.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Mr. WELDON of Florida. Mr. Speaker, I rise today in strong support of H.R. 2676, the Internal Revenue Restructuring and Reform Act. This legislation is a positive first step toward fundamental tax reform. It shifts the responsibility of proving one's case in a tax liability dispute from an individual to the IRS. For too long, the burden of proof in such cases has rested upon the American taxpayer. H.R. 2676 will ensure that the taxpayer is innocent until proven guilty. Now, the excessive powers of the runaway IRS are brought under control.

This bill contains several important provisions that will help Americans deal with the

giant IRS bureaucracy. It extends confidentiality privileges, like those afforded to an attorney-client relationship, to non-lawyers who assist taxpayers with tax advice. It helps guarantee that powerful government officials cannot pressure the IRS to target particular taxpayers. H.R. 2676 is a vote for the American people and against the abuses of the IRS.

I am proud to support this important legislation, but it is only a first step in the critical process of tax reform. We in the Congress must not rest until the tax code is made fairer, flatter, and simpler for the American taxpayer. Americans pay too much in taxes, and are forced to spend too much of their time filing out their returns. A flat tax would both reduce the tax burden on working Americans and make the process of paying taxes much simpler. The surest way to bring the IRS under control is to make it less important. A flat tax will help us reach this important goal. I urge my colleagues to support the bill and to continue the quest for fundamental tax reform.

MINNESOTA STATE UNIVERSITY STUDENT ASSOCIATION CELEBRATES ITS 30TH ANNIVERSARY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. RAMSTAD. Mr. Speaker, the Minnesota State University Student Association [MSUSA] was formed in 1967 as a informal coalition of student leaders representing their peers at the State universities in Minnesota—Bemidji, Mankato, Metropolitan (Twin Cities), Moorhead, St. Cloud, Southwest (Marshall) and Winona. A branch campus in Akita, Japan, opened in 1990. Today, the association has evolved into an independent nonprofit corporation, funded and operated by students, and serving more than 60,000 students.

Over the last 30 years, MSUSA has encouraged students to become active participants in the decisions that affect them, working on behalf of many important causes. State university students have worked to establish child care facilities and stabilize State tuition. They have advocated increased work-study wages, simplified student transfers between State universities, improved cultural diversity and made great strides toward fairer State and Federal financial aid programs, including those in the most recent Higher Education Act reauthorization.

I am particularly grateful for the input and support MSUSA gave me with my legislation to provide greater protection for sexual assault victims on campus. This legislation was included in the 1992 Higher Education Act reauthorization, and it is now the law of the land.

Many admirable and worthwhile programs are sponsored by this student association. MSUSA's various legislative liaisons have given students the opportunity to voice their concerns at critical points in the decision-making process. The Monitor, the association's newspaper, has the largest circulation of any State system newspaper. The MSUSA Penny Fellowship was founded in 1987 to encourage State university students to perform volunteer public and community service internships.

In closing, Mr. Speaker, I would like to recognize the current leadership of MSUSA: Francis Klinkner, State chair from Mankato State University, Garret Melby Aanerud, vice chair from Moorhead State University; Heidi deRuyter, treasurer and operations officer from Moorhead State University; and Frank X. Viggiano, executive director. I extend my heartfeld congratulations and wish them continued success on this important anniversary.

CONGRATULATIONS TO IVY TECH STATE COLLEGE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate Ivy Tech College for ranking first out of 25 Indiana colleges and universities offering technical education programs. This honor, which is being awarded to Ivy Tech State College for the second consecutive year, is a tremendous honor for the northwest Indiana Ivy Tech campuses, as well as the communities they serve.

Ivy Tech is a major provider of technical education in northwest Indiana. The college continues to build upon its success by keeping abreast of the technological needs of northwest Indiana. Within the past year, Ivy Tech has added several new specialities and programs in accordance with the demand for specific business and health care technologies. Ivy Tech currently offers a physical therapist assistant program, which was developed in cooperation with the Methodist hospitals, to meet the demand for physical therapist assistants in hospitals and other healthcare settings. In addition, Ivy Tech has developed a banking and financial management speciality, in conjunction with Bank One, to enhance the education and skill level of banking employees, as well as others interested in the banking and financial services industries. Ivy Tech's East Chicago, IN, campus currently offers a new speciality in construction technology to assist in developing the skills of individuals interested in steel framing and other areas of construction.

These new fields, along with Ivy Tech's many other programs, will not only enhance the employment potential of area residents, but improve the region's potential to provide the jobs and services necessary for long-term economic stability. Perhaps the best indicator that Ivy Tech's efforts have been successful is their increased enrollment. Within the past two years, the college has shown a steady rise in student enrollment at all three of its northwest Indiana campuses, located in Gary, East Chicago, and Valparaiso. Ivy Tech attributes this growth to its success in generating a greater public awareness of its capability in the area of technology, as well as the partnerships it has forged in providing the region with a more highly skilled workforce.

The northwest Indiana Ivy Tech campuses relish the honor of this first place ranking because it reinforces the college's standing commitment to providing Indiana residents with state-of-the-art technical education programs. Today, more than ever before, training in technology is at the forefront of education across the country.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Ivy Tech State College on the outstanding recognition it has received. The quality educational programs this institution has offered over the years, have provided a wealth of opportunity for many in northwest Indiana.

BILL TO INCREASE PAY OF U.S. CAPITOL POLICE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. TRAFICANT. Mr. Speaker, today I, along with my colleague ROBERT NEY of Ohio, are introducing legislation to increase the pay scale and benefit package for the U.S. Capitol Police department. The bill establishes a pay scale and benefit packages for the U.S. Capitol Police equivalent to that of the Uniformed Division of the U.S. Secret Service. Recently enacted legislation Public Law 105–61 made the Uniformed Division one of the higher paid Federal law enforcement agencies.

Given the fact that the duties and responsibilities of the U.S. Capitol Police are similar to that of the Uniformed Division of the Secret Service, it is only fitting and proper that Congress take action to ensure that U.S. Capitol Police officers are compensated in the same fashion.

Since coming to Congress in 1985, I have been impressed with the professionalism, dedication and integrity of the fine men and women who serve in the U.S. Capitol Police department. Without question, the U.S. Capitol Police department is one of the best trained and highest performing law enforcement agency in the country.

Day in and day out, the U.S. Capitol Police put their lives on the line to protect Members of Congress, Government officials, foreign dignitaries and the thousands of American citizens who visit the U.S. Capitol. Despite the many challenges and varied threats facing them every hour of every day, the U.S. Capitol Police force does an excellent job. They have a remarkable record of protecting the Capitol and those who work and visit there.

What I find most impressive about the Capitol Police is the fact that you don't read about incidents at the Capitol in the newspaper. That's because the Capitol Police is one of the premier law enforcement agencies in preventing crimes from taking place. Each and every day, talented Capitol Police officers apprehend dangerous individuals trying to get into the Capitol complex.

Most of the time Members of Congress aren't aware of the Capitol Police and the job that they do. That's because, when done properly, good law enforcement usually goes unnoticed. The fact that there are virtually no incidents at the U.S. Capitol complex is a testament to the high competency of the Capitol Police.

The bottom line is the Capitol Police deserve to be compensated at a level commensurate with the job they perform. They certainly deserve to be compensated at the same level of the fine men and women of the Uniformed Division of the U.S. Secret Service. As noted above, the duties of the Uniformed Division are similar to that of the Capitol Police.

Under our legislation, the starting annual salary for a U.S. Capitol Police private class 1 would rise from $30,445 to $31,292. the salary for a veteran U.S. Capitol Police private would also rise from $41,671 to $45,041.

I am proud to introduce this important legislation, and I urge all of my colleagues to support it.

THE NUCLEAR WASTE POLICY ACT OF 1997

SPEECH OF

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1270 to amend the Nuclear Waste Policy Act of 1982:

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, the manager's amendment makes a number of noncontroversial changes to H.R. 1270, reflecting the views of the Committee on Commerce, Committee on Resources, and Committee on Transportation and Infrastructure.

First, the amendment directs DOE to use highway and rail routes that minimize transportation through populated areas, to the maximum extent practicable. This provision was offered by Representative SAWYER of Ohio in the Commerce Committee, and incorporated into the manager's amendment at his request. The Transportation and Infrastructure Committee has no objection to this change.

Second, the amendment directs the Secretary of Transportation to establish procedures for the selection of preferred rail routes for transportation of nuclear waste to the interim storage facility and repository. DOT is directed to consult with State emergency response officials in the development of these preferred rail routes. This provision was included in the manager's amendment at the request of Representative MCCARTHY of Missouri, and incorporates the views of the Transportation and Infrastructure Committee. Both Representative MCCARTHY and the Transportation and Infrastructure Committee have indicated a desire to make some revisions to this language, and I will work with them in conference to that end.

Third, the amendment makes technical changes to provisions governing emergency response training.

Fourth, the amendment deletes section 207 of the bill, which provides for the development of private interim storage facilities. This provision was included at the request of our colleagues from Utah. In recent years, there has been interest in development of private interim storage facilities. H.R. 1270 as reported by the Commerce Committee included a provision that directed the NRC to review license applications "at the earliest practicable date, to the extent permitted by applicable provisions of law and regulation." Section 207 also directed DOE to encourage efforts to develop private storage facilities by providing requested information and assistance.

The deletion of section 207 does not modify NRC's existing responsibility to review license applications and issue licenses for private interim storage facilities. In the same manner, the deletion of section 207 does not diminish DIE's obligation to provide information and assistance to the developers of private storage facilities.

Fifth, the amendment clarifies that nothing in H.R. 1270 affects the application of Federal rail and highway laws. This provision was included in the manager's amendment at the request of the Transportation and Infrastructure Committee.

Sixth, the amendment adds separability provisions to assure if a part of H.R. 1270 is held invalid, the remainder is not invalid. This provision is identical to the provisions in the current Nuclear Waste Policy Act of 1982.

Seventh, the amendment provides for establishment of training standards for emergency responders. This language is important to assure that firefighters are adequately trained to respond to transportation accidents.

I urge my colleagues to support the manager's amendment.

PERSONAL EXPLANATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 571, I was inadvertently recorded as an "aye." It was my intention to vote "no" on that measure. I ask that the RECORD reflect my intentions.

BETHEL EDUCATIONAL CENTER—PREPARING OUR CHILDREN FOR THE 21ST CENTURY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. BARCIA. Mr. Speaker, all parents want their children to grow and learn in an uplifting and positive environment. In many communities local churches have provided a secure and loving place for children, particularly for those families who have both parents in the workforce. In 1997, the Reverend Harold C. Huggins envisioned and founded a center where the children of Saginaw could receive educational challenges and a caring environment. Two decades later, the Bethel Educational Center in Saginaw, MI, continues to provide high quality educational child care services and provide a positive and safe environment for the children. This weekend, the Bethel Educational Center is celebrating its 20th anniversary, focusing on "Preparing Our Children for the 21st Century."

The Bethel Educational Center continues to effectively prepare the children of Saginaw for our competitive global economy. The program received country-wide attention for their curriculum which consists of reading readiness, hands-on computer training, mathematics and science activities, dramatic play, creative art, music, Spanish lessons, gross and fine motor skills development, and health and nutrition. Full daycare is provided for infants and children through 5 years and a latchkey program is furnished for those parents with elementary schoolchildren.

The Reverend Huggins organized a series of meetings in 1977 with members of the Bethel African Methodist Episcopal Church to discuss providing a positive setting and a safe place for parents to leave their children. The Bethel Day Care Center was organized and granted a license certificate by the State of Michigan Day Care Licensing Agency shortly thereafter.

The members of the church decided that the church pastor would be responsible for running the center and a nine-member board would oversee the operation. The committee wanted the program to focus on child development by providing for intellectual, educational, physical, and social needs for preschool age children. Not only does the congregation provide moral support and strong Christian beliefs, they also provide financial support and other resources for the exceptional program.

Many in the community have played a role in making this program the success it is today, including Rev. Clarence G. Robinson, Dillon L. Bowman, and P. David Saunders. The first director, Ethel Shaw, left big shoes to fill but future directors Iris Sprowl, Carolyn Byas, Pauline Lawrence, Jacqueline Eichelberger, Rudein Glass, Erman McKinney, Michael Times, and the current director, Natasha Burns, carried on her tradition of devoted and progressive leadership.

Mr. Speaker, the Bethel Educational Center has been a strong foundation for the children and the community. I urge you and your colleagues to join me in recognizing the outstanding contributions to the community and congratulating them on 20 years of dedication, caring, and success.

MacBRIDE PRINCIPLES OF ECONOMIC JUSTICE ACT OF 1997, H.R. 2833

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GILMAN. Mr. Speaker, today, I am pleased to introduce along with Speaker GINGRICH, the Federal MacBride principles bill, H.R. 2833 a very important anti-discrimination measure dealing with employment practices in Northern Ireland. This bill includes these important employment requirements as conditions for receipt by any grantee of U.S. taxpayer contributions to the International Fund for Ireland [IFI].

Fair employment for Catholics in Northern Ireland is an issue that for many years has concerned me, as well as millions of Irish here in America, and all around the globe.

I was pleased in the 104th Congress to not only hold congressional hearings on this subject matter in our International Relations Committee, but also to lead the effort for the first ever congressional passage of these same MacBride fair employment principles as part of our U.S. contribution to the IFI.

This bill, which we introduce today, incorporates all of the changes made in the MacBride principles, that is, principles of economic justice as defined and passed by the last Congress as part of the U.S. contribution to the IFI in the foreign aid authorization bill. Recently, that bill was vetoed for other unrelated reasons, and the MacBride principles never became law. We have yet another chance with this new bill to make these principles the law of the land.

Earlier this year the House again passed similar language when the State Department authorization bill was before this body.

The purpose of the bill is not complex. It treats those in Northern Ireland who would receive any United States foreign taxpayer assistance, the very same as the many United States employers doing business in Northern Ireland. Today, many of these American firms there in the north of Ireland voluntarily comply with the MacBride fair employment principles. In fact, the record for those complying companies has been one of substantial increased investment there.

These principles serve as a set of guidelines for fair employment by establishing a code of corporate conduct, which explicitly does not require quotas, nor any form of reverse discrimination.

These fair employment principles have been endorsed by both political parties during the last Presidential campaign in their party platforms, and have wide bi-partisan support here in the Congress.

The MacBride principles campaign has been the most effective and meaningful effort by Irish America, and their many allies around the world, against the systemic and long-standing anti-Catholic discrimination in employment practices in Northern Ireland.

I have long been pleased to work with the Irish National Caucus, the AOH, and other outstanding Irish-American groups, and the American labor movement, in this very important cause.

Much more still needs to be done to address a serious, continuing problem in Northern Ireland, where Catholics are still twice as likely to be unemployed as that of their Protestant counterparts. This is unfair and must change if sustained peace and justice are ever to take a firm and lasting hold in Northern Ireland. No United States tax dollars ought to go to Northern Ireland to help maintain this clearly unsatisfactory "status quo". Our bill helps ensures that will not occur.

Support for these fair employment principles has been passed into law in 16 States, including my own State of New York. Many American cities and towns have also passed laws or resolutions on the principles.

