

SENATE—Friday, February 28, 1997

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

PRAYER

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

Gracious God, our Father, You have placed within us the desire to seek You, the patience to wait for You, the understanding to know You, and the willingness to do Your will. To turn away from You is to fall; to return to You is to rise again. To trust in You is to abide secure; to do our work with excellence is to glorify You.

Today, increase our comprehension of Your goodness and grace. Make us aware of Your presence, in all things, responsive to Your guidance, and grateful for all Your blessings. Control the thoughts of our minds, the truth and tenor of the words we speak, and the attitudes we communicate.

Bless the Senators and the work that they do this day. Bless them with productivity and progress for Your glory. Through our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in session for a period of morning business. There will be no rollcall votes conducted during today's session, and when the Senate completes its business today, it will convene then, again, on Monday, March 4, with no rollcall votes occurring during Monday's session.

In accordance with the agreement reached last night, on Tuesday, the Senate will vote on Senate Joint Resolution 1, the constitutional amendment for a balanced budget, at 5:15 p.m. I remind my colleagues that there will be rollcall votes conducted throughout next week. We anticipate taking up a couple of nominations, including the nomination to be the U.S. Trade Representative, next week. We will give the exact times that we expect action on that to occur, and the time agreements, when we come in on Monday or Tuesday morning. But the next rollcall vote will be conducted on Tuesday at 5:15. I thank my colleagues for their attention.

I am pleased to see the distinguished Senator from Nebraska here ready to speak. I am looking forward to hearing his remarks.

I yield the floor, Mr. President.

MEASURE PLACED ON THE CALENDAR—S. 378

The PRESIDENT pro tempore. The clerk will read a bill for the second time.

The legislative clerk read as follows: A bill (S. 378) to provide additional funding for the Committee on Governmental Affairs of the Senate.

Mr. LOTT. Mr. President, I object to further consideration of this bill at this time.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate is now in morning business.

The Senator from Nebraska is recognized.

UPGRADING MILITARY HOUSING

Mr. HAGEL. Mr. President, I rise today to address a very important issue for our Nation's men and women in uniform, an issue that you and I have spoken about.

A recent article in the Omaha World Herald detailed problems that Offutt Air Force Base in Nebraska, headquarters for the Strategic Command, is having with the condition of military housing on that base. I would like to read just a few paragraphs from this story. This is a story all too familiar, Mr. President, especially to you as our distinguished leader in the Armed Services Committee. This is a quote from the Omaha World Herald story:

Staff Sgt. Tony Suprenant and his wife, Karen, never thought that life in the United States Air Force meant they would get a palatial estate to call home. But the cramped and drafty townhouse that was offered to them when they arrived at Offutt Air Force Base last year was more of a sacrifice than they were willing to make.

The two-bedroom home was so small that it would not hold the modest amount of furniture they had gathered during their 7 years together on five bases. Offutt officials eventually found a more spacious and recently refurbished three-bedroom home for the couple and their 2-year-old daughter, Emily. Not every family at that base is so lucky.

Many of the 2,600 Offutt families who live in base housing must cope with cramped conditions and an array of maintenance headaches—frozen pipes, leaky basements, difficulty in heating and cooling—that have only increased with time and heavy use.

Sadly, Mr. President, this is a problem that extends across the country and throughout all branches of our military throughout the world. It is a problem that we are not addressing as a nation, as a Congress. This is shame-

ful. Like America's strength, our military strength is its people—the men and women and their families who have committed their lives to protecting the freedoms of this country.

The Pentagon has estimated that they have problems with a majority of its 350,000 military housing units all over the world. In the Omaha World Herald article, Pete Potochney, who works in the Pentagon office overseeing military housing, is quoted as saying:

We would consider a lot of our houses as being unsuitable.

The Pentagon is devoting \$680 million in the 1998 budget proposal to fix these houses. However, at that rate of spending, it will take the Pentagon more than 30 years to fix all of the housing that need fixing.

Mr. President, the men and women who wear the uniform of the United States should not have to wait 30 years for adequate housing for their families. At the rate we are currently making progress, it is a rate that is being made on this issue far too slowly, and most, if not all, of our current military personnel will never live in decent housing at this rate.

The Clinton administration has repeatedly proposed budget cuts and more budget cuts for our Nation's defense and our military. The President's national defense budget request for fiscal year 1998 is \$2.9 billion less in budget authority than the level in the congressional budget resolution and \$3.6 billion less in outlays. Moreover, the President's budget proposes a decrease of 16 percent for military construction in housing for our families.

Military officials estimate they have problems with a majority of our military housing units, and yet the President has suggested reducing the funding for this program by 16 percent. He also proposes a decrease in the military personnel account.

Where is the commitment in this budget to the men and women who wear our Nation's uniform? These men and women may be asked to put their lives on the line at any time, and yet we offer them inadequate housing and pay below the poverty line.

This is wrong, Mr. President. This is very wrong. We are not taking care of our people in the military. If we do not reverse this trend, our national security will suffer.

This is a readiness issue, just as it is a quality-of-life issue. Our troops are being deployed for longer periods of time, with more time away from their families and for more missions. We are asking more and more from our service men and women and their families.

I ask my colleagues to place themselves in the position of a young enlisted person stationed halfway around the globe. How can this young man concentrate on his critically important national defense job if he is worried about his wife having to deal with broken pipes or his children living in a cold, damp home? Our service men and women are often placed in tense situations in charge of multimillion-dollar pieces of highly technical military equipment. We only help to distract them from their duties of national defense if we do not assure them that their families are being taken care of and their families are living in decent housing.

I truly fear the long-term consequences of the lack of attention and funding devoted to maintaining adequate housing for our Nation's military. I fear many bright young men and women will opt not to enter the military when they see the lack of resources devoted to meeting their basic family needs.

The military today is much different than it was when I served nearly 30 years ago. Today, most members of the military are married with families. They all volunteer to serve this country. They volunteer for many reasons. They do not expect to be treated in any special way, but they should have the right to expect decent housing for their families.

Today's military is a high-technology military, Mr. President. It needs to be capable of responding rapidly to a variety of situations throughout the world. We need our best and our brightest young men and women to serve. But we will not attract or retain them if we are unwilling to invest in them and their families.

Mr. President, I intend to be very vocal on this issue. I have already spoken to the distinguished chairman of the Senate Armed Services Committee this morning about this issue. We must begin placing a higher priority in the defense budget on taking care of our people. These are the people who protect America's freedoms. Freedom is not free.

In fact, we need to place a higher priority for total defense spending in the overall budget. In many ways we live in a world today of greater uncertainty and danger than the one we have known for the last 50 years. If we expect our military to respond to all these challenges, if we expect our service men and women to risk their lives defending America, and America's interests, then we must match those expectations with appropriate funding for an acceptable standard of living for them.

The foundation of our military is the men and women who serve. That is the very foundation of our society—our people, our families. Our military is no different. Our military is the guarantor

of American foreign policy and the protector of all our freedoms. Just as a house built on sand will soon crumble, our military might cannot stand strong without committed good men and women.

If we are unwilling to invest in these men and women we will pay a heavy price, a very heavy price, a price far greater than budgetary numbers.

Mr. President, I have written to the distinguished chairman and ranking member of the Armed Services Committee today, as well as our former colleague, the distinguished Defense Secretary, Bill Cohen, on this issue. I intend to be very involved working with my colleagues on this matter.

Let us do the right thing. Let us do the right thing for our people. Let us find ways to fix this problem. We owe it to the men and women who proudly wear the uniform of the U.S. military.

Mr. President, I ask unanimous consent that those letters and the article I mentioned from the Omaha World-Herald be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, February 28, 1997.

HON. WILLIAM COHEN,
Secretary of Defense, the Pentagon,
Washington, DC.

DEAR MR. SECRETARY: America's men and women in uniform need decent housing. I am asking for your firm commitment to make that happen.

In missions around the world, our armed forces protect America's freedom. But at bases across America, these same dedicated people too often must live in substandard housing that is simply unacceptable. I am deeply concerned about the long-term consequences that poor living conditions will have for our ability to maintain a strong, all-volunteer force.

This problem has hit home for me at Offutt Air Force Base in Nebraska, where at least 500 housing units built in the 1950s and 1960s need to be replaced. Far too much base housing has cracked foundations, cramped conditions, leaky basements, heating and cooling problems, and gaps around the windows. The housing problems at Offutt were described in the enclosed Omaha World-Herald article from February 19, 1997.

The administration has talked about the importance of military housing. But, frankly, I am disappointed in the follow-through. While our housing problems are growing worse, the President has proposed a decrease of 16 percent for military construction and family housing. The President's housing request is substantially less—by about \$3 billion—than levels set forth in the budget resolution passed last year. At this rate, it would take 30 years to replace all the substandard housing on our military bases—and after 30 years of wear and tear on houses built today, we would need to start replacing them all over again!

It's time we get ahead of this problem and make a real commitment—in money as well as words—to providing adequate housing for our military personnel. I spoke about this matter today on the Senate floor and am enclosing a copy of my remarks.

I am ready to work with you in this effort. Please let me know what you plan to do and how I can help.

Sincerely,

CHUCK HAGEL,
U.S. Senator.

U.S. SENATE,

Washington, DC, February 28, 1997.

HON. STROM THURMOND,
Chairman, Committee On Armed Services,
Washington, DC.

DEAR MR. CHAIRMAN: America's men and women in uniform need decent housing. I am asking you to make this a top priority for the Armed Services Committee this year.

In missions around the world, our armed forces protect America's freedom. But on bases around the world, these same dedicated people too often must live in substandard housing that is simply unacceptable. I am deeply concerned about the long-term consequences that poor living conditions will have for our ability to maintain a strong, all-volunteer force.

This problem has hit home for me at Offutt Air Force Base in Nebraska, where at least 500 housing units built in the 1950s and 1960s need to be replaced. Far too much base housing has cracked foundations, cramped conditions, leaky basements, heating and cooling problems, and gaps around the windows. The housing problems at Offutt were described in the enclosed Omaha World-Herald article from February 19, 1997.

We need much more than just talk about this subject, but the President's budget request is moving in exactly the wrong direction. While our housing problems are growing worse, the President has proposed a decrease of 16 percent for military construction and family housing. The President's housing request is substantially less—by about \$3 billion—than levels set forth in the budget resolution passed last year. At this rate, it would take 30 years to replace all the substandard housing on our military bases—and after 30 years of wear and tear on houses built today, we would need to start replacing them all over again!

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Sincerely,

CHUCK HAGEL,
U.S. Senator.

U.S. SENATE,

Washington, DC, February 28, 1997.

HON. CARL LEVIN,
Ranking Minority Member, Committee On
Armed Services, Washington, DC.

DEAR SENATOR LEVIN: America's men and women in uniform need decent housing. I am asking you to make this a top priority for the Armed Services Committee this year.

In missions around the world, our armed forces protect America's freedom. But on bases around the world, these same dedicated people too often must live in substandard housing that is simply unacceptable. I am deeply concerned about the long-term consequences that poor living conditions will have for our ability to maintain a strong, all-volunteer force.

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Sincerely,

CHUCK HAGEL,
U.S. Senator.

[From the Omaha World-Herald, Feb. 19, 1997]

OFFUTT FAMILIES STRUGGLE WITH HOUSING
(By Jason Gertzen)

Staff Sgt. Tony Surprenant and his wife, Karen, never thought that life in the Air Force meant they would get a palatial estate to call home. But the cramped and drafty town house that was offered to them when they arrived at Offutt Air Force Base last year was more of a sacrifice than they were willing to make.

The two-bedroom home was so small that it could not hold even the modest amount of furniture they had gathered during their seven years together on five different bases.

Offutt officials eventually found a more spacious and recently refurbished three-bedroom town house for the couple and their 2-year-old daughter, Emily.

Not every family at the base is so lucky.

Many of the 2,600 Offutt families who live in base housing must cope with cramped conditions and an array of maintenance headaches—frozen pipes, leaky basements, difficulty in heating and cooling—that have only increased with time and heavy use.

Base officials say that at least 500 of the units, built in the 1950s and 1960s, should be replaced. They have proposed a \$46 million construction project that would begin in a few years.

Military bases across the nation are managing family housing that offers few modern amenities and is increasingly expensive to maintain. The issue is critical to the military because comfortable and affordable housing is a key benefit in attracting the highest-quality troops to today's all-volunteer military.

Amenities or not the Offutt family housing, which is free, remains in high demand, particularly for lower-paid troops who find it hard to obtain better private housing at prices they can afford. Offutt has more than 400 families on a waiting list for base housing.

"Quite honestly, we are not taking care of our people," said Sen. Chuck Hagel, R-Neb.

Hagel, an Army veteran, former Veterans Administration official and vocal advocate for veterans and service members, decried the lack of attention and money devoted in recent years to improving housing for soldiers and their families. He said he would push for more money during this year's budget debate.

Pentagon officials know they have a problem with the bulk of the 350,000 homes for military families.

"We would consider a lot of our houses as being unsuitable," said Pete Potochney, who works in the Pentagon office that oversees military housing issues.

Replacing or refurbishing all of the houses in need of significant repair or updating would cost at least \$20 billion. Potochney said. At the rate the Pentagon has been addressing the problem—the 1998 budget proposal would devote \$680 million to the initiative—it would take 30 years to fix all of the military family houses in need of work.

A lack of space is a common complaint from Offutt families. The living rooms in some of the units are not big enough for a modest arrangement of a sofa, love seat, coffee table and cabinets for a stereo and television.