Indeed, the U.S. Congress allowed support for the principles to become law for the District of Columbia on March 16, 1993.

We must do more, and codify these principles into Federal law this year, especially as they concern U.S. Foreign assistance.

Accordingly, we urge our colleagues concerned about lasting peace and justice in Northern Ireland to support the bill which, the Speaker and I have introduced here today.

H.R. 2833

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 "MacBride Principles of Economic Justice Act of 1997".

SECTION 2. AMENDMENTS TO ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986.

(a) IN GENERAL.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDING.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used"'

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) should be provided to individuals or entities in Northern Ireland which employ practices consistent with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "in accordance with the principle of equality" and all that follows and inserting "to individuals and entities whose practices are consistent with principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) the extent to which the practices of each individual or entity receiving assistance from United States contributions to the International Fund has been consistent with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and "; and

(C) by adding at the end the following new paragraph:

"(3) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts to made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discrimination on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) and through (H).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

IN RECOGNITION OF DAVID E. LARKIN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the remarkable work of David E. Larkin on behalf of Cincinnati's Dan Beard Council of the Boy Scout of America.

David's achievements in Greater Cincinnati Scouting are both extraordinary and numerous, and I would like to cite just a few examples.

He has provided outstanding leadership, motivation, and direction in the development of the Dan Beard Council's Executive Board, one of the most philanthropic youth service organizations in the Greater Cincinnati and Northern Kentucky areas.

More than 1,000 "at risk" young people in the Greater Cincinnati area have had the opportunity to experience the cherished values of Scouting thanks to Challenge Camp, which David created.

David's imagination and creativity brought into being the Scout Family Jamboree, an

event attracting some 45,000 attendees showcasing not only Scouting, but many community activities and events.

Through his exceptional leadership and global vision, David has provided the catalyst for the approval of a comprehensive $14.5 million Camp Re-Development Capital Campaign to construct a 25-acre lake, Cub World, and Boy Scout camp to serve the Dan Beard Council well into the 21st century.

David has provided the leadership, quality standards, the means and methods necessary to expand the Scouting program in Southwest Ohio and Northern Kentucky to involve a record 65,000 youth and adults annually.

David's work in Scouting has also enabled him to be involved in other vital community programs. He has worked to enrich the relationships of Scouting with The United Way and Community Chest, which has helped increase awareness and funding for these highly worthwhile service organizations. In addition, David has successfully initiated a positive alliance between the Boy Scouts and the Greater Cincinnati, Northern Kentucky schools and educational institutions, resulting in expansive growth in "Learning for Life" and Career Explorer programs.

David has been asked to be the new chief executive of the Atlanta Boy Scout Council, and will soon be leaving the Cincinnati Dan Beard Council, on which he has so ably served. We in Cincinnati will certainly hate to lose David, but his selfless dedication and tireless work on behalf of Scouting and our community will not be forgotten. We wish him the best.

HONORING ALEX GALLIONE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Alex Gallione on being named as the honoree for Spectrum for Living Development Inc.'s Annual Dinner. This well-deserved honor recognizes Mr. Gallione for his years of selfless dedication and leadership on behalf of the disabled. Mr. Gallione is chairman of the Spectrum Board of Trustees and—as a member of the spectrum Advisory Board—I am acutely aware of the countless contributions he has made to our community. Under his guidance, Spectrum has become one of the largest organizations serving the disabled in New Jersey, offering residential facilities, job training, physical therapy, educational programs, recreation, and many other services. The thousands of individuals who have been served by this public-private partnership are extremely grateful to Mr. Gallione for making these opportunities available.

It is inspiring to know that a man with as many accomplishments as Mr. Gallione comes from a modest background. Born and raised in Englewood, NJ, he joined the Navy and served in World War II. He went to work for the Post Office after his discharge. During a 32-year career, he advanced to a number of prestigious assignments, including postmaster of Englewood, general manager of the large Kearney Mail Facility and general manager of the Bulk and Foreign Mail Service Center.

Mr. Gallione has long been deeply concerned about the needs of the disabled, leading him to become an outspoken advocate for their interests. In 1985, he successfully led the effort for passage of the New Jersey Development Disabilities Act. He has served on a number of panels including the State Human Service Advocacy Committee, Governor's Task Force for the Disabled, the Division of Development Disabilities Advisory Council and the Developmental Disabilities Constituency Committee. At the county level, he cofounded the Bergen County Coalition of Citizens with Disabilities and is a former chairman of the advisory board for the Office of the Disabled. He has also served on the Bergen County Human Services Advisory Committee, the Division of Aging Advisory Council, and the Housing Authority Task Force on Affordable Housing.

Mr. Gallione founded the Alliance for the Betterment of Citizens with Disabilities in 1995. This statewide organization is dedicated to serving individuals with both physical and development disabilities.

Mr. Gallione's proudest accomplishment was the founding of Spectrum for Living Development Inc. in 1977, along with a group of parents of adult children with multiple disabilities. Under his leadership, Spectrum has grown to become one of the largest providers of services for the disabled in the State.

Spectrum offers a wide variety of specialized services for the disabled, including a 52-client residential facility in Closter; group homes for half a dozen individuals each in Northvale, Norwood, Bergenfield, Paramus, Wayne, Hillsdale and Glen Rock; and a 21-unit apartment building in River Vale. The residences offer varying degrees of support, from the supervised apartments in River Vale to full day-to-day support in Closter. Speech, occupational and physical therapy, psychological services, remedial education, social work, recreational opportunities, and vocational programs are all available.

Even the most disabled individuals living at Spectrum facilties are encouraged to achieve a maximum degree of independent living, sense of independence and community involvement. Residents participate in elections, hear from political speakers, participate in community shopping, social recreation, and other activities.

Spectrum also operates adult training centers in Hackensack, North Haledon, and Westwood. The centers provide training in work activities, personal awareness, and community awareness. Occupational, physical and speech therapies are available, along with appropriate medical care. In addition, disabled individuals can sell arts and crafts items, woodshop products, T-shirts, balloons, holiday gift items, and other articles through Spectrum From the Heart, a retail shop in River Vale. For those ready to enter the world of work outside the training centers, Spectrum offers a work program that includes job placement, training, and supervision.

In addition to residential and training facilities, Spectrum offers case managers and counselors who can assist families of the disabled in their own homes. The organization can provide in-home overnight care of the disabled in order to offer relief for family members who normally care for them, and can take the disabled into its group homes on a temporary basis for the same purpose.

Mr. Gallione is a dedicated civic leader and his activities have not been limited to helping the disabled. He has served his community as a former president of the Northvale Lions Club, a former chairman of the Northvale Recreation Committee and—helping instill his sense of leadership in young people—a former member of the Northvale Boy Scouts Commission.

Mr. Gallione is the father of three adult sons, Alexander, James and Jeff. His wife of 48 years, Ann, died in 1995 and he has since married the former Florence Canonica. He has lived in Northvale for 43 years.

Alex Gallione is clearly a leading citizen among leading citizens. His compassion for those in need has touched countless lives and has allowed the disabled to live with respect and dignity. He is an outstanding humanitarian who deserves our recognition and our deepest gratitude.

TRIBUTE TO POLICE OFFICER TOM HARWOOD

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor Police Officer Tom Harwood, who has been named U.S. Police Officer of the Year by the International Association of Chiefs of Police. The International Association of Chiefs of Police is the oldest law enforcement advocacy group in existence and has members in 92 countries.

Officer Harwood was born and raised in Kankakee, IL, and has worked at the Grant Park, IL, police station for 9 years. He presently lives in Bourbonnais, IL, with his wife, Paula, and their two children, Thomas, Jr., and Victoria.

Officer Harwood's selection was based on several factors, but chief among them was the professional performance displayed while injured in the line of duty. On September 29, 1996, Officer Harwood had just stopped one of two suspicious cars which had been speeding in the village. After stopping the car and attempting to identify its occupants, the second car turned around, ran into Officer Harwood and eventually crashing into the police car. Despite his injuries, Officer Harwood rose to his feet, handcuffed the two male occupants of the cars, locked the two female occupants of the cars into the caged seat of the squad car, and then radioed for backup. Officer Harwood managed to remain conscious until help arrived.

There are no words to adequately describe the supreme sacrifice made by brave officers like Mr. Harwood who patrol our communities everyday in defense of our families, freedom, and children's safety. Our local law enforcement walk down the alleys the rest of us would never consider. I urge this body to identify and recognize other police officers in their

communities whose actions have clearly made a difference to their community's well being and safety.

95TH ANNIVERSARY OF THE NEW BETHEL BAPTIST CHURCH

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Ms. NORTON. Mr. Speaker, I rise today to memorialize in the official record of this body the extraordinary history of one the District's leading congregations, the New Bethel Baptist Church, organized in 1902 by former members of the Salem Baptist Church. Today, New Bethel's pastor for the past 28 years is my distinguished predecessor Walter E. Fauntroy, who ably served the people of the District of Columbia for 19 years. The opportunity to offer this tribute today is a real personal honor.

The group met first in the home of Brother Benjamin Graves under the guidance of Dr. W. Bishop Johnson, Pastor of the Second Baptist Church. The membership grew and purchased a building on 15th Street, NW. Under the leadership of the Revs. Alfred A. Agerton, Samuel Washington and Richard L. Holmes, the church experienced steady growth.

In 1903, the Rev. William D. Jarvis accepted the call to the pastorate, and the church embarked on a 37 year journey of spiritual growth and prosperity. In February 1915, the first worship service was held in the building at 9th and S Streets, NW which had been purchased from the Grace M.E. Church. Before Dr. Jarvis' retirement on October 1, 1940, the church had grown to 600 in number and had become a fixture in the community.

In May 1941, the Rev. C. David Foster, of Philadelphia, PA, was unanimously called to the pastorate. Under his leadership, the church grew spiritually, numerically and financially, and the building underwent extensive renovation.

On January 19, 1959, the Rev. Walter E. Fauntroy, a son of the church who had served as supply pastor, received a unanimous call from the members to serve as pastor. For thirty-eight years, he has responded to the spiritual needs of the congregation and the rapidly-changing dynamics of the community. Existing organizations have been revitalized and new ones have been created. The position of full-time Assistant Pastor was established, and a ministerial staff was implemented. A tithing program was launched, and in 1973, New Bethel constructed the C. David Foster House, an eight-story building with 75 units for low- and moderate-income families of the Shaw area and other displaced persons.

In 1977 the old structure at 9th and S Streets was razed, and the new edifice constructed on the site was dedicated and entered in 1982. Today, guided by the pastor's 5-year plan, the church continues its mission of service to church members and to the Shaw community.

Mr. Speaker, I ask that this body join me in saluting the pastor and members of the New Bethel Baptist Church on the occasion of their 95th Anniversary with its theme—Christians Committed to Serve.

A TRIBUTE TO BENJAMIN S. ADAMOWSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the memory of an outstanding civic leader from the city of Chicago.

Mr. Benjamin S. Adamowski, a Chicago native and former political leader in Illinois, dedicated his life to serving the citizens of the land of Lincoln. Mr. Adamowski began his political career in 1930 as the Democratic candidate for the 25th senatorial district in Illinois. He represented the largest senatorial district in the State of Illinois for five consecutive terms. Mr. Adamowski forged a close relationship with the late Mayor Richard J. Daley and Federal Judge Abraham Lincoln Marovitz. This triumvirate from Chicago emerged in the 1950's as the most powerful and respected leaders in Illinois.

However, the relationship between Daley and Adamowski soured in 1955. Mr. Adamowski severed ties with the Democratic Party and its leader over differences of opinion on their slate of candidates. Consequently, Adamowski switched political parties and won election as Cook County States Attorney. He served only one term but remained a fixture in Chicago politics and the Policy-American community. Later, Mr. Adamowski renewed ties with Richard J. Daley and served as an confidant to the late mayor.

Throughout his life, Ben Adamowski was a voracious reader, a student of history, and most importantly a dignified leader. The Policy-American statesman from the Northwest side was a crusader for preserving the history of illinois including an extensive collection of Abraham Lincoln memorabilia that recently was donated to the Chicago Public Library. It is only fitting that a man who helped to shape Chicago history be recognized and honored.

The political career of Mr. Adamowski is a fine example of an extraordinary civic leader. Mr. Speaker, I salute Benjamin S. Adamowski for his profound influence in the city of Chicago. I hope that Adamowski's passion for history, political prestige, and civil leadership will forever linger in the minds of Chicago politicians in the years to come.

INTRODUCTION OF THE MIGRATORY BIRD TREATY REFORM ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing—along with our colleagues JOHN TANNER, CLIFF STEARNS, JOHN DINGELL, and CURT WELDON—a new and improved Migratory Bird Treaty Reform Act.

This legislation is a revised version of H.R. 741, which I introduced on February 12, 1997. It is the product of many months of extended discussions with a number of conservation and hunting groups.

This new legislation addresses concerns raised by the Clinton administration and other witnesses during the May 15 subcommittee hearing. For instance, the original bill codified the various prohibitions on the manner and methods of taking migratory birds that had been embodied in regulations over the years. During our hearing, both the Fish and Wildlife Service and the National Wildlife Federation testified that this provision would restrict the Service's ability to respond to changing conservation and management needs. The Service is now grappling with a huge population explosion of snow geese and their permanent destruction of thousands of acres of Arctic tundra. In the next few months, the Service may recommend ways to stop this destruction, and has indicated that it is considering the use of electronic calls, unplugged shotguns, and intentional baiting. Since it was not my intention to deny the Service the flexibility to respond to this type of emergency, I have deleted the codification of existing regulations from this revised bill.

Second, I have modified my solution to the problems caused by strict liability in baiting cases by establishing a knows or reasonably should have known standard that is reflected in the 1978 Federal District Court decision known as the Delahoussaye case.

Under current law, if you are hunting over a baited field, whether you know it or not, you are guilty. There is no defense and there is no opportunity to present evidence in your case. It does not matter whether there was a ton of grain or a few kernels, whether this feed served as an attraction to migratory birds, or even how far the bait is from the hunting site.

This interpretation—if you were there, you are guilty—is fundamentally wrong. It violates one of our most basic constitutional protections that a person is innocent until proven guilty.

The language in the bill is identical to the Delahoussaye case, it has been effectively utilized throughout the fifth circuit, it has not imperiled any migratory bird populations, and it has resulted in numerous baiting convictions. A representative of the U.S. Fish and Wildlife Service indicated earlier this year that the Service could support the statutory codification of the Delahoussaye decision.

This is not a radical proposal. Nevertheless, there will be a few Fish and Wildlife Service law enforcement agents who will oppose the elimination of strict liability. They will oppose it because currently there is nearly a 100-percent conviction rate in baiting cases since there is not an opportunity for the defendant to provide any evidence to oppose the charge. There is no need to provide intent or knowledge. If the bait is present and the hunter is there, guilt is established beyond a reasonable doubt.

In addition, those who oppose the changes will suggest that the Fish and Wildlife Service will be unable to prosecute individuals for hunting over bait in the future, an assertion that is simply not true. If a preponderance of evidence so demonstrates, the defendant will

be found guilty. This standard is far less stringent than beyond a reasonable doubt applied in all other criminal cases. Further, the Service has never challenged or attempted to overturn the Delahoussaye decision during the past 20 years.

Moreover, it shouldn't matter whether there are only a handful or hundreds of people who have been prosecuted for unknowingly hunting over a baited field. Frankly, I was angry when I heard the testimony of a retired Fish and Wildlife Service agent who responded to this question from the subcommittee chairman: "Have I ever charged someone for hunting over bait and I truly believed they didn't know the area was baited? Yes, but they were very few and far between." Since this agent had the option of just issuing a warning to these individuals, I am aghast that he chose to cite them anyway.

Third, our bill includes a number of refinements and modifications dealing with soil stabilization practices, accepted agricultural operations and procedures, and the alteration of a crop or other feed for wildlife management purposes. In addition, the bill stipulates that the State fish and wildlife agencies will decide, in consultation with USDA State research, education, and extension services and the U.S. Fish and Wildlife Service, what type of agricultural methods are accepted in a particular area. For instance, it may be appropriate to sow winter wheat for soil stabilization purposes in Maryland, but no one would suggest such a practice in Arizona. These recommendations, which are contained in section 3 of the bill, are the product of many months of careful deliberation by the International Association of Fish and Wildlife Agencies' Ad Hoc Committee on Baiting. This committee has representatives from each of the migratory flyways, Ducks Unlimited, the National Wildlife Federation, and the North American Wildlife Enforcement Officers Association.

Finally, the revised bill deletes the section of H.R. 741 that would have required that all fines and penalties collected under the Migratory Bird Treaty Act be deposited into the Migratory Bird Conservation Fund. I have been persuaded to allow these moneys to remain in the North American Wetlands Conservation Fund so that they can be used to buy essential wetlands habitat in Canada, Mexico, and the United States. It has been demonstrated to me that each dollar paid into this fund is matched with at least $3 of private donations.

In the past few weeks, I have shared copies of this legislation with a number of hunting and conservation groups. I am pleased to report that Ducks Unlimited, the International Association of Fish and Wildlife Agencies, the International Foundation for the Conservation of Natural Resources, the Izaak Walton League, the National Rifle Association, Safari Club International, the Wildlife Legislative Fund of America, and the Wildlife Management Institute all have indicated they support the fundamental objectives of this legislation. While several groups have indicated they would prefer that baiting problems be alleviated through a regulatory solution, there was a consensus that the Delahoussaye decision should be codified in law. I am hopeful that the U.S. Fish and Wildlife Service will issue new proposed baiting regulations before the end of this year. Otherwise, I will vigorously pursue the passage of this bill.

Mr. Speaker, the fundamental purpose of this legislation is to provide clear guidance to hunters, landowners, law of enforcement officials, wildlife managers, and courts on what the restrictions are on the taking of migratory birds. This proposed legislation will not weaken the restrictions on the method and manner of taking migratory birds, nor will it weaken the protection of the resource. It will, however, allow individuals to have their day in court. It is patently wrong to convict hunters who do not know that a field or water is baited, for a few kernels of corn in a sunflower field, bait that is over a mile from the hunting site, or some grain found on the bottom of a pond or river.

I want to again thank my distinguished colleagues for joining with me in this effort, and I urge a careful review of the new Migratory Bird Treaty Reform Act. It is a long overdue solution to a problem that regrettably continues to unfairly penalize law-abiding hunters in this country.

H.R. 2709, THE IRAN MISSILE PROLIFERATION SANCTION ACT OF 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GILMAN. Mr. Speaker, on October 23, along with 17 original cosponsors I introduced H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997, imposing sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles. This legislation is intended to provide additional leverage to the administration to address ongoing assistance by Russian entities, research facilities, and other business entities for Iran's medium and long range missile program.

On Friday, October 24, the International Relations Committee marked up this bill and ordered it reported to the House by voice vote. As of October 30, a total of 117 Members had signed on as cosponsors.

After the committee filed its report on this legislation on Tuesday, November 4, it prevented other Members from being included as cosponsors. Were it not for the untimely filing of this report, the following 100 Members would have been listed as cosponsors of this vitally important legislation:

Representatives Horn, Stabenow, Talent, Sandlin, Lampson, Dunn, Kelly, Gejdenson, Whitfield, B. Frank, Rivers, Goode, Dickey, Doyle, Skelton, Boyd, Manton, Scarborough, Waxman, Strickland.

Representatives Tony Hall, Forbes, Poschard, Metcalf, Adam Smith, Rogan, Danner, Sanchez, Fowler, McCarthy, Evans, McCrery, DeGette, Upton, Allen, Watts, McIntosh, Bentsen, Cummings.

Representatives Stokes, Sawyer, Diaz-Balart, Coble, Clyburn, McInnis, Blumenauer, Stump, Hunter, Hobson, Levin, McDade, Turner, Doc Hastings, Gibbons, Furse, John, Tauscher, Aderholt, Lofgren.

Representatives Dan Miller, Lantos, White, Wicker, Linder, Kleczka, Stearns, Linda Smith, McCollum, Brady, Bliley, Bass, Paxon, Souder, Joe Kennedy, Condit, Bunning, Ryun, Crapo, Cramer.

Representatives Rush, Ney, Delahunt, Roybal-Allard, Christensen, Charles Taylor, Hulshof, Pryce, Jackson-Lee, Shimkus, Forbes, Robert Scott, Yates, Portman, Ensign, Riggs, Bunning, Filner, Bryant, Nussle.

TRIBUTE TO GABOR VARSZEGI ON HIS BEING HONORED FOR ENDOWING THE J. AND O. WINTER RESEARCH FUND FOR HOLOCAUST STUDIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. LANTOS. Mr. Speaker, I am honored to pay tribute to my dear friend, Hungarian businessman Gabor Varszegi, for his generous contribution of $100,000 to support a research fund at the Rosenthal Institute for Holocaust Studies at the City University of New York.

Gabor's exemplary act of altruism will allow for the financial backing of many valuable Holocaust-related research projects. His donation will greatly assist the continuing efforts of the Rosenthal Institute and a myriad of worthy historical scholars in their collective crusade to make sure that the lessons of the Holocaust will be remembered eternally. In recognition of Gabor's devotion to this cause, he will be awarded the Graduate School's President's Medal at the City University on November 18, 1997. Mr. Speaker, I join the City University of New York in honoring Gabor Varszegi and paying tribute to him on this special occasion.

Gabor Varszegi is an outstanding example of a highly successful post-Communist businessman in Hungary. He first achieved great success as Hungary moved into the post-Communist era by establishing a 1-hour film processing business in Hungary, FOTEX, Ltd., one of the first 1-hour film processing companies in Eastern Europe. FOTEX has now expanded to include a wide variety of enterprises in a host of nations.

Notwithstanding Mr. Varszegi's great entrepreneurial achievements, he has never forgotten his roots as the son of Holocaust survivors. His outstanding generosity and commitment to furthering important Holocaust-related research led to his establishment of the J. and O. Winter Research Fund at the Rosenthal Institute in 1991, which his recent gift will permanently endow. This valuable scholarly resource, named after Mr. Varszegi's late parents, has provided backing to a number of important undertakings which address not only the events of the Holocaust but its causes and its significance as well.

Research done through the research fund includes studies on: Sites of Memory: Vienna, the Past in the Present, the Jewish People's History in Heves County, the Rescue of Jews Across the Hungarian-Romanian Border Between 1940–1944, Remembering the Martyrs of Hidegseg, Teaching About the Holocaust at the Secondary School Level, Remarks on the Rise of Political Anti-Semitism in Romania, and the Holocaust as Topic in Hungarian and Israeli Novels.

As a result of Mr. Varszegi's generous gift, as well as the fine efforts of my dear friend Prof. Randolph L. Braham, the administrator of the J. & O. Winter Research Fund, and other outstanding faculty members at the Rosenthal Institute and the Graduate School and University Center at CUNY, this substantive work will continue for generations to come.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Gabor Varszegi for his devotion to the cause of Holocaust remembrance. His actions reflect a genuine understanding of the words of Patrick Henry: "I have but one lamp by which my feet are guided and that is the lamp of experience. I know no way of judging of the future but by the past." Mr. Varszegi is providing the oil which lights this lamp that will illuminate the steps of all of us as we seek to build a world that is more just, more humane and more respectful of the human rights of all men and women. I invite my colleagues to join me in applauding him and his praiseworthy endeavors.

CONGRATULATIONS TO THE WILLIAM F. HALLORAN ALTERNATIVE SCHOOL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. PAYNE. Mr. Speaker, I rise today to congratulate and recognize the accomplishments of the William F. Halloran Alternative School in Elizabeth, NJ, for their designation as a 1997 blue ribbon school. The criteria for being chosen as a blue ribbon school includes several conditions of effective schooling such as leadership, parental involvement, organization, teaching and student environment, and community support. The criteria for designation also includes indicators of success such as student performance, positive attendance rates, good student retention or graduation rates, postsecondary pursuits of students and previous awards given to the school, teachers, or students. This highly competitive and prestigious designation is one of the top honors awarded to any school by the U.S. Department of Education. The William F. Halloran Alternative School has been granted this honor because they have generated an excitement about learning and a commitment to educational excellence that has allowed them to meet the above criteria for a blue ribbon school.

The William F. Halloran Alternative School offers a gifted and talented program that attracts the best and brightest students from Elizabeth and also has a special education program for students who are identified as communications handicapped. The school emphasizes the performing arts and curriculum that promotes diversity awareness for all students and faculty. All students are encouraged to become skilled in current technology and are able to take advantage of afterschool tutoring. In addition, students participate in ministudies and clubs designed to develop their special talents, such as visual or performing arts or physical education.

Teachers at the William F. Halloran Alternative School participate in a program called Team Teaching that is designed to offer in-class support to students who need extra help. Staff are also encouraged to become involved in professional development programs so they remain updated and attend teacher conferences.

Mr. Speaker, the William F. Halloran Alternative School is an example of the positive achievements occurring in our public schools. They should be commended for their commitment to enhancing community and parental involvement in our schools. It is my hope that the William F. Halloran Alternative School will serve as a model for other schools in our area of New Jersey and across the country for educational excellence.

HELPING EMPOWER LOW-INCOME PARENTS [HELP] SCHOLARSHIPS AMENDMENTS OF 1997

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. McKEON. Mr. Speaker, as a member of the Education and Workforce Committee, I rise in strong support of H.R. 2746, the Help Scholarships Act.

In the 105th Congress, our education agenda centers around four important priorities—sending more dollars directly to the classroom, returning control of education to local communities, bolstering academics, and increasing parental involvement by providing more choices.

H.R. 2746 is an essential component of our education agenda because it provides low-income parents with choices normally reserved for well-to-do families—to be able to send their children to the best schools of their choosing.

Additionally, H.R. 2746 maintains the primary role that States and local communities play in our education system. Before Federal funds can be used for school choice programs, State governments must enact legislation establishing a choice program in their State.

Therefore, it is my hope that following passage of the Help Scholarship Act, all 50 States will quickly pass enabling legislation so that our country's neediest students have an opportunity to attend the school that is best for them.

Again, I urge my colleagues to vote in favor of H.R. 2746.

LEGISLATION TO HELP PRESERVE AND ENHANCE OUR NATIONAL PARK SYSTEM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. KILDEE. Mr. Speaker, our Nation's parks are among our Nation's greatest treasures and an integral part of our national heritage. We have an obligation to protect them for future generations to enjoy, learn from, and experience.

Unfortunately, in recent years we have failed to take proper care of our parks. The cover of the U.S. News & World Report's July 21, 1997, edition was entitled "Parks in Peril." This magazine focused on overcrowded parks, crumbling historic structures, limited access to collections, and increased pollution. Over the past 20 years, annual funding for our national parks has decreased by $635 million. And yet during that same period, our national parks served approximately 40 million more annual visitors than they did in 1978. While it is incumbent upon Congress to appropriate adequate funds for the operation of our national parks, the backlog of natural and cultural resource protection needs, together with other needs for transportation improvements and building repairs, is now so great that we need to find innovative and aggressive funding sources for renewing and enhancing our national parks

That is why I have introduced legislation to create National Park Bonds. These bonds will be sold to the general public, in the same way war bonds were sold during World War II. My legislation will set up a National Park Capital Improvement Fund within the Department of Treasury. The Capital Improvement Fund will be secured by existing national park entrance, special use, and concession fees. My legislation also requires the Department of Treasury to work with the Department of Interior to set up a program for disseminating the bonds. The National Park Bonds will have competitive interest rates, reach maturity in no longer than 20 years, and be fully guaranteed by the Federal Government.

The National Park Bonds will be focused towards the billions of dollars in backlogged construction and renovation needs in our parks including: new infrastructure, wildlife protection and preservation, development of transportation systems, scientific assessments and research, and the development of educational and interpretation programs. The bonds would not go to any new land acquisition projects.

Mr. Speaker, National Park Bonds would give all of our Nation's citizens the opportunity to invest in the preservation and enhancement of our National Park System.

WILLIAM HUDSON ON FAST TRACK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. GEKAS. Mr. Speaker, as we reach the final phase of our consideration of legislation on fast-track trade legislation, I rise to bring to the attention of my colleagues the recently published remarks on that topic. William J. Hudson, the chairman and CEO of AMP, Inc., a major electrical connection device manufacturer located in Harrisburg, PA, in my congressional district, makes a cogent argument for the passage of fast-track authority. I hope his remarks are read and followed by this Congress.

FAST TRACK: RENEW THE PROMISE

(By William J. Hudson)

A family quarrel in public isn't always a bad thing. When the quarreling family members are the Congress and the President of the United States, the result could well be a salutary demonstration of democracy at work. If Congress passes a fast track bill this fall, it will give the world just such a demonstration.

Now that the Senate Finance Committee and the House Committee on Ways and Means have approved solid versions of a fast track bill that the White House can support, we have a clear signal that the Administration and the leaders of the House and Senate are working together to get this critical legislation approved. Let us hope they succeed. The first test should come later this fall when Congress votes on the fast-track, more formally, the "Reciprocal Trade Agreement Authorities Act of 1997".

If they do anything but pass it, the result will be far worse than the embarrassment of a public quarrel. It will be the public crippling of America as leader, the economic leader the world has depended upon for the past 50 years. To understand why, one needs to know a little about fast-track and a little recent history.

Fast-track is a promise. It is a promise that the Congress gives to the President and, by extension, to all of America's trading partners. The promise is this: If the President pursues Congressionally prescribed objectives with America's trading partners, and if his negotiators consult closely with Congress, then Congress will give any resulting agreement special treatment: an up or down vote—no amendments—in a definite period of time. That promise is the essence of fast-track.

There was a time when America's trading partners felt it was up to the Administration to determine when it needed "fast-track" authority. Those were the halcyon days before the summer of 1994 when the Clinton Administration and Congress failed in the effort to agree on a fast-track bill. More importantly, it was before Chile decided that, unless the U.S. Administration had the fast-track promise in its pocket—unless America could negotiate with one voice—there was no point in negotiating at all. In the fall of 1995, Chile broke off the NAFTA accession negotiations with the United States. It continued talks with Canada and Mexico, however, concluding separate agreements with those two countries.