Many of the 2,600 town houses for military families at Offutt also have problems ranging from cracked foundations that have made them structurally unsafe to units with little or no insulation, which makes them difficult to heat and often leads to frozen water pipes.

No one is living in a unit that is considered unsafe, Offutt officials said. The handful of buildings in such condition have been razed or are closed and scheduled for demolition.

But the units that are in use lack amenities or have problems that draw a steady stream of complaints.

Residents in the oldest family housing buildings at Offutt, the Wherry area, said they must run heaters all day and night during the winter just to keep temperatures in the high 60s. Many windows are so dilapidated that they fail to block breezes strong enough to steadily blow curtains.

Water frequently seeps into basement storage areas.

The base has tried to improve conditions. At least 100 units have been remodeled and sometimes enlarged. Wooden kitchen cabinets have replaced metal ones, and bathrooms have been updated.

Base officials plan to continue renovating more homes each year.

This is in addition to the \$2.4 million spent each year on an "active and aggressive" maintenance program that addresses the most serious problems said Col. John Mollison, commander of the 55th Support Group.

The units regularly receive fresh coats of paint and other attention that make them as nice as possible without investing the money needed for longer-term improvements said Mollison, who oversees the base's housing complex.

"We fix the things that break," Mollison said. "Everything is cleaned."

The Wherry housing area was built in the 1950s. The Capehart housing area which has 2,000 single-family and multi-plex units about two miles west of the base was built in the 1960s. The units are typical of private homes and apartments built at the time, Mollison said.

"As we have seen houses change over the years, they have tended to get larger and in-

clude more creature comforts," Mollison said.

When residents complain about the housing, Offutt officials plead for patience, saying that the continuing remodeling efforts and the construction plans will improve the homes eventually.

About 40 percent of Offutt's 6,200 families live in the homes that the military provides. The base has dormitories for single military members who live on base.

The remaining military members at Offutt own or rent private housing off the base. These people receive a housing allowance that covers about 80 percent of their rent or mortgage costs and utilities.

Those who live in base housing do not receive a housing allowance, but they pay nothing for rent or utilities. This can mean an extra \$2,000 to \$3,000 in disposable income each year according to a recent military housing study.

The money makes a lot of people willing to cope with cramped conditions and other problems. Finding private housing at prices they can afford can be difficult for lower-paid soldiers and airmen.

Recent studies, including one done for Offutt late last year, indicated a shortage of rental housing in the area, especially for lower-income residents.

Surprenant, who joined the Air Force in 1987, said housing is an important benefit that makes a military career more attractive.

The money saved by living in military housing allows Mrs. Surprenant to stay at home with Emily. "We think parents should stay home with their kids if they can," Surprenant said.

The Surprenants said they also have found that there are more than just financial benefits to living in base housing.

"In a military community, right away you have something in common with your neighbors," Surprenant said.

Mr. HAGEL. Thank you, Mr. President. I yield my time.

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

The PRESIDING OFFICER (Mr. SESSIONS). 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.

A CALL TO THE AMERICAN PEOPLE

Mr. LOTT. Mr. President, I call on the American people to use this weekend and Monday to express their views to the Members of the U.S. Senate on whether or not we should have a balanced budget. The American people can influence the vote that we will take next Tuesday at 5:15 p.m. The American people overwhelmingly support a constitutional amendment for a balanced budget because they know, they understand, without this guarantee, without this leverage, it will not happen. So the decision we make next Tuesday is in the hands of the American people. They need to let their Senators know how they feel. If their Senators have said they will be for it, commend them for it. If they have said

they are going to vote against it, ask them why. Ask them what is the alternative. Ask them, where is the historical proof that a balanced budget will occur without the constitutional amendment.

If a Senator has switched his vote from a year ago or 2 years ago, or if a Senator has switched his vote from what he said he would do in last year's elections, ask them why. How can you do that? How can you, in 6 months, change your mind on so fundamental an issue?

Mr. President, this is a question of honesty. It is a question of truth in Government. We wonder why people are cynical, why they wonder about us, why they question us. This is exhibit A. When you give your word to your constituency in your State during the election campaign that you are going to vote for a constitutional amendment for a balanced budget and then 6 months later you say, "Gee whiz, I have learned something new, it is hard to take." These are not new members to government and politics. These are people with experience at the State level, at the Federal level, in the House of Representatives. What is new?

No, this is a question of basic honesty. But the American people can make that difference. If they will get on the phone, if they will call, if they will write, if they will express themselves, they can make sure that this amendment passes next Tuesday.

The press, the Washington press, is saying it is over, they will not get but 66 votes. The fat lady has not sung. This "ain't" over. It is not over until we take the vote. I would hate to be a Senator who votes next Tuesday against this constitutional amendment for a balanced budget, especially if I had said earlier that I was going to do something else.

I am still working on a couple of angles, too. I have been working with the rules of the Congress for 24 years, and I tell my colleagues you are never going to be absolutely sure what I am going to do. If I can find a way to do what I think is right for the American people, I will do it, and I will be innovative. I have a couple of ideas. Believe me, there are a couple of Senators in this Chamber who are sweating right now. I bet they will not be doing any press conferences this weekend. No. That is an age-old strategy when you are in Congress. If you do not want to talk about something you are fixing to do that your constituents do not agree with, you hide. Press availability is not possible. We need to do this.

Now, the argument is made by the President, "Oh, we should just go ahead and balance the budget." I agree. We should have done it last year. The Congress passed a balanced budget. The President vetoed it, just 1 year ago. Why did we not do it the year before, the year before, or the year before?

Why haven't we done it for 28 years? Who among us believes we will do it in 2 more years or 4 more years?

I am an optimist. I believe in the positive attitude of men like Ronald Reagan—there is a pony in there somewhere. We will find a way to do this job. But I have not seen any evidence of it yet. I have done my dead-level best to calm down the rhetoric and try to be positive and hold out hope and hold out an olive branch to Members of the Congress on both sides of the aisle and between the two Chambers and with the President. I have said we should work together for the American people. We should get this job done, balance the budget.

Mr. President, you have just been reelected. We have a majority in the Congress. The American people want us to do some things for our children and for the future of our country. I have said we can do that. We should do that. The President suggested early on in one of our discussions that we should set up a commission for a particular matter—which I will not talk about now—and I said, "You know, Mr. President, you just got reelected, we just got reelected. That is what we are for. We should do the job."

We don't need a commission. Why do we always have to have this deal where we punt it off to commissions where we can see no evil, hear no evil, speak no evil. They did it, not us. So let's see what we can do, and then maybe we will talk about a commission.

I said, "Mr. President, please, please, show leadership and show some courage in your budget. Show me that we can do it." And then he sent us his budget. We didn't trash it, cuss it, and throw it out into the street and say it's dead on arrival. We weren't, obviously, happy with it. I took over a day before I had much of anything to say. I actually read it and looked at the numbers, and I called him and I said, "Mr. President, this is not what I hoped for. It is political cover." I understand. We have made it clear that we weren't going to go through the exercise we went through last year. He was afraid, maybe, to take political risks in sending up a budget that really would get us where we needed to go. He felt like, well, we will negotiate a real result. But you can't have shell games and remove home health care from one part of Medicare over to the other, and say, gee, I just magically saved \$50 billion. You can't have triggers and lookbacks and optimistic assumptions and shove all the tough decisions off on the next President. Two-thirds of what would be saved would occur after the year 2000. No, it wasn't adequate, and I expressed my concern about it. But I continue to say that, well, okay, I understand how that can happen.

I am prepared to do my dead-level best to work with the Congress and with the American people and the

President to get a balanced budget agreement this year. But I am not going to be a part of a fraud and hold hands with the President, or anybody else, and say, this is it, we got it done, unless it is real. So I think it puts additional pressure on us to have the constitutional amendment. I have been here all these years, in the House and in the Senate, and we have tried. Good men and women have said, yes, we can do this. Jimmy Carter said it; he meant to do it. Ronald Reagan said it; he intended to do it. Congress has said we are going to do it. We had the Gramm-Rudman-Hollings act to force us to do it with a sequestration, but it was a statute. It was only a statute. Guess what happened. One by one, we removed all the hurdles, all the requirements that would have actually gotten us to a balanced budget.

First, we said, oh, gee, we can't have it apply to this or to that program. I remember the negotiations. I was there. We said maybe not this program, maybe not that program. We started off and we only exempted seven programs. Then, one day, it was 21 programs. And in spite of already exempting 21 programs from an across-the-board cut of sequestration, as it was called, we got up to the "lick log" when we were going to actually have the programs cut across the board. Guess what Congress did. Changed the date. They said, oh, gee, we will move it a year.

Congress will always find a way to avoid the tough decisions, unless it is in that revered document, the Constitution. So we have tried laws, we have had good men and women in Congress and in the Presidencies saying we are to go do it, and we have not done it. It is not easy. It takes courage, like I know the Senator from Connecticut has. He would do what we need to do to encourage growth in the economy. He would step up and cast the tough vote to control the growth in spending in some of these programs—all of these programs.

Everybody has to ante up and kick in. But I haven't seen it. I don't like the idea of amending the Constitution. I voted to do it a few times, and probably if I could take back some of those votes, I would do so. But this is not an insignificant thing. This is our children's future. I have a 29-year-old son, a young entrepreneur who is working hard. He employs 55 people. He sells pizzas. Today, I won't give the label of the pizza, but he is what the American dream is all about. He is out there working hard, making money, creating jobs, and paying a lot of taxes. He figured it out recently. He said, "Dad, I am paying over 50 percent of everything I make in taxes." You know, that is terrible. It is terrible. A young, 29-year-old man, whose work hours usually are the toughest between 5 p.m. and 2 o'clock in the morning. He is

having 50 percent of it go to State, local, and Federal Governments.

That is not the American way. I have a 26-year-old daughter, a young professional woman, who works hard and promotes our State of Mississippi, promotes tourism. She does a great job. I am proud of her. But I am saddling that son and daughter with an incredible burden, because I have not been able to help find a way to stop the deficit spending, to control the debt—yes, to reduce the debt of the country, and the \$340 billion in interest on the national debt. Only Social Security exceeds the cost of interest on the national debt. If we don't do something and do it now and do it tough, there will be over another trillion dollars added to the debt by the year 2002.

So I think this is something that is worth amending the Constitution for, because we are talking about the future of the country, the future of our economy, the future of our children and their children. If we don't do it now, who will do it? When will it be done? So we should amend the Constitution to require a balanced budget. And if we don't, the American people will know truly that we are not serious about it when we say we want to balance the budget.

I have gone back and looked at the arguments over the years—even this year—as to why we should not pass a constitutional amendment for a balanced budget. There is no end to the things that have been suggested. Some are absolutely hilarious, and some are purely political. Amendments have said basically that we should not do it until a Republican President submits the balanced budget, or maybe we should say we should not do it until the Democratic President submits the balanced budget. That is ridiculous. Then they said, well, it's because the escape hatch in times of recession or national emergency is too high—three-fifths. We should not have to have 60 votes. Just about everything we do around here takes 60 votes. Just about everything. And if it is easy to get out from under a balanced budget requirement, do you think Congress won't take advantage of that? We are masters. We have done it over and over and over again.

Capital budgeting has been talked about. Oh, they do it in the States. Great. Let us take everything off the budget. Let's take out all the trust funds. I have been an advocate of that on occasion. But it is just a red herring.

Social Security. Oh, that is a good one. We can always rely on Social Security to scare the bejebers out of folks. So that is a great cover. Oh, yes, if we don't find some special way to deal with the Social Security requirement, oh, this would destroy the system. My mother, 83 years old, bless her heart, counts on Social Security. She knows I am not going to do anything to

endanger that for her. I would not do that. If we don't do that, that is what will endanger Social Security.

I could go on. I will speak again next Tuesday to try to help put this thing in a proper perspective from the beginning to the end with a quote from Thomas Jefferson and some modern quotes about why we need to do this and why we should have done it. I wanted to take a few minutes this morning to say to the American people that it is up to them. If they really want this, a way will be found to get one more vote—just one more vote. Is it a Senator from Nevada or South Carolina? Maybe it is a Senator from South Dakota, or maybe even New Jersey. Somewhere, there will be a Senator who will say: This does matter, and I am going to make the difference.

Mr. President, I yield the floor.

Mr. LIEBERMAN addressed the Chair.

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

NOMINATION OF ANTHONY LAKE

Mr. LIEBERMAN. I thank the Chair. Mr. President, I rise this morning to discuss the status of the President's nomination of Anthony Lake—Tony Lake—to be the Director of Central Intelligence.

Mr. President, I read from the New York Times this morning, which reports in its lead story, "Leaders in the Senate demand FBI files on CIA nominee." I quote from the lead paragraph:

Chairman of the Senate Intelligence Committee said today that unless he received all of the FBI files on Anthony Lake, he would not hold confirmation hearings for Mr. Lake.

Later, in that same story, the author says:

It is reported that two senior Republican members of the committee, Senators Lugar and Chafee, said today they would probably vote for Mr. Lake, barring some devastating disclosure at the confirmation hearings.

Senator LUGAR, our distinguished colleague and friend from Indiana, says that he strongly disagrees with the demand for the opening of these files and the delay of the hearing. According to Senator LUGAR, "The whole confirmation process becomes more and more outrageous. People feel it is their duty to engage in character assassination or to cause the nominee's defeat, or to discourage and demoralize them. The FBI files are raw files," Mr. LUGAR said. "They may contain rumor, gossip, hearsay, or innuendo. They may be true, they may be false, they may be scandalously defamatory, but they should not be the basis of evaluating someone's character."