The world will never be the same again, at least not for U.S. trade negotiators. Countries will no longer give them the benefit of the doubt. From now on, any trade negotiation with the United States must be one that Congress supports from the beginning with fast-track, or it won't happen.

Our company, AMP Incorporated, has its headquarters in Harrisburg, Pennsylvania, but we produce in twenty-five countries and sell into over 100. Approximately 54 percent of our 1996 earnings came from sales outside the United States, and that figure is rising. To a significant degree our future depends upon increased cooperation among governments, the kind of cooperation that is expressed in trade agreements. That is one reason why we belong to the Pacific Basin Economic Council, because PBEC is dedicated to increased trade and commercial cooperation throughout the Pacific Region.

The opponents of fast track like to talk about the record, as if somehow it were damaging. The reverse is true. The record is one of startling success. Here in the United States, the pursuit of more open global trade and investment policies has given us an export boom, record growth, enviably low unemployment, and an economy that is consistently rated the world's most competitive.

Abroad the story is even more startling. In East Asia, for example, over 371 million people were lifted out of poverty in the two decades from 1975 to 1995. That wasn't all due to trade. But open trade and investment policies, and the development strategies they made possible, were important parts of the story.

Whether one's focus is on the U.S. economy or on developments abroad, the results of the liberal trade policies of the past decades have been astoundingly positive. Nothing, however, is automatic. The world can't produce good economic results with bad economic policies. Both good policies and strong economies require international cooperation. And that means fast track. On behalf of the U.S. Member Committee of PBEC, I urge every Member of Congress and every Senator to renew the promise of fast-track now.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. KIND. Mr. Speaker, another day and still no campaign finance reform.

This week saw another reason why we need to change the current system. The Republican National Committee spent $800,000 in the race to replace former Representative, Susan Molinari. This money came from unregulated soft money contributions to the national parties. In a race like the one in New York, this amount of money made a significant difference in the outcome of the election. We need to fix the system that allows any party to come into a race at the last minute and buy an election with unregulated soft money.

If the House adopted a ban on soft money, like the one in the Bipartisan Freshman Campaign Reform bill, we would allow races to be decided by local candidates and their supporters, not by the parties or the special interests in Washington. That is how we will restore the public's faith in our electoral system and actually see voter participation increase, rather than the decline we have seen over the past several years.

Mr. Speaker, the time is now to move forward on a vote on campaign finance reform. The people of my district refuse to take "no" for an answer.

LEO PINCKNEY SALUTED FOR DEDICATION TO BASEBALL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. WALSH. Mr. Speaker, I want to pay tribute today to Leo Pinckney, who has been making the 100-mile trip from Auburn, NY to Cooperstown for Baseball Hall of Fame inductions most of his life. An avid baseball fan and an active participant in professional baseball in central New York, Mr. Pinckney is a community legend in the upstate region of Cayuga County and we are very proud of the role he played in the commemoration of 1996's Baseball Hall of Fame Game.

That was when Leo Pinckney participated in the first pitch with Hall of Fame inductees Jim Bunning and Earl Weaver.

The event marked an official Hall of Fame congratulations to Leo, a former sports editor of the Auburn Citizen daily newspaper, for attending his 50th induction weekend.

Leo Pinckney was instrumental in returning professional baseball to Auburn in 1958 by helping to establish the Auburn Astros. Today, he is the President of the successors, the Auburn Doubledays.

Mr. Pinckney was President of the New York-Penn League from 1985–1992 and he now serves on the League Board of Directors. One of its divisions is named after him.

We are very proud of Leo Pinckney in central New York and happy for him that he has been so honored by professional baseball.

THE 40TH ANNIVERSARY OF THE INCORPORATION OF PACIFICA, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. LANTOS. Mr. Speaker, on November 22 of this year, Mr. Speaker, the city of Pacifica, CA, will celebrate the 40th anniversary of its incorporation. I am delighted and honored to call this anniversary to the attention of my colleagues here in the Congress, and I invite them to join me in congratulating the citizens and the city leaders of Pacifica on this noteworthy occasion.

Although the city of Pacifica is only 40 years old, the area is one of the most important historical areas in the State of California. In November 1769, a group of 63 Spanish explorers under the leadership of Don Gaspar de Portola climbed the mountain now known as Sweeney Ridge which lies within the boundaries of the city of Pacifica. They were the first Europeans to view the glorious panorama of the San Francisco Bay. It is noteworthy, Mr. Speaker, that the birthplace of de Portola—Balaguer, Spain, in the region of Catalonia—became a sister city of Pacifica in 1970.

Through the tireless efforts of many local Pacificans as well as other concerned citizens of our peninsula, coupled with the consistent and long-term effort of a number of us here in the Congress, Sweeney Ridge—the Plymouth Rock of the west coast—was included within the Golden Gate National Recreation Area in 1984. Eighteen acres of land in Pacifica at the Portola discovery site have been designated a national historical landmark.

Mr. Speaker, lime pits beside Calera Creek in what is now Pacifica were exploited to provide whitewash which was used for the Presidio of San Francisco in 1776. As early as 1785, crops were planted in San Pedro Valley in Pacifica at the outpost of Mission Delores. Two years later, willow fences were built to keep grizzly bears from the surrounding mountains away from the crops. In 1839 Don Francisco Sanchez was given a Mexican land

grant by the Governor of the Mexican State of Alta California with boundaries similar to the present city boundaries of Pacifica. In 1846, Don Francisco moved to what is now called the Sanchez Adobe, which still stands on Linda Mar Boulevard. Throughout the first century of its history, this building was used as a home, hotel, bordello, speakeasy, bootleg saloon, hunting lodge, and artichoke packing shed. The building was acquired in 1947 by San Mateo County, and it is currently maintained as a county museum and park.

Pacifica remained an agricultural area until this century. In 1907 a quarry was opened in what is now Pacifica to provide stone for the rebuilding of the city of San Francisco following the devastating earthquake of 1906. At about that same time, the Ocean Shore Railroad was extended into the area, and the development of housing in the Pacifica area began. The Little Brown Church, Anderson's Shore, and the San Pedro School—which later became city hall—also date from this period.

After World War II, growth accelerated in an effort to meet the housing needs of the many young families moving to the peninsula. On November 22, 1957, 10 communities—Edgemar, Pacific Manor, Manor Village, Westview, Sharp Park, Fairway Park, Vallemar, Rockaway Beach, Linda Mar, and Pedro Point—were jointed together and incorporated as the city of Pacifica.

The name given the new city is the Spanish word for "peace"—"pacifica." Although the area has a long and distinguished Spanish heritage, the name of the city does not derive from the early Spanish settlers or explorers of that area. It was the product of a contest held in 1957 to find an appropriate name for the newly incorporated city. The winning name was derived from an 80-foot statue by sculptor Ralph Stackpole, which was created as the theme symbol for the Golden Gate International Exposition held on Treasure Island in 1939–1940. Although the 80-foot statue was destroyed after the Exposition, two of the sculptor's working models have been saved and both are now in Pacifica—one is over the front stairs of the Pacifica City Hall and the other is in the city council chambers.

"Wisdom in Progress" is the slogan adopted when the city was incorporated, and that phrase has indeed marked the development of Pacifica since its establishment. The city has constructed a fishing pier, an important facility for visitors and residents to enjoy the ocean. Pacifica has also fostered a number of important projects to establish and improve the outstanding quality of life its fortunate residents enjoy.

Mr. Speaker, I invite the Congress to join with me today in extending congratulations and best wishes to the 40,000 residents of Pacifica on the important 40th anniversary of the founding of this excellent city.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1997

SPEECH OF

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 31, 1997

Mr. BISHOP. Mr. Speaker, I rise today in strong support of H.R. 2367, a bill to increase the rates of compensation for veteran's with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain veterans. This bill will strengthen our Nation's efforts to continue to provide veterans with a suitable quality of life. I would like to commend Chairman STUMP, Congressman EVANS, and the Veteran's Committee for continued dedication, leadership, and hard work on these measures and others affecting the veterans' community.

America's veterans have stood as the vanguards of freedom and prosperity. So many of them have put their lives in harm's way so that the guiding principles that we hold so dear remain protected. Just as they fought on the front lines protecting the security of our great Nation, we must lead the charge in the battle for their well being and security.

This measure will direct the Secretary of Veteran's Affairs to compute and provide increases in the monthly rates of disability compensation and dependency and indemnity compensation, effective December 1, 1997. The rates will be increased by the same percentage as Social Security. This increase will help our disabled veterans and their families offset the cost of inflation as measured by the Consumer Price Index. Since the COLA is assumed in the budget resolution baseline, the bill would have no budgetary effect relative to the baseline as modified by the Balanced Budget Act of 1997.

Again, I would like to commend the committee for its dedication, leadership, and vision in passing H.R. 2367. This bill will allow us to continue to fortify this Nation's commitment to provide our veterans with a better quality of life. More importantly, we owe our veterans no less than the dedication and commitment that they have given to protecting the noble ideals and principles of this great Nation. Once more, I express my strong support for this bill, and I urge my colleagues to take a stand on behalf of veterans and support this important bill.

PERSONAL EXPLANATION

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. WELDON of Florida. Mr. Speaker, due to the recent death of my father and my attendance at his funeral services, I was unable to cast votes on many issues considered during the week of October 27, 1997. Had I been present for the votes, I would have voted as follows:

Tuesday, October 28, 1997: Rollcall 532, "No"; rollcall 533, "Yes"; rollcall 534, "Yes".

Wednesday, October 29, 1997: Rollcall 535, "No"; rollcall 536, "Yes"; rollcall 537, "Yes"; rollcall 538, "Yes"; rollcall 539, "Yes"; rollcall 540, "Yes"; rollcall 541, "Yes"; rollcall 542, "Yes"; rollcall 543, "Yes"; rollcall 544, "Yes".

Thursday, October 30, 1997: Rollcall 545, "Yes"; rollcall 546, "No"; rollcall 547, "No"; rollcall 548, "No"; rollcall 549, "Yes"; rollcall 550, "No"; rollcall 551, "No"; rollcall 552, "No"; rollcall 553, "No"; rollcall 554, "No"; rollcall 555, "Yes"; rollcall 556, "No"; rollcall 557, "Yes"; rollcall 558, "Yes"; rollcall 559, "Yes"; rollcall 560, "Yes"; rollcall 561, "Yes"; rollcall 562, "Yes"; rollcall 563, "Yes"; rollcall 564, "Yes"; rollcall 565, "Yes".

Friday, October 31, 1997: Rollcall 566, "Yes"; rollcall 567, "Yes".

CHARTER SCHOOLS AMENDMENTS ACT OF 1997

SPEECH OF

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2616) to amend titles VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools:

Mr. McKEON. Mr. Chairman, I rise in strong support of H.R. 2616, the Charter Schools Amendments Act.

H.R. 2616 is one of a series of critical education bills House Republicans have scheduled for consideration during this Congress.

H.R. 2616 builds upon our goals of returning control to our local communities and increasing parental choice by providing additional resources to assist States in creating new, innovative charter schools.

During the last year, I attended several hearings throughout the country on charter schools. During our visits, committee members heard from parents, teachers, administrators, and students who credited the success of their schools because they no longer operate under burdensome education rules regulations.

One principal stated her view of the charter school process as, "a waiver of all waivers. We don't have to apply for waivers any more. We dream those big dreams, set those high standards, and we meet those missions."

I was struck most, however, by the enthusiasm and interest shown by the parents and students.

Parents felt empowered by their newfound ability to fully participate in their children's education. For example, many serve on decisionmaking boards, monitor and assist in classes, and help maintain school grounds.

Likewise, students expressed a new sense of responsibility and achievement not found at their old public schools. Many of the schools provided these students with individual attention, smaller classrooms, and original programs.

H.R. 2616 builds on these types of successes by carefully targeting funds to those States which emphasize autonomy, open the doors for new charter schools, and demand accountability.

In closing, I want to thank my colleague and fellow subcommittee chairman, Mr. Riggs, for his outstanding work in bringing this important legislation to the floor.

And, I urge all my colleagues to join me in voting for the Charter Schools Amendments Act.

INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1997

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 5, 1997

Ms. DEGETTE. Mr. Speaker, due to a technical error I was omitted as a cosponsor of H.R. 2676, the Internal Revenue Service Restructuring and Reform Act of 1997, but wanted the fact that I was an early supporter of this legislation known as a matter of record.

I am a strong supporter of the IRS restructuring and reform bill. I think the time has come to significantly restructure the Internal Revenue Service [IRS]. Recently, incidents of abuse within the IRS have been spotlighted at congressional hearings proving what many of us have suspected all along: that certain divisions within the IRS believe that a taxpayer is guilty until proven innocent.

This bill is really quite historic. It will provide a major overhaul of the IRS, and give citizens who become involved in disputes with the IRS 28 new protections designed to enhance taxpayer rights. One of the most important things this bill will do is to strengthen the rights of taxpayers by placing the burden of proof in certain disputed cases, on the IRS, rather than on the taxpayer.

I am such a strong supporter of this legislation because, even in the relatively short time I have been in office, I have already encountered dozens of constituents who are involved in disputes with the IRS. In a surprisingly large number of these cases, my constituents ended up seeking my assistance because they had cooperated fully with the IRS, but were getting nowhere. In fact, oftentimes their efforts to settle the problem were being stymied by the very agency with whom they were trying to comply.

I have one constituent by the name of Craig Dietz, a public school teacher in Denver, whose story is indicative of the kind of problems so many of us have had with the Internal Revenue Service. Earlier this year, Craig received a letter from the IRS stating that he owed over $500 from income he received as a nonemployee of the Jewish Center in Columbus, OH. Not only has Craig never worked for the Jewish Center in Columbus, he has never even been to Ohio.

When he notified the IRS of their mistake, they responded with a very long and technical letter telling him it was his responsibility to contact the Jewish Center in Ohio, which he consequently did and received confirmation that there was no record of his employment. After receiving this information, the IRS still continued to pursue the case, and it was at this point that Craig contacted my office. Shortly after my office got involved, the IRS closed the case.

Throughout this entire ordeal, Craig was not able to speak to an actual person at the IRS in order to state his case in person because his repeated calls were never returned. It took 6 months of hassle and aggravation, and might have taken much longer without intervention, to settle what was a relatively simple mistake on the part of the IRS. This is just one example of the stories I have heard of honorable citizens who simply want to rectify a bad situation and move on.

We need to make sure that honest taxpayers are not unduly persecuted. This bill will provide some relief to a very serious problem and open the doors to a new era of taxpayer rights.

TRIBUTE TO MIRIAM JACKSON

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mrs. LOWEY. Mr. Speaker, I rise today to honor the memory of Miriam Jackson, an extraordinary woman who devoted her life to community service and social justice.

Miriam possessed an unusual combination of qualities. She was, first, a vigorous and forceful advocate, quick to stand up for principle, to express a point of view, and to fight for a cause.

It was this steely resolve in the face of challenge and adversity which allowed her to run for county-wide office despite overwhelming odds, to delve into campaigns, and to confront the most daunting community problems with an unflinching determination to succeed.