Mr. President, I come to the floor to appeal to the leadership of the Intelligence Committee to move forward with the hearing on March 11 and to treat this nominee fairly, because the

process is becoming unfair. Every time a hurdle is erected for Mr. Lake and he jumps over it, another one seems to be erected in its place. Continuing with the sports analogy, every time Tony Lake moves the ball toward the goal line, the goal line is pushed back. And the process is beginning to look more like a fishing expedition than like a process of congressional evaluation of a Presidential nominee—one who has served his country with distinction over the course of many years—that is fair and proceeding expeditiously and with a sense of due process.

Mr. President, in speaking about Tony Lake's nomination, I think it is important that I share my belief of what our role is when we advise and consent here in this Senate to nominations of the President. I faced this question early in my time here, in 1989, on several occasions regarding the nominations of President Bush. I supported almost all of them. It seemed to me then, as it does now, that our role here is not to substitute ourselves for the President. The President is elected to make these nominations. I decided that the standard I would impose is not whether I would have nominated this individual. That is what Presidents are elected for. The Senate's role is to advise and consent. I think that means the standard we should follow is to determine whether the President's nominee is within the acceptable range for the particular job for which that person is nominated, not whether we would have nominated that person.

Mr. President, on that standard, it seems to me that Tony Lake more than meets the qualifications for being a superb Director of Central Intelligence at a very, very critical time for the intelligence community in the history of our Nation.

As I indicated a few moments ago, Mr. Lake has served our country in various capacities with great honor over many years. He has been a student of government and a teacher of government in universities, and returned to government again to serve for the last 4 years with dignity and, I think, great effect as the National Security Adviser.

What standards do we hold up for this particular nomination? I am pleased to be able to find a good source to rely on. That is an article written by Robert Gates, CIA Director under President Bush, published in the Wall Street Journal on January 29 of this year. Bob Gates held up three standards for judging a nominee for Director of Central Intelligence.

No. 1, is that person recognized as a man of integrity and principle, a man prepared to stand up for what he believes is right?

No. 2, is that person knowledgeable about foreign affairs?

No. 3, does that person have the confidence of the President and know well

the rest of the President's national security team?

On all three counts, Bob Gates, a distinguished public servant with an excellent record of service to our country, found Tony Lake qualified with a lot to spare.

I quote from that article in the Wall Street Journal. First, Bob Gates says, Tony Lake is "broadly recognized as a man of integrity and principle, and as a man with courage to stand up for what he believes is right. This offers reassurance that he will be independent of the White House in which he served and will be directed by a moral grounding most Americans would find admirable."

It is hard to convey this in a few moments on the floor. But I have known Tony Lake for a number of years. And I do not agree with everything he has ever done in his career. But, believe me, this is a person who has always been animated by a desire to do the right thing for his country. And that is why Bob Gates says accurately that Tony Lake " * * * will be directed by a moral grounding most Americans would find admirable."

Second, whether or not one agrees with him on the issues, he is thoroughly knowledgeable about foreign affairs. That is self-evident based on the enormously successful record he has made over the last 4 years sitting at the center of America's foreign policy during a difficult time, and one in which I think most observers agree has seen America remain strong and recognized as not only the one superpower in the world but a superpower that has used its power effectively and ethically and morally.

Third, does he have the confidence of the President? I suppose that is self-evident since the President appointed him. He does. And, of course, he knows the rest of the people that comprise the national security team in this administration. That is important, not just for matters of friendship, but because the intelligence functions should be at the heart of our foreign policy. Because of the personal relations Tony Lake has with the President, the Vice President and others in a foreign policy apparatus of this Government, he will bring intelligence to the center of their deliberations, where it clearly belongs.

I have said that in this process of evaluating Tony Lake's nomination, at every point where a hurdle was established he jumped over it, and then more hurdles were erected. Some of these questions have been fair. The questions about how he handled stock holdings were examined by the appropriate oversight bodies and he was cleared. And I have some personal knowledge on questions about how he handled the shipment of arms from Islamic countries through Croatia to Bosnia because, along with the former majority leader, Senator Dole, and

other distinguished colleagues here, I worked for a long time to lift the arms embargo against the Bosnians.

The question was, did Tony Lake do anything in response to messages from our Ambassador to Croatia indicating that the Croatians were wondering how we would react to shipments of arms across this country to Bosnia? Tony Lake responded that there were no instructions. Some critics have seemed to suggest that there was a point in these deliberations where, although Tony Lake clearly said there were no instructions, somehow his body language conveyed a different message. Now, if we are getting to the point where we are beginning to question the capacity of people to be Directors of Central Intelligence because of their body language, we are heading down a very unusual road.

I think questions about this incident have been well handled. Not only was the no-instructions policy not covert, but it was not an action within the meaning of relevant statute. And, in my personal opinion, because our European allies were taking a position against lifting the arms embargo and letting these poor Bosnians defend themselves, I think Tony Lake's decision to give no instructions successfully resolved a very difficult situation and was the absolutely moral decision to make.

OK, so he jumped those two hurdles. But now, as the process goes on, it seems that every accusation made against the White House, that every question of criticism about foreign policy, is being put on his desk. He is being held up to a standard that is impossible to meet and fundamentally unfair. One day, somebody says, we will have to ask him questions about the administration's policy on Haiti. Another says that we have to check to make sure he had no involvement in any of the political fundraising going on in the White House. He seems to have kept himself very, very far from all of that.

Now, there is the question of the FBI report. Knowing Tony Lake as I do, knowing his desire to cooperate with this Congress, I agree with Senator ROBERT KERREY, the ranking Democrat on the Senate Intelligence Committee, when he says in the newspaper today that Tony will try to work out some agreement by which the members of the Intelligence Committee can see the FBI report. In some substantial sense, I regret that. Senator KERREY has seen the report in full. I asked him for his judgment. I trust him totally. He said that there was nothing he saw in that report which would alter his decision to enthusiastically support Tony Lake's nomination.

So I appeal to the leadership of the Senate Intelligence Committee. The Senator from Alabama, the chairman, is a good friend and an honorable, standup individual.

I understand that some people may oppose this nomination, but, please, go ahead with that hearing on March 11. Let the man have his day. Ask him the tough questions. Then let the matter go to a vote in that committee. Bring it out to the floor. We can debate it out here. Let us vote on it. But let us not subject this fine man, this great public servant, this patriot to a kind of water torture where we keep dripping water on his head and do not treat him with the respect and dignity that he and the agency that he is nominated here by the President of the United States to lead both deserve.

Mr. President, Senator JOHN MCCAIN, distinguished colleague and friend from Arizona, usually a pretty good guide to what is right around here—I say usually because he has a few gaps in logic with regard to the submarine construction program, but I leave those aside for now—sent a letter to all of us on January 29 in which he said:

I support the nomination of Tony Lake to be the next Director of Central Intelligence and will introduce him to the Senate Select Committee on Intelligence when it holds hearings on this issue. I have worked frequently with Tony Lake over the years, and I agree with Bob Gates—

Referring to the earlier article I mentioned—

that he is a knowledgeable man of principle and integrity who can be expected to work well with other members of the President's national security team and with Congress.

End of the quote from the Senator from Arizona, the Honorable JOHN MCCAIN.

Mr. President, let me just add this one word about the intelligence community. I just do not think it is in the interest of the intelligence community or the country to permit Tony Lake's nomination to be unfairly delayed or to get mired in partisan politics. This nomination should be judged on its merits. That is all the nominee, that is all the Commander in Chief, that is all any of us who support him are asking. Delay and political warfare risks doing serious damage not only to Tony Lake's honor and good name but also to an agency that has traditionally enjoyed and still fundamentally and seriously deserves bipartisan support. The CIA and the intelligence community are at a crossroads. They need a principled and strong leader now, and that man is Tony Lake.

Mr. President, at the end of the column he wrote for the Wall Street Journal, Bob Gates summed it up very well, and I quote finally from that article. Bob Gates says:

As the last CIA Director, nominated by a Republican President and confirmed by a Democratic controlled Senate, I strongly believe that hard questions should be asked of Mr. Lake and then he should be confirmed expeditiously with broad bipartisan support. This would be in the best interests of the country and of the intelligence community.

I thank the Chair and I yield the floor.

Mr. BYRD addressed the Chair. The PRESIDING OFFICER (Mr. ROBERTS). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, first I wish to thank the distinguished Senator, Mr. CRAIG THOMAS, for his consideration in allowing me to go ahead of him. He has been patiently waiting in the Chamber to be recognized, but he has generously acceded to my request that I be permitted to proceed in that I have an important appointment to meet. I will be very brief.

WAIVING DIPLOMATIC IMMUNITY

Mr. BYRD. Mr. President, I commend the President of the Republic of Georgia, Mr. Eduard Shevardnadze, for the unusual but very appropriate action that he has recently taken regarding the actions of one of his nation's diplomats in Washington.

As has been widely reported, President Shevardnadze broke with longstanding international precedent and waived diplomatic immunity from prosecution in the case of a Georgian diplomat who was arrested for a particularly outrageous incident of drunken driving, resulting in a high-speed crash and the death of a 16-year-old girl.

Diplomats have a special responsibility for representing their countries in all manner of civil societies and all manner of governmental regimes. To prevent their being subject to harassment, punishment or other actions which would interfere with their representational functions, immunity from prosecution has been a time-honored protection.

Now, we have to think of our own diplomats, those who represent the American Government who are abroad in countries that do not have the due process principles for which our country is noted and working under the Constitution which we have and which protects citizens.

Mr. President, somebody ought to call attention to this, and it just seems to me that more of us ought to take notice when something like this happens. And we should not only speak out against the heinous crime that was committed but also we should compliment the head of the foreign government that exercises and demonstrates high purpose and responsibility in a situation such as this.

However, diplomats also have a special responsibility for exemplary personal behavior, given their favored status. The tradition of immunity is not a license to behave in any but the most commendable manner. Immunity was not designed to protect loose living, risk taking or unlawful activities. Therefore, the action by President Shevardnadze in removing diplomatic immunity so that his diplomatic representative can stand trial for his out-

rageous behavior does not erode the traditional protection of diplomats but, rather, reinforces the need for diplomats to act properly and lawfully.

I hope our own diplomats abroad would act properly and lawfully. I could not condone any action that was not proper and lawful, and our government should not condone it on the part of our own diplomats.

President Shevardnadze is a highly respected leader in a very difficult part of the world. The Caucasian states of the Caspian region have been subjected to continuous, sometimes very heavy-handed pressure from the former Russian overlords who resent their independent, sovereign status as new nation-states. Georgia, Azerbaijan, and Armenia all fall into this category. The leaders of these nations have upheld their independence under great pressure. We have to commend them for demonstrating that kind of courage. They have good independent judgment, and they deserve the support of the United States. The action of waiving immunity in this flagrant, flagrant case that I have referred to is a good example of the sound independent judgment of President Shevardnadze, and I highly commend him and am proud to stand on the floor of the Senate today to recognize the wisdom he has shown and the courage he has demonstrated.

Mr. President, I thank my friend, Senator THOMAS, again, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Wyoming is recognized to speak for up to 30 minutes.

THE MEDICARE PAYMENT EQUITY ACT

Mr. THOMAS. Mr. President, I will not, myself, use 30 minutes.

I rise today to talk about a bill we introduced this week, introduced the day before yesterday, along with several of my friends from rural areas, including the Presiding Officer and Mr. GRAMS, who joins me, the Senator from Minnesota. We will talk a little bit about the Medicare Payment Equity Act.

I come from a place called Wapiti, WY. It is actually a post office between Cody and Yellowstone Park. This is a rural area. So, the unique problems of rural medicine are near and dear to my heart.

We have in the Senate what is called a rural health caucus which, actually, 77 Senators have shown an interest in. I do recall the rural health group in the House, as well, which was very active and, as a matter of fact, the Senator from Kansas, now presiding, was co-chairman of that group.

So, we have a bill that deals with rural health care. And there are unique problems in rural health care. Other sponsors include Senator BURNS from

Montana, Senator GRASSLEY from Iowa, and Senator KEMPTHORNE from Idaho.

Basically, it is a question of fairness. All Americans pay the same rate into the payroll tax for Medicare, and I believe, as I think all would believe that each, then, deserves the same kind of health care and the same kind of health care choices, the same kinds of services for having paid that. But that is not the case. The payments for Medicare, managed care within Medicare, are greatly different throughout the country. They are greatly different largely because they were put into place, as a matter of history, as a matter of utilization in the fee-for-service area. So they vary a great deal.

This chart will give some idea of what they are. Remember, each of these folks who receives these benefits has paid in similarly. However, the payments for managed care in Medicare, in Arthur, NE, are \$221 a month. On the other hand, in Richmond County, NY, \$767 a month. You can see the changes that exist here, and they are basically the highly utilized areas, the Floridas, the New Yorks and others who, in history of payments, have had high utilization so have a history of higher payments. The costs are not necessarily the same, but they are not that much different. What has happened is these risk contracts have basically been set on history and give enough additional services to take up that additional dollar. Not only do they get more money but they get more services.

Here, in Blue Earth County, MN, the yearly payment is \$600. Portland, OR, had \$500; the beneficiary has to pay additional money, as is shown in the yellow. However, in Dade County, in Florida, the payment is \$8,200 dollars a year. Not only do they get the additional payment, they have unlimited prescription drugs, a \$700 credit for hearing aids, and have a great deal of additional benefits. Remember, all of them pay the same into the program. So what we have is a bill that would, over time, tend to equalize or at least levelize these kinds of payments.

There are cost differences. The costs in New York City for rent and other kinds of things are higher than they are in Greybull, WY. We are willing to take that into account. However, expertise, medicines, and other kinds of things are just as valuable in Kansas as they are in Florida.

So, what we propose to do and what this bill does is, rather than to continue this kind of reimbursement that is so out of place, it would gradually bring into account not only the costs that differentiate, but also a national average, intending to level these out. We do not propose to reduce the costs that are in place in the higher levels but we do propose to lift the increases, bring the increases up in the bottom

levels so Wyoming providers will have an opportunity to compete, to provide these kinds of care.

The other effect, in addition to not getting the kinds of services that are available through this inequity, is that users, seniors in Medicare who would like to have the option of managed care, really do not have it in rural areas because it has not come, due to the payments. For example, where is there growth in managed care and Medicare? Only 3.6 percent in rural areas have an opportunity for this. On the other hand, it is over 70 percent where the benefits are high, in the larger areas.

So, our proposal is to equalize, at least move to equalize these payments, to move to equalize these benefits to reflect the fact that everyone pays the same and that there ought to be some equity with respect to the benefits that are provided. It is a fairness bill. It is one we have talked about before and, indeed, was part of the omnibus bill last year which was vetoed by the President.

So we come back with it singled out to show that there is a problem, there is an inequity, there is an unfairness between rural and more populated areas. This bill, the Rural Medicare Payment Equity Act, will move to remove that inequity from Medicare and managed Medicare to all seniors of this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I am also pleased to be here this morning and to join with my colleagues in introducing the Medicare Payment Equity Act, as the Senator from Wyoming has just outlined. The passage of this legislation, I believe, is critical in righting the wrongs in the Medicare system against States like Minnesota, Kansas, Wyoming, and some of the other more rural States in the country.

There are three points I would like to emphasize, just to add to what the Senator from Wyoming has already said. First, again, to reiterate, the Medicare reimbursement formula is just plain unfair. While every American pays the same payroll tax to the Medicare trust fund, Minnesotans find themselves with the second-lowest reimbursement rates in the Nation. By the way, every county in Minnesota falls below the national average in the terms of Medicare reimbursement.

Second, the Medicare reimbursement formula discourages quality health care. My State of Minnesota has been consistently recognized throughout the Nation as one of the most innovative, one of the most efficient and cost-conscious States in the terms of health care. Yet these very same qualities, the traits which should be encouraged, not discouraged, have skewed the Medicare formula against our providers and also against our beneficiaries.

Finally, the Medicare reimbursement formula discriminates against senior citizens who live in rural areas of America. These older Americans already face fewer health care options than those who live in urban centers. That is due to the lower reimbursement rates received by health plans. However, there is no incentive for them to offer managed care services. So that means fewer choices for the senior citizens who are living in rural parts of the United States.

So, Mr. President, the system needs to be changed and that is exactly what our legislation does. By making fundamental corrections to the Medicare reimbursement formula, this bill will restore equity, it will help to expand access, and will also help to ensure a greater array of health care choices to beneficiaries in States like Minnesota as well as across rural America. It will change the system, and I am very proud to join my colleagues in introducing this very important piece of legislation.

Again, I am pleased to be here to join my colleagues again in reintroducing and supporting the Medicare Payment Equity Act.

I yield the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today, as was indicated by my colleagues, Senator THOMAS and Senator GRAMS, to speak to the Medicare Payment Equity Act of 1997. Like my colleagues have indicated, this legislation will hopefully end the longstanding unfairness that denies the Medicare beneficiary in rural counties the same services and benefits that their urban peers receive. As has been indicated by both of my colleagues, all Americans, whether they live in the city or whether they live in the country, pay the same 2.9 percent of payroll to the Medicare trust fund all during their working lives. All Americans who choose Medicare part B pay the same monthly premium, but that is where the similarities stop.

Based on the geographic area where seniors choose to retire, they receive vastly different choices and benefits. Seniors living in New York City or in Miami, as has been indicated by my colleagues, are offered more options to the Medicare system than almost all of Kansas' 400,000 seniors who rely on Medicare. Many of these plans have no additional premiums, and they may include extra benefits, such as prescrip-

tion drug coverage or hearing aids or eyeglasses, just to name a few.

Let me demonstrate what I am talking about. When a Kansas senior citizen visits a relative in Miami or New York or Phoenix or some other metropolitan area and talks to his brother, his cousin or any relative and learns that they receive, under their managed care plan under Medicare, free eyeglasses, free prescription drugs, even exercise lessons, of course, then that senior citizen goes back to Kansas or Wyoming or Minnesota, or any other rural area, and they do not have that opportunity. Yet, they pay the same amount.

Why does this happen? The difference is really due to the payment formula used to finance the managed care plans under Medicare. I am going to quarrel a little bit with the description of managed care. I know that has a connotation in some areas, quite frankly, as rationing health care. I know that is harsh. Why don't we use the term "physician service network"? The acronym—everything has to have an acronym in Washington—is PSN. It allows the local hospitals, local doctors, local administrators and the boards to join together, which they are already doing, and offer, yes, a managed care plan, but it is a physician service network.

We have something like that in Kansas in Salina where about 13 hospitals have joined together under something called "the sunflower network." We hope and we think that if we can offer that option to our seniors, we can hold the Medicare costs down, but we can bring them better delivery. It is a voluntary plan, it is not mandatory, and certainly we think that is part of the overall Medicare reform plan.

Basically, under the current system, Medicare rewards any beneficiaries who live in an inefficient medical market and punishes those who participate in health plans that operate in efficient markets.

Medicare pays these health plans a capitation payment based on regional fee-for-service costs. This payment is known as the adjusted average per capita costs—here is another acronym—AAPCC rate. That is extremely important in regards to the health care field.

The variation in the AAPCC rate is extreme. As has been indicated by my colleagues, for example, the AAPCC rate in Richmond, NY, is \$767 per Medicare beneficiary, while the AAPCC rate for my constituents in Republic County, KS—Belleville is the county seat—there it is only \$265. This county is almost the lowest paid county in the United States. In fact, 93 percent of all counties in Kansas are at or below the national average of \$467.

Clearly, there are cost factors that account for some of this difference, but as Senator THOMAS has pointed out, a difference of over \$500 is simply

unexplainable. This legislation really does address this issue by creating a new payment formula for managed care plans. Specifically, our bill establishes a minimum payment for rural counties of 80 percent of the national input price adjusted capitation rate. This will ensure all payments, even those in rural counties, will cover the comprehensive benefits.

This legislation also includes an aggressive blend of national and local rates that will raise the lower payment areas closer to the average, while taking into account actual input cost differences that exist from one region to another. This rate, which is based on an average of 3 years of past data, will smooth the payments and reduce all of the volatility price differences. It is a transition.

Finally, this legislation excludes the disproportionate share of payments and graduate medical education funds from the calculations of the formula.

Mr. President, this inequity must stop. Until we end this inequity, Medicare beneficiaries will not have the choices they deserve. We will not control the Medicare costs that in some areas are out of control. Hospitals and doctors will not have the tools they need to compete in today's physician service network markets, and Medicare will continue to overpay health plans in inefficient markets.

I want to add one other thing, lest people misunderstand. This is not an either/or choice. Senator THOMAS, Senator GRAMS, myself, and Senator BURNS are not trying to take away anything from Dade County, FL, or New York or any other urban area. Under our formula, the premiums will increase by 2 percent. That is not the idea here. We are merely trying to equalize this on a transition basis.

I urge my colleagues to join us in support of the Medicare Payment Equity Act. That is precisely what it is.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS. 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. GORTON. 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. GORTON. Mr. President, is the Senate under any time rules?

The PRESIDING OFFICER. We are in morning business, with 5 minutes per Senator.

Mr. GORTON. I ask unanimous consent I might be permitted to speak for up to 10 minutes.

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

BALANCED BUDGET AMENDMENT

Mr. GORTON. Mr. President, the long and often thoughtful debate over the balanced budget amendment is now drawing to a close. It is also apparently drawing to a regrettable unsuccessful end unless a sudden flash of enlightenment takes over the minds and hearts of one or more of the opponents to this amendment.

Nevertheless, I believe it appropriate for every Member of this body to state his or her reasons for support or for opposition to the amendment. While I have done so in part, at least in the past, I should like to share with my colleagues some of my thoughts on the subject.

Mr. President, from my perspective, perhaps the single most important reason for voting in favor of this constitutional amendment, for including a requirement making it considerably more difficult to spend money that we do not have, is a moral or ethical one.

Mr. President, we living today, representing the people of our States today, simply do not have the right to spend money to undertake obligations which we collectively are unwilling to pay for, thereby consuming whatever goods or services Government provides to us today and sending the bills to our children and to our grandchildren. Mr. President, that is simply the wrong thing to do. We should not engage in that practice at all, and it is a simple disgrace that we have now engaged in it in each and every year for almost three decades.

Now, I am aware of, and I subscribe to, the positive economic impacts of balancing our budget. It is clear to me, as it is to most, that it will mean lower interest rates which, in turn, make it easier for young people—for all of our people—to purchase a home, an automobile, a college or university education. At the same time, a balanced budget provides more economic growth and, thus, greater opportunities, again, for all of us, but particularly for generations just moving into the work force. These are important arguments. These are goals that we all ought to see. But I believe that the balanced budget amendment would be imperative even if we were not able to prove in our own minds the economic benefits of the amendment. For the reasons that I have just stated, it is wrong for us to spend the debt and to send the bills to those who are not represented here, who, Mr. President, in most cases, have not yet been born.

In this long and leisurely and thoughtful debate, we have been given dozens of reasons not to pass the amendment. Dozens of scarecrows have been raised: We can't respond to a military emergency that does not involve a declaration of war. We can't respond to a physical disaster. We can't build our infrastructure. Social Security, or some other program, may be hurt by a

balanced budget constitutional amendment.

Mr. President, first, as someone interested in the history of our country, I am reminded by the recitation of these objections to nothing so much as the case against adopting the Constitution in the first place in 1787 and 1788. These arguments stem, just as did those arguments more than two centuries ago, from a fear of the unknown. But, Mr. President, those fears must be weighed against the actual, tangible history of the last half century. And that actual, tangible history shows us that, regrettably, we do not, without some constitutional constraints, balance our budget. In fact, in my mind, each one of those threats is more likely to become reality if we don't balance the budget than if we do.

A balanced budget will provide a far stronger economy for the support of Social Security, a far stronger framework for the building of our infrastructure, and a far stronger structure within which we can provide for the education for our young people than does the present system, which threatens all of these things by the accumulated burden of the debt, added to each year by the amount of its annual deficit. So the very threats that are causing Members to vote against this constitutional amendment are more likely to come true if they are successful than if they are not.

Mr. President, this may well be the most important single vote that we cast during the course of this Congress. It is our duty, whether the constitutional amendment passes or not, to produce for the people of this country, for our colleagues, a budget which is balanced in fact. And it is clearly possible—though history gives very little cause for optimism—that we may do so in the absence of this amendment. At least this debate has led to lipservice on the part of the President of the United States and almost every Member of this Congress to the proposition that we should do so. But to see to it that not only we do so, but that our successors do so, that we break the mold of the history of the last decades, the passage of this amendment is absolutely essential.

I am pleased that all of my colleagues on this side of the aisle plan to vote in favor of the constitutional amendment. I hope that a sudden flash of enlightenment on the other side of the aisle will help us to get the necessary 67 votes.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 15 minutes.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. REID. Mr. President, I rise today, as I have in months gone by, to

talk about some of the good things that are happening in Government. We tend to dwell—because of the negative perception that the press throws on almost everything that is done here in Washington—on things that the Government is involved in that are not good. There are things we do that are good, however, and I want to talk about some of those things. I want to do this, Mr. President, in an effort to stem the tide of negativity that has engulfed the perception many Americans have about their Government. Strident skepticism about our Government seems to rule the day. I worry about the harm it will do to our country in the long term.

A recent survey of 1,000 registered voters found that about 63 percent of them did not want their children to be President. This is in stark contrast to what it was 10 years ago, 20 years ago, 30 years ago. If this is the case, where will we find the leaders for future generations?

There are, in fact, as I have already indicated, many Government efforts and agencies that serve this country well. Last summer I spoke on this floor about the National Park Service, which began in the early part of this century as an idea of President Theodore Roosevelt. The National Park Service has worked to preserve and protect the remarkable lands that we call our national parks.

Since Congress established the National Park Service, this agency has cared for these natural wonders. Today, about 80 years after the National Park Service was formed, 270 million people will visit our National Park System.

I am very proud that the most heavily visited entity in our entire National Park System is in Nevada. The Lake Mead recreational area has over 10 million visitors every year. Because of the hard work of the Park Service, these national treasures will be available for all Americans to enjoy for generations to come.

Another worthwhile Federal agency about which I have spoken is the Consumer Product Safety Commission. This is a very small agency, but very effective agency, and it has jurisdiction over more than 15,000 different products. It maintains a constant vigil to seek out and eliminate harm to the American consumer. For example, after a baby's death resulting from a faulty playpen right here in the District of Columbia, the Consumer Product Safety Commission responded quickly by removing these playpens from stores and issued a nationwide alert to all consumers.