And it was undoubtedly this same resolve which enabled Miriam to become one of only two women ever to chair a major political party in Westchester County.

Miriam was also a profoundly tender woman. She forged deep and meaningful relationships with countless individuals, whom she treated almost as adopted children. With time, this circle of friends and admirers grew to cross every imaginable boundary. A proud and observant Jew, Miriam counted as her closest friend a Roman Catholic nun, Sister Miriam Therese Peppin. And Miriam delighted always in pulling young people under her wing, while preserving decades-old relationships with their elders.

There was no admission requirement to this privileged court, save for a warm heart, a ready laugh, and an engaging personality. And from her friends, Miriam would withhold nothing: neither love, nor support, nor effort—nor a bit of pointed, well-phrased, and somewhat more than friendly advice.

There was a great tenderness also at the heart of her politics. This was a woman who identified at the most basic level with the least fortunate among us—who struggled to uplift the downtrodden, to achieve fairness for the victims of prejudice, to bring peace in times of strife, and, in her later years, to secure dignity for the elderly.

Miriam stood instinctively at the side of the underdog and recognized always that our character as individuals and as a community was measured by our compassion.

Miriam's legacy includes a host of Westchester leaders, ranging from city council members to party officials to Members of Congress. It includes a stronger network of community services, especially Meals-on-Wheels of New Rochelle, which Miriam co-founded with her very close friend, Sister Miriam, and the Hugh Doyle Senior Center to which Miriam Jackson was totally devoted. It includes the city of New Rochelle itself, blessed by her presence since she moved there in 1931. And it includes two remarkable granddaughters whose lives honor Miriam's values and spirit.

Mr. Speaker, Miriam Jackson knew great tragedy in her life. More than 30 years ago, she lost her only child and, in 1992, she mourned the death of her beloved husband, Murray. But Miriam refused to surrender to grief.

Her heart was large enough to accept and draw meaning from even the most painful experience and generous enough to share that meaning with others. In the end, she was a source of unbridled joy and inspiration to those who knew her or knew of her.

We are poorer now for Miriam Jackson's passing, but forever richer for her life.

FDA'S "DOUBLE STANDARD" ON CFC INHALERS COULD LEAVE ASTHMA PATIENTS GASPING FOR AIR

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. SMITH of New Jersey. Mr. Speaker, when most of us think about the Food and Drug Administration [FDA], we envision an agency that works diligently to expand the universe of safe and effective medications. So when I discovered that the FDA was actually proposing to reduce the number of proven medicines available to treat asthma and cystic fibrosis patients, I knew Congress had to act on behalf of patients. As a legislator representing thousands of asthma patients, and as a father of two daughters with asthma, I am appalled that FDA might ban medicines patients need to survive.

On March 6, 1997, the FDA initiated the first stage of a plan to phase-out the use of chlorofluorocarbons [CFC's] in metered-dose inhalers [MDI's], which are used by asthma and cystic fibrosis patients to breathe. This action was taken ostensibly to protect the ozone layer, despite the fact that less than 1 percent of all ozone-depleting substances in the atmosphere are caused by metered-dose inhalers.

In fact, the amount of CFC's that the EPA allows to be released from automobile air conditions over 1 year is about the same as 14 years of metered-dose inhaler emissions. If you combined all sources of CFCs allowed by the EPA in 1 year, it would equal 64 years of MDI emissions. And yet the only CFC products targeted for elimination this year are inhalers.

It is also interesting to note, Mr. Speaker, that while the FDA and EPA are rushing to

eliminate CFC inhalers, they continue to allow the use of variety of CFC products, including bear-repellent pepper sprays, document preservation sprays, and certain fire extinguishers. This is clearly a case of misplaced priorities—how can historical document sprays be considered more essential than products that protect our children's lives? And while American children and senior citizens will have their treatment regimens disrupted by the FDA's plan, nations like China and Indonesia will be pumping tons of CFC's into the atmosphere from hair sprays and air conditioners until the year 2010.

Not surprisingly, the FDA's plan has generated a fire storm of opposition from patients, respiratory therapists, and physicians: nearly 10,000 letters in opposition have been received to date by the FDA. A coalition of stakeholder organizations reviewed the FDA proposal in May and concluded that the FDA's approach banning therapeutic classes was "flawed and must be re-evaluated." The patient and provider organizations also stated that the FDA plan "has the potential to disrupt therapeutic regimens * * * and limit physician treatment options."

It is important to institute a transition strategy that will eventually eliminate the use of CFC's. However, the FDA's proposal is deeply flawed and should be scrapped in favor of a plan that puts patients—not international bureaucrats—first.

To ensure that the interests of patients are upheld throughout the formation of our country's MDI transition strategy, my colleague and friend from Florida, Congressman CLIFF STEARNS and I introduced legislation—H.R. 2221—that will temporarily suspend the FDA's proposed framework until a new proposal can be crafted. We have also urged the conferees working on the FDA reform bill—H.R. 1411—to include legislative language protecting the rights of 30 million respiratory patients to maintain access to the medications they need to survive.

Earlier today, I was honored to meet Tommy Farese. Tommy, who is 9 years old, and lives in Spring Lake, NJ., has had asthma since the age of 2. One of the asthma inhalers Tommy uses to breathe—Proventil—would be eliminated under the FDA plan in favor of a non-CFC version that has not been approved by the FDA for use by children. Unless the FDA's proposal is changed, Tommy could lose access to the medicine he needs to breathe and live. Why should Tommy, and 5 million kids like him, have to face this dilemma?

In my view, any plan to remove safe and effective medications from the marketplace needs to place the interests of children like Tommy Farese first and foremost. Sadly, the FDA plan fails in this regard. Indeed, the FDA plan presumes that CFC-free inhalers serve all patient subpopulations—such as children and the elderly—equally well, despite the fact that children have special needs and many drug therapies are not interchangeable.

Mr. Speaker, I call upon the FDA to stop their proposed ban of asthma inhalers and put forward a new proposed rule only after Congress reconvenes. In addition, I urge the conferees to H.R. 1411 to include legislative language that will stop the FDA from implementing this terribly flawed and environmentally marginal proposal. If the FDA insists on moving forward with their antipatient plan anyway, Congress should debate and pass the Sterans-Smith bill—HR 221—to allow asthma patients like Tommy Farese retain access to their medicine.

KENT L. HUBER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. BARCIA. Mr. Speaker, the people of Bay County suffered a tremendous loss this week with the unfortunate accident that took the life of Kent L. Huber, a gentleman who was a professional pilot who offered his skills to those in need. Memorial services are being held tomorrow, and I want to extend my deepest sympathies to his wife Sue Carol, their four daughters, and friends.

This tragedy reminds us of the limits that each of us face. We may take every day, every month, and every year for granted, even though we never know how many more we truly have remaining. We keep thinking that we can correct tomorrow, what we should have corrected today. Given enough time, we might remember to appreciate what people did for us, or people might forget what we did to them.

I am sure that Kent Huber was fortunate enough to not have had those regrets because of the way he lived his life. We all have demands on our time, and carefully guard whatever portion we have for ourselves. Kent Huber was most generous with his free moments, making sure that people who needed air transport for medical care had the benefit of his services. As a pilot for the national organization Wings of Mercy, he often provided transport, just as he did this past Sunday when he brought someone back from the Mayo Clinic. He also each Fourth of July offered a round-trip flight to Mackinac Island as a grand prize at the Bay City Fireworks Festival.

His family was very important to him, especially his concern for children. He carried this special love forward in his service on the Bangor Township Board of Education, where he devoted himself to improving the stepping stone of education for children.

Mr. Speaker, the loss of a loved one is a tragedy for any family. The loss of a caring, committed individual like Kent is a devastating one for the community. Kent Huber will be missed by all of us who knew him, and by those who benefited from his willingness to give so unselfishly of himself. I ask you and all of our colleagues to join me in offering our heartfelt sympathies to his family, and our wishes that the way Kent Huber lived his life will serve as a sterling example for others in our community.

JOINT RESOLUTION—NAVY ASIATIC FLEET

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. JONES. Mr. Speaker, I am pleased to rise today to introduce legislation commending the sailors and marines who served in the U.S. Navy Asiatic Fleet. I commend the actions of Senator WARNER who first heard and responded to the call of these forgotten heroes with his introduction of Senate Joint Resolution 30.

While many of my colleagues may not be familiar with the efforts waged by the Asiatic Fleet, I am here today to tell you of their critical role in American security interests. From the early 1900's until just after Pearl Harbor, the fleet sailed courageously across the coastal waters between China and the Philippines, as well as in Russian waters and on the straits and narrows of Malaysia and Indonesia during this very dynamic period in history.

The Asiatic Fleet had originally been established in August 1910 as a successor of the Asiatic Station, to protect American lives and property in the Philippines and in China. The Asiatic Fleet sailed the seas in defense of American interests in the Southeast Asian waters until 1942.

In the final years of the Asiatic Fleet operations, these sailors and marines distinguished themselves by defending against the tidal wave of Japanese aggression. Fighting against the larger modern Japanese naval forces were the fleet's 3 cruisers, 13 WWI-vintage destroyers, 29 submarines, and a handful of gunboats and patrol aircraft. In all, the fleet lost 22 ships. 1,826 were killed and over 500 were said to be placed in prison camps. Sadly, many of these sailors taken prisoner were beaten, tortured, and killed in the most gruesome of manners.

Regrettably, Congress and the American people have never risen to recognize the valiant actions of this Asiatic Fleet, the precursor to today's 7th Fleet. I rise today dedicated to granting long overdue recognition of the heartbreaking struggles of the fleet that fought alone against the overwhelming modern Japanese Navy. It is altogether fitting and appropriate that this Nation pause and reflect upon the noble actions of these fine sailors and marines of the Asiatic Fleet.

It is for these reasons that today I will join my colleague in the Senate, Senator WARNER, to introduce a resolution calling for the recognition of the 56th anniversary of the sinking of the Asiatic Fleet's flagship, the U.S.S. *Houston*. This resolution supports the efforts of the Senate to designate March 1, 1998 as the "United States Navy Asiatic Fleet Memorial Day." I call upon my colleagues to join me today in this effort to give these forgotten heroes Congress' support for long awaited recognition.

The battles fought by the U.S.S. *Houston* in her service to the Asiatic Fleet are best told in the Dictionary of American Naval Fighting Ships. I would ask that the history of the U.S.S. *Houston* be printed following my remarks.

DICTIONARY OF AMERICAN NAVAL FIGHTING SHIPS

VOLUME III—NAVY DEPARTMENT, OFFICE OF THE CHIEF OF NAVAL OPERATIONS, NAVAL HISTORY DIVISION, WASHINGTON

With the outbreak of war between China and Japan in 1932, *Houston* got underway 31 January for Shanghai to protect American lives and property. She landed Marine and Navy gun platoons to help stabilize the situation and remained in the area, with the exception of a good will cruise to the Philippines in March and one to Japan in May 1933, until being relieved by *Augusta* 17 November 1933. The cruiser sailed to San Francisco to join the Scouting Force, and for the years preceding World War II participated in Fleet Problems and maneuvers in the Pacific. During this period *Houston* made several special cruises. President Roosevelt came on board 1 July 1934 at Annapolis, Md., for a cruise of almost 12,000 miles through the Caribbean and to Portland, Oreg., by way of Hawaii. *Houston* also carried Assistant Secretary of the Navy Henry L. Roosevelt on a tour of the Hawaiian Islands, returning to San Diego 15 May 1935. After a short cruise in Alaskan waters, the cruiser returned to Seattle and embarked the President again 3 October 1935 for a vacation cruise to the Cerros Islands, Magdalena Bay, Cocos Islands, and Charleston, S.C. *Houston* also celebrated the opening of the Golden Gate bridge at San Francisco 28 May 1937, and carried President Roosevelt for a Fleet Review at the same city 14 July 1938.

Houston became flagship of the U.S. Fleet 19 September 1938, when Rear Admiral Bloch broke his flag on board her, and maintained that status until 28 December; when she returned to the Scouting Force. Continuing the now-familiar routine of training exercises, she got underway for Fleet Problem 20, 4 January 1939 from San Francisco, sailed to Norfolk and Key West, and there embarked the President and the Chief of Naval Operations, Admiral Leahy, for the duration of the problem. She arrived Houston, Tex., 7 April for a brief visit before returning to Seattle, where she arrived 30 May.

Assigned as flagship Hawaiian Detachment, the cruiser arrived Pearl Harbor after her post-overhaul shakedown 7 December 1939, and continued in that capacity until returning to Mare Island 17 February 1940. Sailing to Hawaii, she departed 3 November for the Philippine Islands as the world situation grew darker. Arriving Manila, 19 November 1940, she became flagship of Admiral Hart, Commander Asiatic Fleet.

As the war crisis deepened, Admiral Hart deposed his fleet in readiness. On the night of the Pearl Harbor attack, *Houston* got underway from Penay Island with fleet units bound for Darwin, Australia, where she arrived 28 December 1941 by way of Balikpapan and Surabaya. After patrol duty she joined the ABDA (American-British-Dutch-Australian) naval force at Surabaya. Air raids were frequent in the area, and *Houston's* gunners splashed four planes 4 February as Admiral Doorman, RNN, took his force to engage Japanese reported to be at Balikpapan, *Houston* took one hit, disabling her No. 3 turret, and cruiser *Marblehead* was so damaged that she had to be sent out of the battle area. Doorman was forced to abandon his advance.

Returning to Australia, *Houston* departed 15 February with a small convoy to reinforce the garrison on Timor. Before the day was out, the group was forced to beat off numerous air attacks, and next morning the Japanese attacked in full force. During this defensive action, *Houston* distinguished herself by driving off nearly the entire raid without damage to her transports.

Receiving word that the major Japanese invasion force was approaching Java protected by a formidable surface unit, Admiral Doorman resolutely determined to meet and seek to destroy the main convoy. Sailing 26 February with *Houston*, HMAs *Perth*, HNMS *De Ruyter*, HMS *Exeter*, JNMS *Java* and 10 destroyers, be met the Japanese support force under Admiral Takagi consisting of 4 cruisers and 13 destroyers. In the Battle of the Java Sea which followed, Doorman's forces fought valiantly, but were doomed by lack of air cover and communication difficulties. The ships met for the first time in the late afternoon, and as Japanese destroyers laid smoke the cruisers of both fleets opened fire. After one ineffective torpedo attack the Japanese light cruisers and destroyers launched a second at 1700, this attack sinking *Kortenaer*, *Exeter* and destroyer *Electra* were hit by gunfire, *Electra* fatally, and at 1730 Admiral Doorman turned south toward the Java coast, not wishing to be diverted from his main purpose, the destruction of the convoy itself. With dogged fighting spirit he dodged another torpedo attack and followed the coastline, during which time *Jupiter* was sunk, either by mine or internal explosion. Then *Encounter* was detached to pick up survivors from *Kortenaer*, and the American destroyers, their torpedoes expended, were ordered back to Surubaya. Now with no destroyer protection, Doorman's four remaining ships turned north again in a last gallant attempt to stop the invasion of Java.