The Consumer Product Safety Commission most recently made news by recalling popular fleece clothing because it was found to be dangerously flammable. At one time, we had a similar problem with children's pajamas

catching on fire. Because of the Consumer Product Safety Commission, we now have flame-retardant pajamas for our children.

From investigating reports about unsafe products to protecting our children from lead poisoning on playgrounds, the Consumer Product Safety Commission has proven, in my opinion, to be an indispensable and beneficial Government agency.

Every summer wildfires sweep the Western part of the United States. About 25,000 brave men and women fight those fires. These self-sacrificing and hard-working firefighters are coordinated through the National Inter-agency Fire Center, which is a joint project of the Forest Service and the Bureau of Land Management. These people put their lives on the line. Hundreds of these men and women parachute out of the back of airplanes with backpacks weighing almost 100 pounds. We have hundreds more who propel off helicopters into harm's way in order to save life, property, and our great natural resources.

We should be proud of this work done by the Federal Government. When wild fires race across our forests and fields, and the flames threaten our communities, these brave firefighters risk their lives to keep us safe.

Today, I want to take the time to recognize the good work of another Government Agency that takes care of us when we suffer calamities. That is the Federal Emergency Management Agency, or FEMA. Mr. President, when I was in the other body, one of the committees I served on had jurisdiction over authorizing what FEMA did. In those days, more than a decade ago, FEMA got a lot of bad publicity. They have made remarkable improvements. This organization is one of the best examples of how Government truly works for Americans.

In late December and early January, northern Nevada experienced the worst floods in the history of our State. We do not have many rivers in Nevada, but three tiny rivers in northern Nevada—the Truckee, Carson, and Walker Rivers—became raging torrents, washing away people, animals, and property. While most of America was enjoying the New Year's holiday, we in Nevada were besieged by the "Flood of 1997," as were a number of other Western States. When northern Nevadans were confronted with this devastating damage, the Federal Emergency Management Agency quickly responded to the short-term and long-term needs of residents and businesses. With FEMA's help, Nevada is not only rebuilding, but we are well on the road to recovery.

FEMA has been tremendous. They called on their reserves and utilized their experts to assist with our devastating farm losses. They were even able to bring in people that could deal with the losses we had to tourism.

FEMA is an agency that is used to handling water damage. About 80 percent of the emergencies they deal with in the United States deal with water damage and floods. They are truly experts at this.

FEMA was established as an independent agency in 1979 when its original purpose was to deal with nuclear attack. That is no longer the case. While the Agency once operated within a narrow mandate, it has since been expanded to handle disasters generally.

Mr. President, this is an agency that recognizes that people who are hit by floods, hurricanes, earthquakes, and other national disasters are Republicans, Democrats, and independents. This is an agency that must act on a bipartisan basis. And I think they have done a good job of doing that.

Due to the present Director, James Lee Witt, who visited Nevada during the flood disaster, FEMA has become an example of good government. For example, in an effort to streamline and reduce costs, FEMA has closed a number of field offices and has drafted a plan to reduce its internal regulations, which we all dislike, by more than 50 percent. It has become a cost-effective agency which has developed an innovative, customer-oriented approach to government. Most notably, from the very first sign of disaster, FEMA works in partnership with State and local governments, as well as businesses and private agencies. I can testify to this, as it is precisely what happened in Nevada. FEMA does not act like some type of monolithic big brother trying to supersede all local efforts. Everything they do is in partnership with local government. They also deal with business concerns. When the New Year's flood struck, FEMA was on the ground within hours to begin the coordination of relief efforts in Nevada. In conjunction with local officials, FEMA conducted preliminary damage assessments. They did not do it on their own. They did it with local officials. Based on FEMA's initial findings, the President declared 6 of our 17 counties disaster areas, and one major city in Nevada as a disaster area. After the declaration, FEMA began some more good work coordinating numerous assistance efforts in the State.

In a disaster, FEMA becomes the central point of contact for a wide range of emergency responses, including planning, mitigation, and recovery. Aid offered by the Agency ranges from low-interest loans, even cash grants, to advice on how to mitigate damage from future disasters.

FEMA's basic disaster recovery assistance falls into three main categories. No. 1 is human services, or individual assistance, which provides aid to individuals, family, and business owners. No. 2 is infrastructure and public assistance, which helps State and local governments pay for emergency

services and repair damages to facilities such as roads, bridges, buildings, and utilities.

During the flood, when it was still raging, I went into an area outside of our capital, Carson City, to meet with county commissioners. One of the big problems we had with the Carson River, which is a wild river with no dams, was with a levy that had been washed away. This levy had been there for as long as anyone could remember, but no one claimed ownership of it. It did not belong to the county. It did not belong to the State. The farmers did not claim it, and neither did the Indians. It was essential, however, that levy be reconstructed. So the county said, "We will take responsibility." As soon as they did that, FEMA was there to begin work on how to reconstruct the levy, which is so essential to prevent damage from Nevada's spring thaws.

The third disaster assistance category is hazard mitigation assistance, which provides funding for reducing future losses in disaster areas. We have an area along the Truckee River where FEMA is considering buying all of the land. It is likely that this area will suffer another flood, so why should we continue to put those residents in harms way? The homes should not have been built there, and FEMA's efforts to buy this land is a fundamental part of hazard mitigation assistance.

Additionally, one of the first things FEMA does in an afflicted community is activate what they call the National Teleregistration Center. This sounds like a fancy name, but it is basically a telephone bank which begins taking applications for assistance within hours of the President's declaration. In Nevada, we have had over 3,000 people register for assistance by using this telephone number. Moreover, as of just a few days ago, FEMA had issued millions of dollars in housing checks to Nevadans; approved nearly a half a million dollars in individual and family grants in Nevada; obligated almost \$5 million in public assistance grants to repair and restore Nevada public facilities; and issued \$15,000 in disaster unemployment assistance to Nevada residents left jobless.

One reason FEMA works so well in a partnership with local governments is because, when there is a disaster, they do not come in and say we are going to take care of everything. The reason cooperation is coming from State and local governments is because they are required to come up with 25 percent of the costs of these repairs.

Amidst all the chaos of this devastating flood, FEMA was a source of hope, assistance, and relief. In time of disaster, when communities are reeling from devastation caused by nature or humans, it is vital that an emergency management infrastructure is ready to respond immediately. FEMA works in

cooperation with States and nonprofits to pick up where their efforts left off. This efficient Federal Agency also works to cover what residents' insurance does not.

Since the potential for flooding in some areas is still extreme, FEMA's efforts in hazard mitigation planning are invaluable. I have already talked about an example of that. The Carson and Walker Rivers are threatening to flood again, and the problem will not be gone until the snow has melted. The flood of 1997 washed away levees, choked river channels, and saturated soils. These conditions make the area ripe for more flooding. FEMA will be there to help if this untoward situation takes place. Because of strong leadership and a willingness to make necessary reforms, FEMA has become an indispensable Government agency for millions of Americans who have suffered these terrible losses. In a 1994 survey, over 80 percent of natural disaster victims approved of the way FEMA did its work. This is clearly, Mr. President, government working for us. The Director, James Lee Witt, should be very proud of this Agency. I know I am.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from New Jersey.

Mr. TORRICELLI. I ask unanimous consent to address the Senate for 10 minutes.

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

THE WAR AGAINST ILLEGAL DRUGS

Mr. TORRICELLI. Mr. President, before this day is ended, the administration must decide whether or not to certify Mexico as an ally in the war against illegal drugs.

Having served in the House of Representatives as chairman of the Western Hemisphere Committee for some years, and representing the State of New Jersey, which, among other centers of urban and suburban life in our country, has been plagued by narcotics, I feel a need and a responsibility to address the administration on this issue before it makes its final judgment because I believe, based on the actions of the Government of Mexico in the last year, the choice, though difficult, is very clear. The simple fact is that no country anywhere on the globe now poses a more immediate threat to our actions in curtailing the spread of narcotics than Mexico. Indeed, the administrator of the DEA has said, and I quote, "Mexicans are now the single most powerful drug trafficking operation in the world."

The State Department's 1996 World Narcotics Control Strategy Report outlines the threat that Mexico now represents. It cites Mexico as the principal transit route for cocaine entering the

United States and a major source for heroin and marijuana. Indeed, Mr. President, it has been suggested that with the success of American operations in the Caribbean and the Bahamas, fully two-thirds of cocaine now entering the United States is being routed through Mexico. As we have succeeded in the Caribbean and the Bahamas pound for pound, dollar for dollar, Mexico has been available to compensate the drug cartels. The State Department's 1996 report further concludes, "Mexico is the most important money laundering center in the Western Hemisphere."

There is no escaping the fact that Mexican cartels now are bribing whomever can be bribed and killing those who resist. In recent months, eight Mexican prosecutors and law enforcement personnel have been murdered in Tijuana, all this since certifying last year that Mexico was assisting United States Government operations. In the last year, Mexico has failed to capture or extradite a single high-ranking member of any drug cartel. There are now 52 outstanding United States extradition requests for drug dealers, and Mexico has not complied with a single one of those extradition requests. Indeed, Mr. President, there is no record of any Mexican national ever being extradited to the United States on a narcotics charge.

There has been considerable hope since certification last year that the use of the Mexican Armed Forces would represent a change. If, indeed, the narcotics strategy of Mexico included not simply law enforcement personnel who might have been compromised but Mexico represented and recognized that this was a matter of their own national security and involved their armed forces, that there might be a change. But the record is now clear. There has not been a change. The announcement of only last week that General Gutierrez, a 42-year veteran of the armed forces, had accepted bribes from the Carrillo Fuentes cartel makes clear that the entry of the Mexican Armed Forces is not only insufficient but inadequate and, indeed, potentially counterproductive.

Changes in Mexican law lead us to the same conclusion. Last year the Mexican Parliament passed criminal money laundering laws, but they are both incomplete and completely not implemented. These laws at a minimum do not require banks to report large and suspicious currency transactions. Unfortunately, the Mexican Government, having not implemented its antinarcotics strategy, having now recognized that the entry of the armed forces is inadequate or counterproductive and taking no actions against laundering with the banks, it therefore, in my judgment, can be concluded that Mexico has not taken the certification process seriously. Previous certifications have brought no

new cooperation, and now we must reach a different judgment.

Indeed, Mr. President, in light of the evidence of the corruption of law enforcement personnel, new evidence of corruption of the armed forces, the failure to comply with American requests for extradition, the failure to enforce their own laws on money laundering, the United States Government should be answering the following question: What else would Mexico have to do to be denied certification? Having failed on almost any level of analysis, what else could they do? Here is what we see.

The United States today will also readdress the question of whether or not Colombia should be recertified. It is an arguable question. In the last year, since we denied certification, the Colombian military genuinely seems to have at least undergone some change. They have mobilized 5,000 troops and through the use of joint military and law enforcement operations destroyed laboratories producing 1½ tons of cocaine per day. They have issued 3,000 arrest warrants on drug charges and removed 450 million dollars' worth of cocaine from the production pipeline.

The administration may or may not, on their own evidence, recertify Colombia. But the Colombian experience gives evidence that, while it is difficult to take action against a friendly government, people in Colombia or Mexico that we respect, it is successful. Our decertification of Colombia produced results. It is a question the administration must address before deciding on their actions about Mexico today.

The President is faced with three possibilities in deciding whether to certify Mexico in the drug war. He can certify that Mexico is fully cooperating with the United States Government actions. That would be false on its face. There is no evidence to support a conclusion that Mexico is being cooperative. Indeed, it would make the entire certification process lose all credibility. No nation involved in narcotrafficking within its borders would ever feel any responsibility or pressure to cooperate with the U.S. Government activities if we were to so stretch our credibility by fully certifying Mexico.

Second, the administration can decertify Mexico and bring a halt to all American foreign assistance except antidrug programs.

Or, third, the administration can decertify Mexico but grant a national security waiver. The last of these options I would understand. People could legitimately argue the relative merits of decertification with a national security waiver, based on specific promises of the Mexican Government; to deny certification but, for 1 more year, to give one last chance for them to meet the responsibility to their own people, the international community, and

their previous promises. But to certify, given that this other option is available, would be inexplicable to our own people, an insult to those engaged in this country in law enforcement, and contrary to the evidence.

On occasion, in this country, we describe our efforts against narcotics as a war on drugs. But in dealing with foreign governments with whom we would like to have good relations, we seek to win a war without casualties. The sensitivities of the Mexican Government might be a casualty in this certification, but it is necessary if we are to be serious and produce real results.

Finally, I hope the administration will reach the right judgment. The stakes are high. I urge the administration to take these comments and these facts into consideration in reaching its judgment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, may I inquire, is the Senate in morning business?

The PRESIDING OFFICER. The Senate is in morning business.

PRESIDENTIAL VIOLATION OF FEDERAL CAMPAIGN LAW

Mr. CRAIG. In speaking in morning business this morning, I want to express my concern, actually for the first time, on an issue that has been brewing publicly and not so publicly for well over 2 months now. As the Senate struggles to try to develop a mechanism under which we can effectively investigate the alleged wrongdoing at the White House as it relates to Presidential campaign fundraising, the issue gets larger and larger by the day. Yesterday, I finally believed it was time to speak out in relation to the Justice Department appointing independent counsel. I say so because it is obvious to me now that the public does not want the Congress to grind itself into gridlock and partisan fracturing in an effort to do what it should responsibly do, and that is investigate alleged wrongdoing or violations of law on the part of the executive branch.

Be that as it may, my colleagues on the other side of the aisle are also finding themselves in what I believe to now be a most embarrassing situation, having to argue that we probably ought not to do this, or to reduce the scope of what we should legitimately do, all in defense of a President who, by the hour, appears to be increasingly more involved in what is allegedly wrongdoing or violation of Federal campaign law.

So, yesterday, I asked the Attorney General in a press release to appoint independent counsel and to move ahead with what she and the Justice Department must responsibly and rightfully

do. The New York Times editorialized, and they said this:

Janet Reno's insistence that she is waiting for creditable evidence before appointing an independent counsel has now reached a point of mindlessness. By the standards that applied to the Carter, Reagan, and Bush administrations, the threshold for appointing an independent counsel has been reached and passed. If she will but look, Ms. Reno will see a pervasive pattern of reckless behavior and an array of suspicious incidents that cry out for an independent counsel.

That editorial went on to say—it speaks of the White House, and it says:

Presidents and their White House aides are inevitably involved in campaign planning, as certainly U.S. Senators are in the planning of their campaigns. But, by openly bartering Presidential invitations for political contribution and by relentlessly mixing official and political, this administration has gone so far beyond the normal rules of political behavior and the traditional interpretation of Federal law that even so dogged a Democrat as Pat Moynihan. . . .

And so on and so forth. And it speaks again for Ms. Reno to appoint that independent counsel.

This morning in the Washington Times, again, headlines, "Reno Not Ready for Outside Probe."

My question today is to Ms. Reno. When will you be ready? When there is a massive public outcry of wrongdoing or alleged wrongdoing? When the evidence piles so high at the door of the White House that you cannot step across the threshold to go see your friend, the President, Mr. Clinton?

Ms. Reno, wake up. Listen to what is being said in public. It is time to act. It is time we develop an independent counsel, bipartisan, nonpartisan, to investigate what is now verging on a major scandal. Someone asked me while I was traveling in Idaho last week, "Why is the President out advocating campaign finance reform when it appears that he is the greatest violator?" I said, "There is an old adage that those who sin the most are the first to the altar."

We find it increasingly embarrassing to read in the newspapers everyday that somehow the White House, the very image of this country, was used for personal gain in a way that no other President has used it.

So, once again, today I call on the Attorney General to do what she must responsibly do. The allegations grow by the day. Ms. Reno, do what you should do. Appoint an independent counsel to investigate, in a nonpartisan way, what should be done, for the sake of the Presidency and the White House itself.

Mr. President, I ask unanimous consent that the Wall Street Journal article entitled "Irate Clinton Blasts Moves for Counsel" be printed in today's RECORD.

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

[From the Wall Street Journal, Feb. 18, 1997]

IRATE CLINTON BLASTS MOVES FOR COUNSEL

(By David Rogers)

WASHINGTON.—An angry President Clinton called Democratic senators this week complaining of demands inside the party for a special counsel to investigate foreign influence in fund raising for his presidential campaign.

Minority Leader Tom Daschle (D., S.D.) was awakened around 1 a.m. Monday by Mr. Clinton. Leaders of the Democratic Senatorial Committee were also called Sunday night by the president, who angrily reminded senators he had gone to New York to raise money for their campaigns in the prior week.

None of the senators called by Mr. Clinton would discuss these conversations, and the White House declined to comment. Members of Congress and Democratic aides, however, confirmed the timing and substance of the calls. Mr. Clinton appears to have been provoked by Sunday talk shows in which former New Jersey Sen. Bill Bradley and Sen. Russell Feingold (D., Wis.) endorsed the appointment of an independent counsel.

The picture of an agitated president making late-night calls is very different from the calm image the White House has sought to project. The incident testifies to the increased tension between Mr. Clinton and Congress amid the almost daily revelations regarding his past fund-raising practices.

Trying to seize the high ground, Democrats are demanding that Republicans make a commitment to allow campaign-finance-reform legislation to come to the floor this year. But Mr. Clinton's outbursts may only feed Republican complaints that Democrats are stalling on behalf of the embattled president—an important fund-raiser.

The fight is expected to come to a head in the Senate as early as next Wednesday. Mr. Daschle said yesterday that Republicans must promise to bring up campaign reform this spring if Democrats are to support funding for a GOP-backed inquiry of campaign abuses by the White House.

"We will not agree to funding . . . to anything, until we get campaign-finance reform," said the South Dakota Democrat. His statement, the clearest linkage of the two issues to date, is designed to exploit GOP division on this front.

The Republicans' strongest reform advocate, Arizona Sen. John McCain, supports both an independent counsel and a campaign-finance bill, but Majority Leader Trent Lott (R., Miss.) is decidedly cool to overhauling the current system. Caught in the middle is Sen. Fred Thompson (R., Tenn.), who chairs the Senate Governmental Affairs Committee, charged with carrying out the planned inquiry. And some Republicans are openly proposing to scuttle Mr. Thompson's budget if the investigation becomes a vehicle to advance campaign reform.

Mr. Lott last night warned Democrats against filibustering the committee's funding but said he had exhausted efforts to reach a compromise and expected to meet the issue head-on next week.

As the Thompson inquiry has stalled, smaller investigations are springing up. One of the latest comes from a Senate Judiciary subcommittee overseeing the National Bankruptcy Review Commission. The commission's chairman, Brady Williamson, attended a fund-raiser for Mr. Clinton last September that drew a large set of big donors from the bankruptcy professional community.

In an interview this week, Mr. Williamson said he went as a "private citizen" and only after seeking an opinion from the White

House counsel's office. But Sen. Charles Grassley (R. Iowa), chairman of the Judiciary subcommittee, said yesterday he had received written correspondence indicating those running the event had pressured members of the banking industry to attend if they wanted to be heard on bankruptcy issues.

In another development, Federal Bureau of Investigation agents who this week raided the Washington offices of the U.S.-Thai Business Council couldn't find records related to Ban Chang International, which shared offices with the council and helped finance it. Pauline Kanchanalak, a major Democratic contributor whose gifts are now under scrutiny by the FBI, worked for Ban Chang and helped organize the council.

Ban Chang is a subsidiary of Ban Chang Group, a conglomerate based in Bangkok, Thailand. Last June Ms. Kanchanalak and a relative gave \$185,000 to the Democratic National Committee in conjunction with a coffee event at the White House with President Clinton, attended by top executives of another Thai conglomerate, CP Group.

People familiar with the matter say the FBI wants to know if Ms. Kanchanalak knows where the records are, but she is currently thought to be in Thailand. Her Washington-based attorney, and an attorney for Ban Chang in Washington, couldn't be reached for comment.

THE PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

MEXICAN CERTIFICATION

Mr. GREGG. Mr. President, I rise to address an issue which has been raised by other Members on this floor, which I believe is of great significance and which must be resolved in the next few days. That is that the Clinton administration has a difficult matter of rendering a decision, in consultation with the Secretary of State, as to whether or not to certify Mexico as a nation that is cooperating in the area of our war on drugs.

There are many factors to consider before making such a decision, but the primary factor for me is what effect does such a decision have on our ability to fight the use of drugs here in the United States? Drug abuse continues to be one of the primary serious problems, primary and most serious problems, our Nation is facing, especially among our young people in our inner cities. Fighting drugs has to be one of the most important goals of this administration and of this Congress.

Since the so-called certification process was begun in the mid-1980's, Mexico has always been deemed to be a nation that is making a strong effort in the drug war, and many of us in Congress have had concerns, and continue to have concerns, about Mexico's progress.

So at some point, you have to evaluate the effects of bestowing certification status on Mexico. Has certification improved Mexico's ability to deal with drug cartels? Have cocaine seizures increased? Are drug dealers

being arrested and convicted? Are antimoney-laundering bills being enacted into law in Mexico? And finally, and perhaps most important, are the Mexican law enforcement agencies cooperating with us and are they free of corruption?

It is this last point that I think remains the most single significant concern and impediment to certification. The arrest of the Mexican General Jesus Gutierrez Rebollo, the Mexican drug czar in charge of Mexico's counternarcotics efforts, on a charge of bribery, cocaine trafficking and for having ties to organized crime leaders in Mexico's drug cartels, was, in the words of our own United States drug czar, General McCaffrey, a "terrible blow." It really is more than that, of course. To have the chief law enforcement officer in the area of drug enforcement in Mexico turn out to be nothing more than a front man for the Mexican drug cartels undermines all credibility of the effort of Mexico in the area of fighting drugs.

Our intelligence agencies are now conducting a damage assessment to establish how many of our agents, informants and counterdrug operatives were put at risk. It is believed that a very large number have been put at risk, and, in fact, the damage to this intelligence network may exceed the damage that was created in the CIA by the Aldrich Ames case. If you remember, in the Aldrich Ames case a large number of agents and operatives for the CIA died.

When you add up the evidence about the results of certification, you have to wonder what effect it has had on stemming the flow of drugs into this country. Mexico is the source of 70 percent of the cocaine on American streets and is the growing source of the most violent types of drugs. The primary cartels which are now shipping their drugs to the United States are no longer centered in Colombia. They are two cartels centered in Mexico. The antimoney-laundering laws are incomplete and not yet implemented. In short, the battle against drugs being shipped to the United States from Mexico is being lost in Mexico.

In light of the ongoing corruption and the flow of drugs into our Nation, I believe the United States must withhold full certification. The cost of drug abuse to our society remains too high to take any other course. There is no doubt that on the domestic front, we can do a great deal more, and we must. In fact, it was unfortunate that this administration essentially ignored this problem during its first term, but the administration has now turned its attention to this issue, and, hopefully, we can make greater progress. We need strong leadership from the White House. The President does control the bully pulpit and, as we saw with Mrs. Reagan's efforts under the "Just Say

No" program in the eighties, the White House can have a dramatic effect on utilization.

But at the same time, we must pursue a more effective policy that will cut off the flow of drugs from source countries like Mexico. I believe that withholding full certification to Mexico would send the right message from the American people to the Government of Mexico, and that message is that the status quo is not acceptable. I urge the President to hear the concerns of our agents on the front lines who cannot trust their Mexican counterparts for fear of being compromised. As the DEA Administrator, Mr. Constantine, stated, "There is not one single law enforcement institution with whom DEA has a really trusting relationship."

It is time, Mr. President, to take strong action, and I strongly suggest that we not pursue certification.

SOCIAL SECURITY

Mr. GREGG. Mr. President, I want to also speak on another subject which is of equal importance. It is of importance, however, to the next generation in a different way. It is of importance in the area of fiscal policy, and that is the question of Social Security.

There is an atmosphere, of course, which has pervaded American politics, and especially politics in Washington, that discussing substantive reform to Social Security laws of our country is to commit political hari-kari; that any discussion of Social Security must be done in the most passive and benign way or else a person in public office will suffer great consequence.

But we can no longer afford to take this head-in-the-sand approach to this absolutely critical and core issue of public policy. We know that the Social Security system is fundamentally broken and that it is headed toward an enormous bankruptcy. We know that if we take no action, purely as a function of demographics, we will see a collapse of the Social Security system in the early part of the next century, and with it probably a collapse of our Nation's finances, as we will simply be unable to bear the load of paying for the system.

This is not a result of having a failed system for the last 40 years. We have had an extraordinary system for the last 40 or 50 years. It is a result simply of the fact that the Social Security system was not structured to deal with the generational demographics which we are headed toward. The post-war baby-boom generation is going to turn the tables of productivity upside down and the tables of who gets and who gives relative to the Social Security system.

Today, approximately 3.1 people pay into the system for every 1 person who takes out. By the time the post-war

baby-boom generation is fully taking down its share of Social Security, we will only have two people paying into the system for every one person taking out. That means that by the year 2020, the Social Security system will be running approximately a \$216 billion deficit which will be escalating in a geometric progression.

This deficit will essentially absorb all the discretionary dollars of the U.S. Government, and we simply will be unable to fund the operation of Government, beyond either paying for Social Security or choosing some other course. What will happen is, we will have to create a massive economic disruption to address the issue, probably a national inflation on the order of what happened in the German Weimar Republic after World War I.

So this issue must be addressed. It is like that television ad for an oil filter that says, "You can pay me now or pay me later." By paying now, by doing something now, we can alleviate the problem for the next generation or reduce it dramatically at a low cost, but if we wait until later, the cost to the next generation will be astronomical, and we will not have fulfilled our obligation as passers of the torch.

So I have proposed a piece of legislation which addresses this issue. I recognize that stepping into this water maybe doesn't make political good sense, but I happen to believe that if we do not step into this water, or if somebody doesn't begin to step into this water, nothing will happen. So I put on the table a proposal on Social Security, which I introduced last week, which addresses the underlying problems of the system.

It has four basic elements, and, as a practical matter, it addresses the next generation—my generation—and younger people's generations as to how they will be impacted. It has very little significant impact on the people who are presently receiving benefits from the Social Security system.

The first element of it, and probably the most magic, unique—I won't use magic, that will be too egotistical a term—the most unique is I am suggesting we take now what is presently the surplus in the system, which surplus we expect to run through the year 2010, and we refund that surplus to the wage earners.

Today, \$20 billion more is paid into the system than is paid out of the system for benefits. That means the wage earners in this country are paying \$29 billion more in taxes than they need to pay under Social Security to support the Social Security system.

My suggestion is that we refund that by reducing the payroll tax by that 1 percent, from 7.5 percent to 6.5 percent, which works out to about 12 percent actually, but a 1-percent reduction. And we allow the wage earner to take that 1-percent savings and put it into a

savings account, into a savings vehicle like an IRA or some other personal savings vehicle and invest it for their future. This would allow us to begin to prefund the liability of a system which is now subject to contingent funding.