At 2300 the same night, the cruisers again encountered the Japanese surface group. On parallel courses the opposing units opened fire, and the Japanese launched a devastating torpedo attack 30 minutes later. *De Ruuter* and *Java* caught in a spread of 12 torpedoes, exploded and sank, carrying their captains and Admiral Doorman down with them.

Before losing contact with *Perth* and *Houston*, Doorman had ordered them to retire. This was accomplished, but the next day the two ships steamed boldly into Banten Bay, hoping to damage the Japanese invasion forces there. The cruisers were almost torpedoed as they approached the bay, but evaded the nine torpedoes launched by destroyer *Fubuki*. The cruisers than sank one transport and forced three others to beach. A destroyer squadron blocked Sunda Strait, their means of retreat, and on the other hand large cruisers *Mogami* and *Mikuma* stood dangerously near. The result was foreordained, but *Houston* and *Perth* fought valiantly. *Perth* came under fire at 2336 and in an hour had been sunk from gunfire and torpedo hits. *Houston* then fought alone, her guns blazing at the enemy all around her, a champion at bay. Soon after midnight she took a torpedo and began to lose headway. During this time *Houston*'s gunners scored hits on three different destroyers and sank a minesweeper, but suffered three more torpedo explosions in quick succession. Captain Rooks was killed by a bursting shell at 0030 and as the ship came to a stop Japanese destroyers swarmed over her machine gunning the decks. A few minutes later the gallant *Houston*, her name written imperishably in the records of heroism, rolled over and sank, her ensign still flying.

Houston's fate was not known by the world for almost 9 months, and the full story of her courageous fight was not fully told until after the war was over and her survivors were liberated from prison camps. Captain Rooks received posthumously the Medal of Honor for this extraordinary heroism.

In addition to two battle stars, *Houston* was awarded the Presidential Unit Citation.

TRIBUTE TO THE HONORABLE PHILLIP LEWIS SOTO

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. TORRES. Mr. Speaker, today I rise to pay tribute to a great American who has passed on from the California sociopolitical scene. A true friend of mine who I shall miss after a long illness.

Phil Soto was born on March 3, 1926 in the east LA neighborhood of Boyle Heights. During World War II, he served as a bombardier in the South Pacific, flying B–17's and B–29's. After the war, he helped found the GI Forum, a foundation that serves veterans of Mexican American heritage.

In 1948, Phil married Nell Manuel Garcia and began a family. He started his career in the television repair business in the San Gabriel Valley community of La Puente, where he was active in little league and local civic issues. In 1956, Phil helped manage the city of La Puente city-hood campaign. In 1958 he was elected to the La Puente City Council where he served until 1962. He was a local campaign manager for the John F. Kennedy 1960 Presidential campaign.

In the 1950's Phil Soto helped organize labor initiatives with the International Brotherhood of Electrical Workers and the United Farm Workers, working closely with the late Caesar Chavez. One of the many accomplishments of Phil Soto was to petition the Attorney General to release Caesar Chavez after he was arrested and beaten by police during the union's early organizing days. When the Attorney General refused, Phil rode a bus to Delano, CA, and spent the night in jail with Mr. Chavez to guarantee his protection. On a later occasion, he spent another night in jail with Dolores Huerta, the current UFW president.

In 1962, Phil was elected to the 50th District of the California Assembly; the first of two members of Latino heritage elected to serve in the assembly in the 20th century; the other being John Moreno.

As a California Assemblyman, Phil Soto was a pioneer and role model for future Latino community leaders and elected officials. Through his dedication to the principles of the Democratic Party, he became a champion of the rights of farm workers and human rights. He also fought to improve the quality of life for all Californians through his support of public education, water projects, and other public works projects. Phil was the first of many leaders to help define the role of Latinos in modern California politics.

In 1966, Governor Ronald Reagan's Republican sweep and Phil and Nell's opposition to the growing war in Vietnam left Phil without an assembly seat. But the call to public service remained strong and Phil accepted an appointment from President Johnson to help establish economic development and job training

programs in east Los Angeles. During this time, he implemented the programs he had fought for during his legislative career.

In 1968, Phil Soto's commitment to labor, jobs and his advocacy for Latino rights and equality was recognized by the Robert Kennedy Presidential primary campaign in California and he was asked to serve as a key adviser.

In his later years, Phil played the role of teacher, role model, and senior adviser for a new generation of Latino leaders and elected officials. One early race was the unsuccessful city election in east Los Angeles, which, had it been successful, would have resulted in the election of his wife Nell and future State Senator Richard Polanco to the east Los Angeles City Council. In 1988, he successfully helped elect his wife to the Pomona City Council and secure an appointment to the board of directors of the air quality management district.

Mr. Speaker, I ask my colleagues assembled here to join with me in paying condolences to his survivors, Nell his wife and a Pomona City Council member, sons; Phil IV, Robert, Michael, Patrick, Tom, and daughter Anna.

"TAXPAYER VICTORIES"

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 6, 1997

Mr. PACKARD. Mr. Speaker, I rise in support of the American Taxpayer. I am proud of the accomplishments of my Republican colleagues, under the leadership of Speaker GINGRICH, to provide meaningful tax relief for hard-working American's.

This year has truly been historic. The Republican-led Congress has given the parents of 41 million children under 17 a child tax credit. We have created education savings accounts to allow parents to begin saving for their children's education. We have cut the capital gains tax rate to encourage savings and investment, creating more jobs. And we have slashed the oppressive death tax rate so that family farms and businesses can stay in the family.

Mr. Speaker, I have read the letters and taken the calls from my constituents and I know our work to help the American taxpayer is still not done. The people of the 48th Congressional District Add their voice to the rest of America's in calling for more tax relief and a complete overhaul of the overburdensome IRS code.

Over the next several months, Republicans in Congress will continue to work on behalf of families and the hardworking parents that keep them together. This week, in several places across the Nation, Republican victories at the polls once again proved that taxes are the issue voters care about.

Mr. Speaker, we worked hard this year to give taxpayers their first tax cut in sixteen years. As we begin to prepare our agenda for 1998, lets make it another tax cutting year and lets win another victory for America's families.

CONCERNING THE DISTINGUISHED CAREER OF DAVID J. McCARTHY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Ms. NORTON. Mr. Speaker, I rise to sing well deserved praises for David J. McCarthy, Jr., who is retiring from the Georgetown University Law Center as professor and former dean after 37 years. Every Member of this body knows well that Georgetown is among the Nation's top law schools. Not every Member knows how the law school got that way. Great law schools do not just happen. They are made, not born.

One of those who made it happen was Dave McCarthy. Dave was dean at a critical moment for the Law Center in this century from 1975 to 1983. During Dave's tenure, the law Center firmly established itself as the first-rate institution it has been known to be ever since.

After his service as dean, Dave McCarthy remained at the Law Center as Carmack Waterhouse Professor of State and Local Government. Dave was a graduate of the Law Center he later was to lead and, as a student, was managing editor of the Georgetown Law Journal. In addition to his law degree, Dave earned an L.L.M. and was awarded an honorary doctorate by Georgetown. His career has been enriched by abundant other activities as well, including service as Chair of the American Association of Law Schools Accreditation Committee, on the Citizens Choice National Commission on the IRS, and the Individual Taxpayer, and on the Executive Committee of the D.C. Pretrial Services Agency.

David McCarthy's service to Georgetown University, to the profession, and to this community has been exemplary. I know that the House of Representatives would want to join me in saluting David J. McCarthy.

INTRODUCTION OF THE MEDICARE VENIPUNCTURE FAIRNESS ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. RAHALL. Mr. Speaker, I rise today to introduce a bill titled the Medicare Venipuncture Fairness Act of 1997, to reinstate payment under Medicare for home health services consisting of venipuncture based solely on blood monitoring, and to require the Secretary of Health and Human Services to study the appropriate use of venipuncture under the Medicare Program. This essential Medicare home health benefit was denied in the recently passed Balanced Budget Act, and will affect literally thousands of vulnerable Medicare beneficiaries.

Over the past 3 weeks, I have received more than 234 letters from concerned Medicare patients, or their family members and caregivers in my District expressing their grave concern over the devastating impact this provision will have on seriously ill and disabled seniors.

As I introduce this legislation today, I am pleased to be joined in sponsoring the bill by my friends and distinguished colleagues, Representatives POSHARD, MOLLOHAN, CLAYTON, KILPATRICK, MCINTYRE, FROST, COSTELLO, CLEMENT, BAESLER, ADERHOLT, BOUCHER, and CRAMER.

Of the 38 million Medicare recipients in the United States, we know that approximately 4 million receive some type of home health benefit—this is the only number HCFA has available. Speaking of HCFA—the Health Care Financing Administration, it is useful and telling to note that while the agency claims the venipuncture prohibition was put into law to fight fraud and abuse in the Medicare home health benefit, there are no studies or reports that exist, either from HCFA, the HHS Inspector General or the General Accounting Office [GAO], linking blood monitoring in home care to fraud, waste, or abuse. Removing blood monitoring as a qualifying service for the Medicare home health benefit was a vast overreaction—indeed it was a solution in search of a problem in my view.

Mr. Speaker, if we start down that slippery slope of denying or withdrawing services because some unscrupulous provider decides to defraud or abuse the system, we will have to terminate nearly every federally supported benefit program that exists today.

Another important point to remember is that the need for blood monitoring does not automatically result in eligibility for home health care. An individual must meet all of the very detailed and specific eligibility requirements for home health care and services must be prescribed by a physician. Currently, nearly 1 million home health beneficiaries need blood monitoring.

In rural communities where nearly 38 percent of residents are unserved by public transportation, Medicare beneficiaries who need blood monitoring will face special problems. In these areas, travel by the elderly, sick or disabled seniors is nearly impossible. Ambulance services would cost as much as $250 a trip—much, much more costly than paying for blood monitoring at home. Moreover, if these beneficiaries cannot get proper blood monitoring services, they will end up in institutions like hospitals or nursing homes at a much higher cost to Medicare.

One of the senior citizens from my congressional district who wrote to me says that he suffers from Black Lung disease, is confined to a wheelchair on 24-hour oxygen, and suffers from heart problems for which he takes medication plus blood thinners. How vulnerable can you get? How can this man or his caregiver get to a doctor's office or a laboratory for timely and medically necessary blood monitoring?

My colleagues, it is one thing to penalize unscrupulous providers by cutting off reimbursement under Medicare, but to penalize the sick, disabled elderly who have not committed fraud or abused the system is quite another. The 234 Medicare beneficiaries in my district who have contacted me concerning this loss in their benefit, are confused and afraid—confused because they've done nothing wrong, afraid because they can't get to an outside facility, physician, or laboratory to get blood samples taken. They do not know what will

happen to them, the stability of their health, or their peace of mind. They believe their ability to remain in their own homes, as opposed to a hospital or nursing home, hangs in the balance.

In the name of fairness, I urge my colleagues to cosponsor the Medicare Venipuncture Fairness Act so that we can rectify this injustice to Medicare beneficiaries. The legislation not only repeals the provision in the BBA that denies home health services based solely on blood monitoring, but mandates a study to look at past abuses in the benefit and to recommend standards for the appropriate use of venipuncture services.

Time is of the essence. I call upon my colleagues to join with me quickly so that we can defeat this proposal before it becomes effective on February 5, 1998, leaving thousands of needy Americans without a vital health care benefit.

If you wish to cosponsor, please call me or Mrs. Kyle on my staff at X53452.

COMMENDATION OF BUTLER HIGH SCHOOL GOLDEN TORNADO MARCHING BAND

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on Thanksgiving this year, the New York's Macy's parade will step off, headed by a band from Pennsylvania's 21st District.

The Butler High School Golden Tornado Marching Band is the proud representative of the Butler Area School District, and the community of Butler. The community, located 40 miles north of Pittsburgh, supports the band with over $84,000 in new uniforms, 10 buses, 2 equipment trucks, and a van to transport the band to its performances.

The band, led by Mr. Vincent James Sanzotti, has four directors, a dance team advser, and a twirler adviser. They provide not only the technical skills, but that important, intangible ingredient of leadership and inspiration that are so necessary to success.

Mr. Sanzotti and his colleagues are privileged to work with the youth of Butler. This year the band has 367 young men and women in its ranks. Day in, day out, these kids practice, and practice hard. That determined work has paid off with a long, winning tradition. The Golden Tornado has won a slew of first place awards in competitions and parades over the years. It has even been featured in four different Pittsburgh Steelers performances.

Mr. Speaker, I am proud of the Butler Golden Tornado Marching Band, and the fact that they will be leading the Macy's parade. Our televisions often carry stories of youths in trouble. On Thanksgiving Day our television sets will show 367 Butler teenagers who are making music, not trouble.

IN HONOR OF DESPINA MARANGOS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Despina Marangos, one of my constituents who represents the hard-working spirit of a first generation American, on her 80th birthday.

Despina Marangos was born in Bethlehem, PA, on November 14, 1917. Despina's parents, Zaharias Kyriacou from Cyprus and Chrisanthy Protoulis from Lesvos, Greece, had entered the United States through Ellis Island in the early 1900's.

When Despina moved to New York at age six and enrolled in P.S. 116, her English language skills were limited. yet she graduated as valedictorian of her class and went on to attend Julia Richman High school where she was an honor student.

Despina's devotion to her family and community was evident in her willingness to act as an interpreter. Her devotion to her family was further exhibited during the Depression when Despina entered the work force at an early age to work with her mother in the garment industry.

At age 20, Despina met Pantelis John Maragos from Cyprus. They were married just before her 21st birthday on November 6, 1938, at Zodoho Pygi Greek Orthodox Church in the Bronx. Despina and Pantelis celebrated their 59th wedding anniversary just yesterday.

Despina continued to work until her daughter, mary Ann, was born in 1943. but, during World War II, Pantelis was sent overseas with the Navy. Despina was forced to move in with her parents and take a job at a defense plant in Long Island City. She worked nights and cared for her child during the day.

After the war, Pantelis returned and their son, John Zaharias, was born in 1950. Despina continued to enrich her life with reading, helping her children and caring for her aging parents. She also found time to be a den mother and an officer in the Women's Auxiliary and in the Parents' Association.

In 1959, a new phase of Despina's life began when she went back to work for the Christmas season at Macy's. Her work was so exemplary that Macy's retained her for 30 years. Since retiring, she has remained active in the retiree chapter of her union, Macy's Local 1S, and in the senior center she and Pantelis attend, where she is a board member.

As grandparents, Despina and Pantelis often travel with their granddaughters, Cindy and Denise. Even with Pantelis recovering from a stroke a year ago, they still make short trips. They are both working hard on his recovery and look forward to the day they can travel freely again.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Despina Marangos, the daughter of immigrants who has combined the best of her hellenic heritage with the opportunities America has provided.

THE TROPICAL FOREST CONSERVATION ACT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. PORTMAN. Mr. Speaker, today I am pleased to introduce with my colleagues, the gentleman from Ohio, Mr. KASICH, and the gentleman from Indiana, Mr. HAMILTON, the Tropical Forest Conservation Act of 1998. The purpose of this bipartisan legislation is to rechannel existing resources to facilitate debt for nature swaps with lesser developed countries that contain some of the world's most biologically diverse tropical forests. Now is the time for action.