We now have a pay-as-you-go system. There is no account which is set up for anybody who is on Social Security. What is paid in today is paid out today. This would allow us to begin to prefund that liability and to give working Americans who are under the age of 50 an opportunity to start to save for their retirement. And it would do it without impacting at all—at all—the present benefit structure of senior citizens.

In addition, we must acknowledge that our society is living longer and being more productive. When the Social Security system was officially created, the average life of an American male was 61, and the retirement age was set at 65. Franklin Roosevelt was no fool. Today, the average life expectancy of an American male is 72 and is moving toward 78. Retirement age remains 65.

My proposal, for people who are under the age of 45, would scale up the retirement age and give them lead time to anticipate that. Again, it would affect nobody who is on the system or about to come on the system.

In addition, I do something which is called changing the bench points, which is essentially affluence testing, not for people who are on the system today but people who are under the age of 45.

These are some changes that would bring about a solvent system. They are different, but they are proposals that need to be put on the table and discussed. Mr. President, I thank the indulgence of the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President.

THE NATIONAL DRUG CONTROL STRATEGY

Mr. GRASSLEY. Mr. President, the drug czar released the national drug control strategy recently, as he is required to do. The President held a press conference to announce the strategy and his budget for fiscal 1998 to combat drug use in this country. This strategy now includes a request for almost \$16 billion. That is about a 5.4-percent increase, which is just about average for recent drug budgets. While I welcome the strategy and the increase, I am concerned that it does not live up to the requirements set out in the law. I am even more concerned that the strategy seems to walk away from the war on drugs. This strategy would seem to have us believe that we can combat the problem of rising teenage drug

abuse by simply treating the wounded. It is walking away from a war on drugs to talking about fighting a cancer.

I have heard Mr. McCaffrey on this issue before. The view seems to be that a "war" is the wrong metaphor for our efforts. It seems that we must act as if our problem is more akin to therapy. We must treat the problem of illegal drugs and not combat it. In this view, it is time to trade in our old car for a sleek new model. I appreciate the drug czar's sensitivities on this issue, but quite frankly, this trade-in is going to buy us a lemon.

This walking away from years of efforts to combat drug abuse and instead substituting "phrases about treating a condition" is simply waving a white flag. It sends the signal that instead of combating illegal drugs we must accept them like we would a disease. While I agree that the problem of illegal drug use and smuggling are deeply imbedded in our society, I do not buy the idea that we need to tolerate this situation.

I do not think we gain much by blurring the language we use. I do not believe that we gain ground with our efforts to keep kids off drugs by sending weaker signals about our efforts. This is even more true at a time when kids are using more drugs.

I am concerned that the present strategy simply doesn't have the juice needed to get us moving. The real story about the present situation of drug use in this country today is that we are losing. By the only standard that matters, whether more kids are deciding to use more drugs, our efforts are failing. In every reporting mechanism that we have, it is clear that in the last 5 years, more kids are using more drugs.

It is clear that fewer kids are seeing drug use as dangerous. It is clear that drug use is increasingly glorified in our popular culture, in movies, music, and on TV. It is clear that legalization themes are gaining a wider circulation among our elite media and cultural leaders. With all of these things happening under our very noses, it is clear that we have a crisis on our hands.

Today, there are some 3 million hardcore addicts in this country. Reflect for a moment on how we got this population. Most of these individuals decided to use drugs the last time this country flirted with idea that drugs were OK. Their decision in the 1960's, 1970's, and early 1980's left us with a major abuse problem. We were making progress, however, in keeping new generations from making the same mistake. That is now changing. And it is changing rapidly. We face a problem of major dimensions. In that context, we need to have a clear idea of what we need to be doing. We need to know how we are going to make a difference.

Unfortunately, as I read the present strategy, I do not come away with a sense that we have a plan that comes to grips with the problem.

According to section 1005 of the Anti-Drug Abuse Act of 1988, the drug czar is required to submit to Congress each year a strategy that includes "long-range goals for reducing drug abuse in the United States," and short-term objectives which the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the Strategy." It was the intent of Congress that this strategy include standards of measurement so that we could see what was being achieved. Last year, I wrote Mr. McCaffrey on this issue and made it clear that Congress expected to see clear, straightforward language on measurable standards. The House communicated a similar message.

What we find, however, is a series of goals and objectives that contain no measurable standards. What we find is the promise that at some future date we will see an effort to have such standards. What we find is a watering down of our drug control efforts by trying to present vague guidelines in a 10-year strategy that does not address our present crisis in teenage drug use.

We know from every survey on drug use done in this country that teen use of drugs is increasing dramatically. We know that increasingly kids see fewer dangers in using drugs. We know that kids at younger ages are starting to use drugs. We know that the legalization movement in this country is working overtime to get dangerous drugs accepted as part of normal life.

In my view, when we are failing in our goal to keep kids off drugs, we are failing in our job. The present strategy does not tell us how we are going to reverse this trend. Certainly, vague goals and objectives and the effort to bury the need for decisive action in a 10-year approach falls short of the mark.

This strategy is disappointing and it seeks to avoid accountability. We are in the midst of a crisis of teenage drug abuse and increasing legalization talk. Yet, the strategy avoids addressing this crisis in a clear and straightforward way. It tries to bury this crisis in tables and charts that talk about progress made in reducing drug use in the 1980's and early 1990's. This is a sandwich without the beef.

IT'S FOR KIDS

Mr. GRASSLEY. Mr. President, what responsible parent has not forgone something he or she wanted for the benefit of a child? We make sacrifices today for the tomorrows of our children. We defer doing things, we give up buying something, we go out of our way.

But it is not just in our own lives that we do things for our children's sake. We support public education. We pass safety laws. We take steps to ensure the well-being of kids. We do this out of responsibility as parents. We do

this as members of a civilized community that knows the importance of investing in its future through future generations.

Those of us who are adults today benefited from the efforts and sacrifices our parents made on our behalf. And their parents before them.

It is in acknowledgment of these simple truths that I wanted to talk briefly about this Nation's drug problems. I want to talk about the serious challenge that we face to the health and well-being of our tomorrows in the lives of our children today.

While we were out on the recent recess, something happened that needs concern us. In essence that was the advancement of an effort to legalize drugs in this country. It was not a fair fight. The American public, overwhelmingly, in just about every opinion vehicle I can think of, has indicated its enduring opposition to drug legalization. The well-funded legalization lobby knows this. They know they cannot fight for legalization on the merits. They cannot tell the truth about what their real agenda is. So they resort to weasel words and fast talk. As the old saying goes, you can fool some of the people some of the time, and that's usually good enough.

What I'm talking about in this case is that those who promote legalization of drugs have resorted to appealing to the public's sense of care and concern for the sick and dying to promote drug legalization. The notion that is advanced by the legalization advocates and their money men is that smoking marijuana is a treatment for a number of physical disabilities and terminal illnesses. Relying on anecdotal evidence and the exploitation of the public's generous and caring impulses, they have slipped in legalization measures in two States and are targeting a number of others for similar treatment. They are also using this approach to go around Federal controls on illegal drugs and international treaties that commit the United States to maintaining adequate drug control policies.

Briefly, I want to review what is being claimed and the tactics that have been used. First, let's recall a little history. We are not inexperienced in this country in seeing the medicalization of dangerous substances. At one time in this country, individuals and businesses could market anything as a medicine and make any claim for its effectiveness. In this fashion, opiates and cocaine were freely marketed in nostrums sold over the counter and through the mail. The makers of these drugs claimed miracle cures for their products. They also had endless testimonials from satisfied customers on how well the products performed. Here was no evidence for the claims, however. There was an increasing number of addicts, hooked on self-

administered, dangerous substances marketed as medicine. As a recent article in the *New Republic* noted, as a result of these freely available over-the-counter drugs, addiction in this country soared in the early years of this century. Public health officials estimated that 1 in 200 Americans, including children, were addicted.

In addition to marketing these dangerous drugs, unscrupulous businesses, and individuals also sold many concoctions made from unknown ingredients. And they made claims that these could cure anything that ailed humanity.

Again, they could call upon boxcars full of anecdotes to support their claims. We have coined a word for these so-called medicines. We call them snake oil. We also have a word for the people who pushed them—snake oil salesmen or quacks. Our grandparents, who had to deal with these practices, woke up to the fraud that was being perpetrated on the public. They realized that dangerous drugs were creating a major addiction problem. They realized that unknown ingredients were doing great harm, either directly by poisoning people, or by keeping people from seeking real treatments for real problems. They demanded better. They demanded that we control dangerous drugs sold to the public. They insisted on truth in advertising. And they required scientific support to establish the value of things offered to the public as medicine.

In addition, they also took steps to ban dangerous drugs and to determine what drugs had medical uses that also could be demonstrated to be safe and effective. Based on this experience, our predecessors in this body passed the Pure Food and Drug Act in 1906. They created the Food and Drug Administration in 1938 to ensure the availability of safe medicine. They also passed a variety of laws to deal with the use and distribution of dangerous drugs. We have continued these efforts.

Among more recent efforts, were the development of schedules for drugs that laid out categories for dangerous drugs and their proper control in the Controlled Substances Act of 1970. These schedules include a classification of drugs for their potential for abuse and their medical value. This scheduling system gives us a handle on what science and experience continue to tell us about dangerous drugs. Marijuana, along with PCP and LSD, are included in the category of drugs with a high potential for abuse and no recognized medical use in its smoked form.

But we have not stopped here. In response to public pressure in our last major drug epidemic, we created the drug czar's office to help coordinate our national efforts. We mandated better coordination of Federal efforts through high-intensity drug trafficking areas. In addition, this body continues these efforts. We have spent a good

deal of legislative time insisting that our international partners also take steps to stop the production and distribution of dangerous drugs. We are signatories to various international treaties, such as the 1988 U.N. convention, that commits us to maintaining a drug-free environment.

These facts do not mean that various individuals stop trying to smuggle illegal drugs and sell them to the public. It does not mean that unscrupulous business enterprises or individuals stop trying to sell snake oil to the public. We cannot afford to abandon lightly the idea that things offered to the public as medicine must meet exacting standards and scientific validation.

We must be cautious when confronted with sophisticated advertising campaigns that seek to circumvent Federal and State laws and establish procedures for determining safe and effective medicines.

Indeed, it should give us pause if any group seeks to push a so-called medicine through the electoral process. One has to stop and ask why. If the motive is to provide a medicine, why is it that this so-called medicine requires an effort to by-pass science, to ignore experience, and to rely on methods wholly unsuited to the concern at hand. What we see is that various individuals are resorting to testimonials, anecdotes, and junk science. They do this to legitimize the notion that marijuana should be made available for just about any condition one can name. This is not a path that leads us to responsible public policy, sound medical practice, or a caring and compassionate approach to the sick.

In the case of medical marijuana, we see an effort underway that seeks to by-pass good science and responsible medicine. There is no valid science that demonstrates the medical usefulness of smoking marijuana.

Indeed, as recently as February 1994, the U.S. District Court in Washington, DC, denied a petition by marijuana legalization groups to have marijuana rescheduled. Not only did the court deny the petition of the legalizers, it specifically noted that their appeals for rescheduling were based on anecdotes and testimonials. No valid scientific studies were offered to support their claims. As the opinion notes each of the various legalization experts admitted, under oath, that he was basing his opinion on anecdotal evidence, on stories he heard from patients, and on his impressions about the drug. The science supporting the claims was not there.

In fact, there is considerable and growing evidence to the contrary. Many of the carcinogens that accompany tobacco are present in similar or greater quantities in marijuana smoke. Moreover, a growing body of evidence indicates the serious, harmful, long-term effects for health and mental de-

velopment from smoking marijuana. No major medical association or research institute supports the claim for the medical uses of smoking marijuana. The claims remain anecdotal. No major industrialized country endorses its medical use. Just recently, Holland, which condones limited public use of marijuana, has noted no medical utility for marijuana.

On the contrary, the principal source of support for marijuana as a medicine comes from groups that favor legalization of drugs. Again, one ought to ask what is really going on when it is not the medical community clamoring for action but rather lobbying groups that seek to legalize certain drugs.

Major funding for campaigns to support the idea of marijuana as medicine comes for individuals and groups that favor drug legalization or liberalization. The major support for the effectiveness of marijuana as a medicine comes from anecdotes. It is not based on science because the science doesn't support the claims. The legalization groups know this and have hit upon methods to try to legalize drugs, at this point marijuana, by other means.

They make no pretense among themselves about the agenda. They do, however, resort to misdirection in their public pronouncements. Thus, they exploit the public's trust and goodwill to accomplish an agenda that the public has repeatedly opposed. This is not about medicine for sick people but about playing on people's sympathies to legalize a dangerous drug.

They have sought to turn responsible public policy on its head. It is their argument that drugs are dangerous because they are illegal, not that they are illegal because they are dangerous. They would have us believe that our real problem is only the laws that make heroin or cocaine or marijuana or methamphetamine illegal for anyone to buy and use as they see fit.

They would have us forget our own experiences. They would have us disregard the wisdom of our grandparents and others who learned a bitter lesson all those years ago. As Bill Bennett said, drugs are illegal because they are dangerous. They are not dangerous because they are illegal. We forget that simple reality at our great cost. And it will be our kids who will pay the price.

As another old saying goes, fool me once shame on you. Fool me twice, shame on me.