Despite all of the controversy over global warming, there is a consensus that tropical forests provide a wide range of benefits to citizens of the United States and people around the world. Tropical forests harbor a major share of the Earth's biological resources, which provide the ingredients for life-saving medicines and the genetic sources to revitalize agricultural crops that supply most of the world's food. They play a critical role as carbon sinks in reducing greenhouse gases in the atmosphere and moderating potential global climate change. And these forests regulate hydrological cycles on which far-flung agricultural and coastal resources depend. In short, tropical forests are essential to sustaining life, treating deadly diseases, and preserving the agricultural economy.

Tragically, over half of the tropical forests on Earth have disappeared and the rapid rate of deforestation and degradation of these sensitive ecosystems continues unabated. In the past year alone, more than 30 million acres of tropical forests were lost. Such a record cannot continue without a dramatic impact on our environment for our generation and those to come.

Many of these biologically rich environments are located in less developed countries with significant amounts of U.S. debt. These countries have urgent needs for investment and capital for development and have allocated a significant amount of their forests to logging concessions. Poverty and economic pressures on the populations of developing countries have, over time, resulted in clearing of vast areas of forest for conversion to agriculture, which is often unsustainable in the poor soils underlying tropical forests. Mounting debts put more pressure on countries to sell off or convert their tropical forests for other uses.

The Tropical Forest Conservation Act addresses the underlying causes of tropical deforestation and gives countries tangible incentives to protect their tropical forests.

The act builds upon the framework of President Bush's Enterprise for the Americas Initiative [EAI]. Under EAI, up to $154 million was provided to environmental trust funds in Latin American countries to protect tropical rain forests through debt for nature swaps.

The Tropical Forest Conservation Act amends the Foreign Assistance Act of 1961 to provide the President authority to: First, reduce debt owned to the United States that is outstanding as of January 1, 1997, as a result

of concessional loans; second, to reduce any amount owed to the United States outstanding as of January 1, 1997, as a result of any credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954; and third, to sell to any eligible purchaser, or reduce or cancel, any loan made before January 1, 1997, to any eligible country or any agency under the Export-Import Bank Act of 1945. Appropriations are authorized for these purposes for fiscal years 1999, 2000 and 2001.

The bill initially targets specific countries and gives the President discretion over time to designate countries that meet the criteria for designation. It facilitates debt for nature swaps in those developing countries that have tropical forests with the greatest degree of biodiversity and under the most severe threat. Such countries must also meet the criteria established by Congress under the EAI, including, among other things, that the government must be democratically elected, has not repeatedly provided support for acts of international terrorism, is not failing to cooperate on international narcotics control matters, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

Each beneficiary country will establish a tropical forest fund. Amounts deposited in the fund will be used to preserve, maintain, and restore tropical forests in those countries. There is accountability in the process—such funds shall be administered and overseen by U.S. Government officials, environmental nongovernmental organizations active in the beneficiary country, and scientific or academic organizations.

The goal of the Tropical Forest Conservation Act of 1998 is to help protect the planet's remaining storehouses of biological diversity. These forests have a direct impact on U.S. taxpayers—on the air we breath, the food we eat and the medicines that are developed to cure disease. Action is needed now in these developing countries to address the underlying causes of deforestation and environmental degradation so that these important ecosystems can be preserved before it is too late.

This legislation has strong support in the environmental community, including Conservation International, the Nature Conservancy, and the World Wildlife Fund strongly support this legislation.

We look forward to working with our colleagues on a bipartisan basis and with the administration to protect these invaluable resources.

TRIBUTE TO HENRY KUIPER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. HUNTER. Mr. Speaker, I rise today to recognize the extraordinary service and dedication of a constituent in my district, Mr. Henry "Hank" Kuiper of El Centro, CA. Hank is a devoted member of this community serving the city of El Centro for the past 12 years, 3 of these as mayor. He is soon retiring and I would like to take a moment to commend his dedicated service in local government and community programs.

Hank's involvement and accomplishments extend well beyond his 12 year tenure with the city council. Aside from being a member of the small business community, he also served as a member of the Joint Powers Insurance Authority, Air Pollution Control Board, Citizens Advisory Committee—Centinela State Prison, Border Trade Alliance, Free Trade Commission, and was appointed by Secretary of Interior Bruce Babbitt to the Colorado River Flood Way Task Force.

Hank is a symbol of commitment and dedication to his fellow citizens and community. He has pledged a great share of his life to the service of others and he has surely made El Centro a better place to live. Today, let us honor him for his unwavering contributions. Mr. Hank Kuiper is well deserving and I wish him great happiness in his future endeavors.

HONORING THE CITIZENS ADVICE BUREAU

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. ENGEL. Mr. Speaker, today I rise to praise the Citizens Advice Bureau, an organization started in the Bronx 25 years ago which has helped thousands of people to make a better life.

The CAB is a multiservice organization founded by clergy, community activists, and social workers who were concerned about the rising level of poverty and the massive housing loss the Bronx was suffering. From a single office it has expanded to 20 offices serving an area with a population of 600,000.

It was a pioneer in the consumer protection field, entitlements and advocacy for senior citizens. In its initial years, it worked for affordable housing and tenant protection. In the late 1980's, CAB was one of the first Bronx organizations to implement an AIDS services program. In the 1990's, its transitional housing program and family relocation services enabled more than 1,000 families to stabilize their lives and secure permanent housing. Its eviction prevention program has kept 10,000 families in permanent housing.

The CAB now works to provide immigrants with help and guidance. Every year more than 1,500 young people participate in its early childhood development programs, summer camp, and teen programs.

The Homeless Outreach Team patrols 24 hours a day, 7 days a week in streets, highways, and parks to find and help homeless people. Because of their efforts not a single homeless person has died in the Bronx during the past two winters.

The CAB helps those in need, making the Bronx a better place for people of all ages. It deserves thanks from all of us.

HELPING EMPOWER LOW-INCOME PARENTS [HELP] SCHOLARSHIPS AMENDMENTS OF 1997

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 4, 1997

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like to address the comments made earlier in this debate by the gentleman from California [Mr. MARTINEZ]. I would refer the House to the RECORD on this matter, for the gentleman misquoted my remarks and blatantly mischaracterized by comments which were clearly made in support of competitive schools and free-market economics.

Observations previously expressed by me on the House floor were obviously directed at those Government-owned schools which are absolutely terrified by school choice. Without question, this excludes the majority of education institutions in America today which embrace competition and are competitive. In fact, they compete very well. I would suggest the gentleman visit Colorado and see for himself how charter schools, intradistrict choice, and post-secondary enrollment options have resulted in more opportunities for schoolchildren. Perhaps these kinds of schools exist in his State too.

Mr. Speaker, never have I equated America's public schools with a Communist legacy, as the gentleman from California suggested. In fact, I have never before mentioned both in one speech.

Any comments I have made regarding Government monopolies were plainly an indication that centrally planned economies found in other countries are models of failure. In fact the Communist legacy was a failure because that party's economic policies guaranteed mediocrity. The purpose of this observation was also plainly meant as a warning to avoid allowing our Federal Government to trample on our federalist traditions and restrain competitiveness with respect to educating children.

Quite the contrary, our Government should resist such tendencies of some bureaucracies to limit competition and establish monopolies. That was the clear point of my speech which was properly received by the majority of our colleagues.

It is regrettable that anyone would misinterpret these remarks as anything other than an admonition against Government monopolies and in favor of competitive schools which again constitute the vast majority of American institutions.

I hereby reaffirm my strong support for a thriving public education system. I restate my rejection of increased Federal intrusion in local school settings, and I fully approve of the innovations in public education that are improving education qualify for America's schoolchildren.

Mr. Speaker, we should resent any suggestions to the contrary and regard them as malicious in intent, certainly reckless in use. At these times, we do well to call upon the faculties of statesmanship and honor than invective.

The American people demand full and honest debate by their Representative in Congress, on the topics which matter most. Useful

dialog should be encouraged through intellectual discourse, not suppressed by partisan sniping, as is the effect of the mischaracterizations made by the gentleman from California.

Our devotion, instead should be toward the American children who have a right to expect first-rate learning opportunities. Perhaps today's lesson is one on the difference between statesmanship and imprudence.

FREEDOM OF SPEECH, FREEDOM OF THE PRESS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. FARR. Mr. Speaker, I want to address the House for a time about the sanctity of one of America's most treasured rights: the freedom of speech.

Freedom of speech is central to most every other right that we hold dear in the United States and serves to strengthen the democracy of our great country.

It is unfortunate, then, when actions occur that might be interpreted as contrary to this honored tenet.

Currently there is a dispute between journalists in my district and the new owners of the Monterey County Herald newspapers. All employees of the newspaper were required to reapply for their jobs when the new owners took over the paper. Several of the employees—some of them prize-winning journalists—were not rehired.

This action has left many in the community feeling that the newspaper is acting unfairly toward the reporters and fearing that it will affect the tenor of the news reported. Further there are suspicions that the owners may be engaging in antiunion efforts, casting further pall on the ability of the paper to serve the reading public.

I urge every American—no matter the position they hold in this society of ours—to carefully consider the actions they take when those actions concern the dissemination of public information. Freedom of speech and freedom of the press are much too powerful rights to be lost to squabbles over the union or nonunion status of employees. They are too basic to the structure and fabric of American life to fall victim to bottom line dollar equations.

I know the fired employees and the new owners of the Herald continue to negotiate over this matter. I am hopeful that the two sides can come to a mutually satisfactory arrangement that leaves the journalists reporting, the paper profiting, and the reading public informed.

IN RECOGNITION OF NATIONAL CHEMISTRY WEEK

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. ROEMER. Mr. Speaker, November 2 to 8, 1997 is the 10th celebration of National Chemistry Week. I rise, today, in recognition of the members of the American Chemical Society who are volunteering their time this week to increase the public's understanding about the important role chemistry plays in the success of this Nation and in our everyday lives. Through hands-on activities, chemical demonstration programs, and a variety of other events, kids of all ages will learn and do chemistry.

The feature activity of the week is a national effort to test water hardness in local neighborhoods. Children are receiving copies of a Planet Chemistry activities booklet through their schools that allows them to be part of the national effort. They then go out and get a water sample from their local stream, lake, or well and use the test strip included in the booklet to determine the hardness of the water, and report their results through the ACS site on the Web. The test strips were produced by a company in my district, Environmental Test Systems of Elkhardt, IN. I am proud to tell you that 2.6 million of these strips distributed in 650,000 copies of the booklet allowed this project to get children all over the country involved.

Volunteer chemists and chemical engineers of the ACS St. Joseph Valley Section in my home district also scheduled events, such as panel discussions and hand-on educational demonstrations, to highlight chemistry for their neighbors. Efforts like these are planned in almost every congressional district throughout the Nation.

Our ability to improve the living standards of citizens in America and around the globe depends upon our understanding of sciences like chemistry. Our food, clothing, houses, cars, medicines, defense—all the things we can see, taste, touch, or smell—depend on modern chemistry. Additionally, those involved in the chemistry field represent the type of skilled, high quality workers that are essential to this Nation's competitiveness.

So please join me, and the 152,000 chemists and chemical engineers of the American Chemical Society, in highlighting the fact that every single thing in our lives is in some way a result of chemistry in action.

THE TROPICAL RAINFOREST CONSERVATION ACT OF 1998

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. HAMILTON. Mr. Speaker, today Mr. PORTMAN, Mr. KASICH, and I are introducing, the Tropical Rainforest Conservation Act of 1998. The purpose of this bill is to facilitate the protection of tropical rainforests through debt reduction with developing countries with tropical rainforests.

It is the established policy of the United States to seek the protection of the world's tropical rainforests, which provide a wide range of benefits to humankind. In spite of international assistance programs to conserve forest resources, tropical deforestation continues unabated.

Debt reduction can reduce economic pressures on developing countries and result in increased protection for tropical rainforests. This bill will revitalize U.S. "debt-for-nature" programs, giving priority to countries that have rainforests with the highest level of biodiversity and under the most severe threat.

HONORING WESTCHESTER-PUTNAM AFFIRMATIVE ACTION PROGRAM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. ENGEL. Mr. Speaker, the Westchester-Putnam Affirmative Action Program is a nonprofit, nonpartisan, interracial organization dedicated to providing job training and finding employment in the construction trades for minorities, women, and the economically disadvantaged. It is comprised of representatives of the construction trades, building contractors, minority and women's groups and is celebrating its 25th anniversay as a successful force for bringing minorities, women, and others into the construction trade.

It has placed more than 4,000 such people in construction related jobs throughout Westchester and Putnam Counties. It administers the only federally approved hometown plan to achieve compliance for the Executive order requiring minimum goals for the employment of women and minorities in the bicounty area.

I am proud to say that all of its placements are from among the poor, bringing these people in the mainstream of productivity.

W-PAAP is celebrating by paying tribute to the Joseph T. Jackson Training Center and the man it was named after. The late Joseph T. Jackson was the first black master mechanic in the Nation.

Also being honored are those who helped make W-PAAP a success: the NYS Department of Labor, Westchester County, Con Edison, the contractors and labor unions, and original board members Virginia Monahan, Orial Redd, Napoleon Holmes, and Thomas Green.

The success of W-PAAP is an inspiration to all and I give them my congratulations for all they have accomplished.

TRIBUTE TO NOVATO COUNCILMEMBER ERNEST J. GRAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Ms. WOOLSEY. Mr. Speaker, I rise to day to pay tribute to an outstanding public servant, Mr. Ernest J. Gray. Mr. Gray is retiring as councilmember for the city of Novato after 20 years of outstanding service. I wish I could join his family, friends, and colleagues in celebrating his distinguished career.

Mr. Gray is the city's longest serving councilmember. During his tenure, he served as Novato's mayor for four terms—more often than any other member of the council. Prior to joining the city council, he served on the Novato Planning Commission.

Ernie Gray's devotion to the community is admirable. He has been a member of the Blue Ribbon Task Force on the Homeless, the Highway 101 Corridor Action Committee, the Human rights Commission, and was involved with the Community Development Block Grant. And, he has worked tirelessly to complete the reuse of Hamilton Air Force Base.

Mr. Speaker, it is my great pleasure to pay tribute to Ernie Gray. His service to the residents of Novato will be greatly missed. I wish him the best in his retirement from public office.

INTRODUCTION OF LEGISLATION TO PROHIBIT OSHA FROM USING PENALTY QUOTAS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BALLENGER. Mr. Speaker, over the past 3 years, the Subcommittee on Workforce Protections has held numerous hearings on issues surrounding OSHA, the Occupational Safety and Health Administration. While these hearings have considered a great many issues, time after time we have returned to the fundamental question: What is the purpose of OSHA? Is it to enforce rules that it has issued against supposedly recalcitrant employers? Or is it to promote workplace safety by whatever means that are most effective?

Consider these two quotes, from testimony the Subcommittee on Workforce Protections received from two recent directors of OSHA, one in the Bush administration, the second from the director of OSHA in the first Clinton administration.

> Congress, for years, measured OSHA's effectiveness by the number of inspections completed, the number of serious citations issued, the number of dollar penalties collected, the number of willful violations issued and the number of criminal cases referred to the Justice Department for prosecution. Are these the appropriate measures to determine the effectiveness of this Act? Or should the question be: "Are hazards in the workplace being abated? Are injury rates being reduced?" That really is the crux of the issue: what is the most effective approach to achieving hazard abatement and injury reduction. Again, we are talking about changing long standing, systemic problems with the agency. Because the agency's success was measured for years by its punitive activity, it has become organized accordingly.

(Testimony of Dorothy Strunk, Subcommittee on Workforce Protections, March 8, 1995).

> Many employers have complained that OSHA inspectors care less about worker safety than they do about meeting perceived "quotas" for citations and penalties. While OSHA has never used quotas, it has in the past used citations and penalties as performance measures. I have put a stop to this practice.

(Testimony of Joe Dear, Subcommittee on Workforce Protections, March 8, 1995).

My legislation would simply make the Clinton administration's commitment part of the law. It makes clear that OSHA's purpose is to improve safety and health for employers and employees—not just enforcement.

Why is this legislation necessary if the Clinton administration has already stated it agrees with the policy? First, as the above statement indicates, OSHA's focus on enforcement numbers is long standing and systemic. Saying that the agency will change its personnel policies does not necessarily effectuate real change. Second, despite the Clinton administration's promise to change, the leadership of the agency continues to focus on enforcement measures as the purpose of the agency. Earlier this year, the acting assistant secretary for OSHA told all OSHA offices to increase the number of inspections in 1997, and to increase the number of large penalty cases. Third, putting this provision in the statute will help to assure employers and employees that OSHA's mission is not to collect money for the Federal Government, but to promote safety and health. I view this change as a small step, but in conjunction with other steps I am proposing, helpful to redirecting OSHA away from its focus on enforcement, rather than on safety and health.

CONGRATULATING DOZIER T. ALLEN, JR.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate Calumet Township Trustee, Dozier T. Allen, Jr., on his 30-year anniversary as an elected public official. Dozier will be honored for his years of dedicated service to the communities of northwest Indiana at an anniversary celebration, which will be entitled "Tribute to a Statesman." The event will be held on Thursday evening, November 20, 1997, at the Genesis Convention Center in Gary, IN. Dozier's family and friends, as well as many prominent community leaders, will attend this special event.

A native of Gary, IN, Dozier Allen began his political career in 1967, with his election to the post of Gary City councilman-at-large. With this election, he earned recognition for being the first Gary-born African-American to serve as councilman-at-large, and during his 5 years in this position, Dozier faithfully served several council committees, including Ordinance, Building and Grounds, Public Welfare, Police and Fire, and Housing and Urban Planning. Through his active participation in these committees, Dozier was instrumental in passing many important city ordinances and resolutions. Some such initiatives resulted in securing more money from the State of Indiana for education in Gary, securing Federal assistance for drug rehabilitation initiatives, and the annexation of Calumet Township to Gary.

While still a councilman-at-large, Dozier won the 1971 election for Calumet Township Trustee. Since then, he has been elected to seven consecutive 4-year terms, during which he has hired and managed over 500 employees, and effectively administered over $300 million to assist more than 1.4 million impoverished families. During Dozier's 25-year stewardship, the Township Trustee's office has had an impeccable record. As township trustee, Dozier has also devoted much of his time to serving on several prestigious councils and committees, including: the Indiana Township Association's Metro Committee; the Governor's Indiana Metropolitan Poor Relief Council; the Lake County Welfare Board; the Lake County Mental Health Board; and the Indiana Township Trustee Association, of which he is still a member. During his distinguished political career, Dozier has earned the distinction of being elected to a major executive public office longer than any African-American citizen in the history of Indiana.

Dozier expressed his devotion to public service long before his election to office, however. He first served his country in combat during the Korean war. For his outstanding service in the National Guard, Dozier received a Bronze Star, a United Nations Service Medal, a National Defense Service Medal, a Good Conduct Medal, and an honorable discharge. Upon returning from the war in 1954, Dozier immediately became involved in the Gary young adult branch of the NAACP, and he actively participated in the elections of countless black public officials. In 1960, Dozier was one of the founders of Muigwithania, the first local African-American organization to have an independent impact on electing black public officials. Since that time, he has probably supported more campaigns for Gary citizens to become elected officials than any other person.

Dozier's humanitarian efforts have also positively impacted the community he serves. Over the years, Dozier has served as a board member or officer in countless organizations, always making a serious effort to contribute in a productive manner. In 1972, as a charter board member of the National Association for Sickle Cell Disease, Dozier successfully raised over $18,000 locally. Sensitive and compassionate in the face of human suffering, health and human service initiatives have always been a priority for Dozier. Other successful fundraising efforts in which Dozier participated, including raising over $12,000 for the National Civil Rights Hall of Fame in 1982–83, and over $10,000 for the Poor People Hunger Revival in 1985, which replenished exhausted township funds. In recognition of his outstanding community service efforts, Dozier has received many awards, including: the Serenity House Appreciation Award; the Martin Luther King Jr. Drum Major Award; the Indiana Township Trustees' Association's Distinguished Service Award; the Indiana Department of Mental Health Outstanding Service Award; the American Red Cross Outstanding Service Award; the John F. Kennedy Leadership Award; and the NAACP Humanitarian Award.

Mr. Speaker, I ask you and other distinguished colleagues to join me in commending Dozier T. Allen on his years of outstanding service to the communities of northwest Indiana. The hard work and leadership he has displayed, while positively impacting the lives of many, is truly admirable.

NOTING THE SUCCESS OF NASA'S SEMAA PROJECT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. STOKES. Mr. Speaker, as we approach the 21st century, we are hearing reports that America's students are continuing to perform poorly in math and science. These skills will be critical in the highly technical society to which we are moving. I want to bring to the attention of my colleagues an exciting program that addresses this challenge. The program is enjoying great success in my home district, the 11th Congressional District of Ohio.

In 1993, the National Aeronautics and Space Administration [NASA] Lewis Research Center in Cleveland, OH, joined with Cuyahoga Community College in launching the Science, Engineering, Mathematics and Aerospace Academy [SEMAA]. The program was created to increase the number of under-represented and under-served students interested in science, mathematics, engineering, and technology careers. At the same time, SEMAA focuses on increasing the success rate of these students through innovative activities and programs.

I have had the opportunity of witnessing firsthand the success of this unique initiative. Students are placed in settings where they are allowed to imagine themselves on the surface of Mars, or flying across country in the mobile aeronautics laboratory. The students are not only developing strong math, science, and other technical skills, but they are also developing good leadership and communication skills.

For these reasons, the SEMAA program is being hailed as a great success. When it was first introduced, program heads set as a goal serving 1,000 students each program year. I am pleased to report that in its 4th program year, SEMAA served 1,939 students, nearly double the original goal.

Mr. Speaker, I am grateful that NASA Administrator Dan Goldin supports the SEMAA initiative. In my congressional district, a team of three individuals play critical roles in guaranteeing the program's success. I want to recognize these individuals, each of whom has a strong background in education. The individuals are: Dr. R. Lynn Bondurant, Jr.; Mr. John Hairston; and Dr. Jerry Sue Thornton.

Dr. Bondurant is the education programs officer in the external programs division at NASA Lewis Research Center. In this position, he is responsible for creating and implementing new educational programs, including SEMAA. He also recently completed a mobile aeronautics education laboratory. Prior to his employment at NASA Lewis, Lynn was a junior high school principal and curriculum coordinator. I should also note that Dr. Bondurant was the first education officer at the National Air and Space Museum. He is the recipient of numerous awards including NASA's Exceptional Service and Leadership Medals; and the Challenger Seven Award from the Challenger Center.

Mr. Speaker, Mr. John Hairston serves as director of external programs at NASA Lewis Research Center. His responsibilities include the development and implementation of outreach, educational and informational programs that contribute to scientific literacy and highlight Lewis Research Center's expertise in research and technology. Prior to joining NASA, John spent 27 years with the Cleveland city schools where he now serves as a board member. He, too, has received NASA's Outstanding Leadership and Exceptional Achievement Medals. John is also a member of the Ohio Aerospace Council.

Dr. Jerry Sue Thornton is president of Cuyahoga Community College in Cleveland, OH. Under her leadership, the college serves 60,000 students annually through more than 70 degree programs. She has been instrumental in spearheading the implementation of unique programs to meet the needs of Cleveland students, including the SEMAA project and other technology initiatives. In addition to leading Cuyahoga Community College, Dr. Thornton is a board member of the Greater Cleveland Growth Association, Applied Industrial Technologies, and the Cleveland Foundation, just to name a few. She has also written for several publications, including books, book chapters and professional articles.

Mr. Speaker, I salute Dr. Bondurant, Mr. John Hairston, and Dr. Jerry Sue Thornton for their efforts in ensuring the success of the SEMAA program. On behalf of the students and parents within the 11th Congressional District, I applaud their commitment to educational excellence. In my opinion, the SEMAA project should be duplicated in congressional districts across the United States. It is my hope that this will be one of our goals for the future.

HONORING THE SERVICE OF ALASKA VIETNAM ERA NATIVE VETERANS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce legislation on behalf of numerous Alaska Native veterans who answered the call of their country to serve, fight, and preserve the rights of all citizens of the United States during the Vietnam war. Many of these same Alaska Native veterans continue to serve their country by becoming involved in their communities, and in local and State government. Others continue to serve their country by their enlistment in the Alaska National Guard, a reserve component of the Army.

Alaska Natives, who were in service to their country during the Vietnam war, missed their opportunity to apply for a Native allotment under the Native Allotment Act. Many were in war zones and others had not received their application from the Bureau of Indian Affairs [BIA]. It is my firm belief that our Alaska Native Vietnam veterans merit the same rights as other Alaska Natives under this act. It is morally wrong of our country, of which our Alaska Native veterans are first class citizens, to deny them the basic right afforded to other Alaska Native citizens under this act. This legislation will correct this inequity and give them the opportunity to apply for their allotment under the Native Allotment Act.

I think it is appropriate that I offer this legislation prior to our national observance of Veterans Day, November 11, 1997. My legislation respectivefully requests of this administration not to tarnish the service of our Alaska Vietnam era Native veterans and to grant them the same rights to apply for their Native allotment.

Another provision in this bill would restore land to the Elim Native Corp. By Executive Order 2508, January 3, 1917, President Woodrow Wilson set aside the Norton Bay Reservation "for use of the United States Bureau of Education and the natives of indigenous Alaskan race", including adjacent islands within 3 miles of the coast. This area contained 350,000 acres.

In 1919, Congress mandated that the withdrawal of public lands for use as Indian reservations could only be made by an act of Congress (43 U.S.C. 150, 41 Stat. 34). Congress in 1927 declared that no changes could be made in the boundaries of Executive Order reservations for the use of Indians except by an act of Congress (25 U.S.C. 398d, 44 Stat. 1347). The 1927 act is applicable to Alaska (70 I.D. 166 (1963)). After the 1927 act, President Herbert Hoover issued Executive Order 5207 which revoked approximately 50,000 acres of land from the Norton Bay Reservation for use of homesteading by ex-servicemen of World War I. No ex-servicemen applied for any land within the old Norton Bay Reservation.

When I brought this issue before the 102d Congress, the Secretary of Interior agreed that Elim was entitled to the 50,000 acres. See April 21, 1992, letter from deputy Assistant Secretary for Land and Minerals Management to Chairman MILLER. The administration is ignoring the fact that only Congress can revoke reservation lands. Therefore, it is my lawful belief that Elim Native Corp. is entitled to the 50,000 acres and that the administration should disregard Executive Order 5207 issued by President Hoover and restore the 50,000-acre Elim entitlement.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECETARY,
Washington, DC, April 21, 1992.

Hon. George Miller,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for the Department of the Interior's (the Department's) views on eight proposed amendments to H.R. 3157, the "Alaska Land Status Technical Corrections Act of 1991," a bill which would amend the Alaska Native Claims Settlement Act (ANCSA).

On February 24, 1991, the Department submitted written testimony on H.R. 3157, as introduced. The issues raised in our testimony still are of concern to the Department. This letter sets forth only the Department's concerns with the eight proposed amendments. The proposed amendments will be discussed in the same order and have been given the same headings as those submitted with your letter requesting our views.

RATIFICATION OF LAND TRANSFERS TO CASWELL AND MONTANA CREEK

This proposed amendment involves the Cook Inlet Region, Inc. (CIRI) and the

Caswell and Montana Creek Native Groups, all of whom entered into a settlement agreement in 1982. Pursuant to the settlement, CIRI conveyed approximately 11,000 acres to each group with the understanding that the conveyances satisfied their entitlements under section 12(b) of ANCSA. The Department was not a party to the settlement agreement. The purpose of the proposed amendment is to ratify the transfers and satisfy the Department's ANCSA land transfer obligations to the two groups and CIRI.

The conveyances to Caswell and Montana Creek were made by CIRI from lands received from the State of Alaska under Paragraph II and Appendix C, Part 1.A. (Kashwitna Pool) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area (ratified by Section 12(b) of the Act of January 2, 1976, 43 U.S.C. 1611 n.).

Conveyances from Appendix C are debited from CIRI's entitlement under Section 12(c) of the ANCSA. The Terms and Conditions provided for methods of satisfying entitlements that are somewhat different from the normal procedures, i.e., ordinarily, the United States conveys land directly to groups but, by virtue of special legislation affecting CIRI, land is conveyed to the regional corporation and it then reconveys to village corporations and groups. In order to avoid a double charge for the Caswell/Montana Creek group entitlements, we recommend the following language by adding at the end of the proposed amendment: "The ratification of the conveyances made by CIRI in this section shall not be a basis for or generate a claim by CIRI, or either of the groups named herein, for additional conveyances of land or money or any other thing of value against either the State of Alaska or the United States."

ELIM NATIVE CORPORATION LAND CONVEYANCE

Under this proposed amendment, 50,000 acres of land would be withdrawn, subject to valid existing rights, for selection by the Elim Native Corporation. These lands were excluded in 1929 by Executive Order from the original Elim reserve. Elim was one of five native corporations that elected to take lands set aside in reserve for the benefit of Natives instead of participating in the ANCSA land selection process. Pursuant to its election, Elim received patent to 297,982 acres on September 14, 1979—the lands that were included in the Elim reserve on the date of entitlement under the ANCSA. Elim did not appeal the decision to convey and accepted the patent.

We suggest that proposed amendment tie authority for conveyance of additional acreage to some existing entitlement. Moreover, the proposed amendment presents a problem in that about 11,440 acres of the described lands proposed for conveyance to Elim have been validly selected by the Native village of Koyuk. This would leave only 38,560 acres for Elim instead of the 50,000 they desire. If the proposed amendment is included in H.R. 3157, it should include clear Congressional intent and guidance as to which entity will receive the 11,440 acres, and a proviso that the conveyance is in full satisfaction of Elim's entitlement under Section 19(b) of the ANCSA.

* * * * *

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD ROLDAN,
Deputy Assistant Secretary,
Land and Minerals Management.