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

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

THE 125TH ANNIVERSARY OF
SHEPHERD COLLEGE

Mr. BYRD. Mr. President, from a practical standpoint, education is fundamental to a society interested in securing a better future for generations to come. But, on a more personal level, I can think of few things in life that provide for the kinds of pleasure, growth, and sense of self-worth as does the acquiring of an education.

Today, I wish to pay tribute to a long-standing pillar of education in West Virginia—Shepherd College. Shepherd College, in Jefferson County, was founded 125 years ago yesterday.

This school, which is located in West Virginia's oldest town, is proof that we can preserve our heritage and traditions at the same time we are preparing ourselves for the challenges of tomorrow. With its roots firmly planted in history, Shepherd College continues to evolve and prepare for the challenges of the new millennium.

Shepherd College first opened in September 1871, as a private school in a single building that had previously served as the Jefferson County Courthouse, and today bears the name McMurrin Hall, in honor of Shepherd College's first principal, Joseph McMurrin. McMurrin and two assistant professors were hired that year to teach the 42 students who were instructed "in languages, arts and sciences."

On February 27, 1872, the West Virginia Legislature passed an act establishing Shepherd College as a four-year school, dedicated to the training of teachers, and accredited to bestow the Bachelor of Arts degree. A liberal arts program was approved in 1943, and in 1950, the Bachelor of Science degree was added.

Today, Shepherd College, part of the State College System of West Virginia, boasts 3,700 students who are enrolled in 80 different fields of study.

In recent years, more than a dozen new buildings have been added to the campus. I am proud to have played a role in that growth by adding funds to federal appropriations bills for the school's new Science and Technology Center. The new Center is intended to help prepare students in fields such as computer science, environmental science, biology, and chemistry—areas of education which are critical to the future ability of our nation to compete in the global market place, and in which our country, sadly, is lagging behind other industrialized nations. This facility will also provide working partnerships with the many Federal facilities located in the Eastern Panhandle, helping area residents to develop careers in high-tech fields, and, in turn, helping West Virginia and the Nation to achieve a more prosperous future.

At noon yesterday, Shepherdstown echoed with the sounds of bells, pealing in honor of the school's 125-year com-

mitment to education, a fitting tribute to its founders.

Along with my fellow West Virginians, I wish Shepherd College a happy 125th birthday.

HIGHWAY TRUST FUND AND THE
GAS TAX

Mr. BYRD. Mr. President, back on June 5, 1996, I sent a letter to all Senators signaling my intention to offer an amendment to the next available tax bill to place into the Highway Trust Fund the 4.3 cent gas tax that is currently used for deficit reduction.

Senators will recall that, back in May and June of last year, there was much debate on this 4.3 cent gas tax, which was first imposed by the Omnibus Budget Reconciliation Act of 1993. During this past summer, I deferred offering this amendment on two occasions at the request of both the Majority and Minority Leaders. Unfortunately, another opportunity to offer the amendment did not arise.

My purpose in proposing that the 4.3 cent gas tax be placed into the Highway Trust Fund is to better enable the Congress to reverse the very destructive trend of Federal disinvestment in our Nation's transportation infrastructure. By increasing the revenue stream to the Highway Trust Fund, it would be my hope and expectation to leverage additional resources for our Federal-Aid Highway program in order to stem the deterioration of our Nation's highways.

Our Federal investment in infrastructure as a percentage of the total Federal budget has declined significantly since 1980. Few economists would disagree that adequate long term investment in infrastructure is critical to a nation's economic well-being. Only through investment here at home, investment to maintain and renew our own physical plant, can our economy grow and generate healthy wages for its citizens.

Even so, our Nation's investment in infrastructure as a percentage of our Gross Domestic Product has almost been cut in half since 1980. As a nation, we continue to invest an absolutely paltry percentage of our Gross Domestic Product in infrastructure—a percentage considerably less than our chief economic competitors in Europe and Asia.

Nowhere do we pay a greater price for inadequate infrastructure investment than in our Nation's highways. Our national highway system carries nearly 80 percent of U.S. interstate commerce and nearly 80 percent of intercity passenger and tourist traffic. The construction of our national interstate system represents perhaps the greatest public works achievement of the modern era. However, we have allowed segments our National Highway System to fall into serious disrepair.

The Department of Transportation has released its most recent report on the condition of the Nation's highways. Its findings are even more disturbing than earlier reports. DOT currently classifies less than half of the mileage on our interstate system as being in good condition and only 39 percent of our entire national highway system is rated in good condition. Fully 61 percent of our Nation's highways are rated in either fair or poor condition. Almost one in four of our Nation's highways' bridges are now categorized as either structurally deficient or functionally obsolete. This is not the highway infrastructure that will help our country and its citizens continue to prosper into the twenty first century. If we allow this decay to continue, it will constrict the lifelines of our Nation.

According to the DOT, our investment in our Nation's highways is a full \$15 billion short each year just to maintain these current inadequate conditions. Put another way, we would have to increase our national highway investment by more than \$15 billion a year to make the least bit of improvement in the status of our national highway network each year.

It is critical to point out that, while our highway infrastructure continues to deteriorate, highway use is on the rise. Indeed, it is growing at a very rapid pace. The number of vehicle miles traveled has grown by roughly 40 percent in just the last decade. As a result, we are witnessing new highs in the amount of congestion, causing delays in the movement of goods and people that are very costly to our national economy.

Mr. President, it is clear that the requirements we place on our national highway system are growing while our investment continues to decline. We are simply digging ourselves into a deeper and deeper hole. Six years ago, in 1991, it was estimated that an investment of \$47.5 billion dollars would be necessary on an annual basis to ensure that highway conditions would not deteriorate any further than they existed in that year. By 1993, that figure grew to \$51.6 billion. And 2 years ago, that figure grew to \$54.8 billion. The longer we delay making Federal highway spending a priority, the more expensive it gets to reverse this destructive trend.

In the coming months, the Senate will take up legislation to reauthorize the Intermodal Surface Transportation Efficiency Act, or ISTEA. Many Members, including myself, have come to the Floor to introduce legislation to address specific transportation needs in their States and regions. Also, many Members have spoken to the need for formula changes to bring about what they perceive to be a more equitable distribution of funds from the highway program. Just yesterday, our new Transportation Secretary, Rodney

Slater, testified before the Environment and Public Works Committee on the broad outlines of the administration's proposed ISTEA reauthorization bill. There are many fine initiatives in the administration's bill just as there have been many fine initiatives introduced by Members from all regions of the country.

However, we must face the fact that, absent a determined effort by the Congress and the administration to substantially increase the current level of spending on our highway program, we are not going to stem the deterioration of our highway infrastructure. Similarly, it is unlikely that, as we reauthorize ISTEA, we will be able to accommodate new initiatives and address substantial formula changes.

Just last month, I was pleased to join with 55 of my colleagues in writing to the distinguished Chairman of the Budget Committee, Senator DOMENICI, asking that the upcoming budget resolution allocate sufficient budget authority to the Environment and Public Works Committee to allow for a robust ISTEA reauthorization bill. But it must be recognized that the ISTEA reauthorization bill is just that—an authorization bill. And while ISTEA does allocate some direct funding from the Highway Trust Fund outside of the appropriations process, the vast majority of funds distributed under the Federal-Aid Highway Program are controlled by annual obligation limitations set by the Appropriations Committee.

The administration's budget proposal assumes that there will be increased contract authority provided for several meritorious programs under the Federal-Aid Highway Program over the next 6 years. But the unfortunate fact is that the administration's budget simultaneously assumes that the annual obligation limitation set by the Appropriations Committee will be frozen at the current year's level for the entire life of the next authorization bill. Put another way, under the administration's proposal, States will not be allowed to obligate one additional penny in any of the next 6 years above the current year's level.

Mr. President, I appreciate that we can have a reasonable debate as to whether the solution to this problem is depositing an additional 4.3 cents into the Highway Trust Fund. The Highway Trust Fund currently has some sizable unobligated balances. Moreover, income to the Highway Trust Fund has been steadily rising as a result of increased gas consumption and the fact that an additional 2.5 cents has been deposited in the Highway Trust Fund since the beginning of fiscal year 1996. However, one thing that cannot be denied is the fact that substantially increased funds are necessary to stem the deterioration of our Federal highway system. A mechanism must be developed to ensure that, even while we

strive to eliminate our annual budget deficit, we begin to stem the tide of Federal disinvestment in our transportation infrastructure.

Toward that end, I look forward to working with Chairman DOMENICI of the Budget Committee and its Ranking Member, Senator LAUTENBERG, along with the Chairmen and Ranking Members of the Environment and Public Works Committee and the Transportation Appropriations Subcommittee to seek a way to ensure substantially increased authorizations and obligational authority for our Federal highway responsibilities. We cannot be responsible stewards of Federal tax dollars and, at the same time, pass a steadily deteriorating transportation infrastructure on to our children and grandchildren.

Now Mr. President, I did not seek to hold up consideration of H.R. 668 yesterday evening by proposing amendments to address our highway infrastructure needs. I recognized the urgency of renewing the aviation ticket tax. The Airport and Airways Trust Fund is on the verge of bankruptcy and, absent the renewal of the ticket tax, our Nation's airport construction enterprise, as well as the procurement of critically needed air traffic control equipment, will be at risk. Indeed, airports are also a critical element of our transportation infrastructure. And, as in the case of highways, our airport infrastructure needs continue to grow while Federal investment continues to fall precipitously. The current funding level for the Airport Improvement Program has fallen more than 30 percent in just the last 5 years. And the president's budget for the coming fiscal year asks us to cut the program an additional 32 percent. The last thing I wanted to do yesterday evening was endanger necessary investments in our aviation infrastructure in the hopes of addressing the needs of our highway infrastructure.

However, I rise today to state my intention and commitment to work with the Senate leadership as well as the leadership of all the relevant committees to ensure that we put policies in place this year to adequately address the need for increased highway investment. I invite all members to join me in this cause.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, February 27, the federal debt stood at \$5,349,402,692,025.14.

One year ago, February 27, 1996, the federal debt stood at \$5,016,697,000,000.

Five years ago, February 27, 1992, the federal debt stood at \$3,823,779,000,000 which reflects a debt increase of more than \$1 trillion (\$1,525,623,692,025.14) during the past 5 years.

MEASURE PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S. 378. A bill to provide additional funding for the Committee on Governmental Affairs of the Senate.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1232. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to a change in disease status, received on February 26, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1233. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule entitled "Exemption of Freight Forwarders" received on February 26, 1997; to the Committee on Commerce, Science, and Transportation.

EC-1234. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period October 1 through December 31, 1996; to the Committee on Environment and Public Works.

EC-1235. A communication from the Chairman of the Advisory Committee On Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the NRC's Safety Research Program; to the Committee on Environment and Public Works.

EC-1236. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on the Judiciary.

EC-1237. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, a rule entitled "Indemnification of Department of Housing and Urban Development Employees" (FR 4143) received on February 24, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1238. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC-1239. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC-1240. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-527 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1241. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-528 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1242. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-529 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1243. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-530 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1244. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-531 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1245. A communication from the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-532 adopted by the Council on January 7, 1997; to the Committee on Governmental Affairs.

EC-1246. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC-1247. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, a report relative to Egypt; to the Committee on Foreign Relations.

EC-1248. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

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. AKAKA (for himself and Mr. INOUE):

S. 382. A bill to amend chapter 3 of title 28, United States Code, to provide for the appointment in each Federal judicial circuit Court of Appeals, of at least one resident of each State in such circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 383. A bill to require the Director of the Federal Emergency Management Agency to provide funds for compensation for expenses incurred by the State of New York, Nassau County and Suffolk County, New York, and New York City, New York, as a result of the crash of flight 800 of Trans World Airlines; to the Committee on Environment and Public Works.

By Mr. CONRAD:

S. 384. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. INOUE):

S. 382. A bill to amend chapter 3 of title 28, United States Code, to provide for the appointment in each Federal judicial circuit court of appeals, of at

least one resident of each State in such circuit, and for other purposes; to the Committee on the Judiciary.

THE JUDICIARY APPOINTMENTS ACT OF 1997

Mr. AKAKA. Mr. President, I am pleased to reintroduce the Fairness in Judiciary Appointments Act of 1997, with my colleague, the senior Senator from Hawaii. Our measure would require the appointment of judges on the circuit court of appeals from all States in the circuit. This legislation is identical to S. 1320, which was introduced in 1995.

This measure will require no new appropriations and no additional spending authority. It would, however, ensure fairness in the appointment of circuit court judges and remove political pressure in weighing the nomination of a person from a more populated State over an individual from a less populated State.

Our bill would require that judges on the circuit court of appeals be appointed from every State in the circuit. The impact of the measure on fairness and justice would be long-term and far-reaching. It will assure that all citizens of every State in the Nation are represented by an active circuit judge on each of the circuits.

I am disappointed that the past three administrations have failed to nominate a circuit court judge from Hawaii, which is part of the ninth circuit. Hawaii's only active judge serves as a senior judge since his retirement over 10 years ago. There are currently 8 vacancies on the court out of 28 seats. Two additional judges are expected to retire this spring, which will mean that a full one-third of the seats on the ninth circuit court will be vacant.

I will not go into the inability of the Senate to act on judicial appointments in the last Congress at this time. However, I will state for my colleagues that I am hopeful we will eliminate the existing backlog of vacancies at all levels of the Federal court system in a bipartisan manner.

It is my firm belief that legal decisions should be based on the law, not representation. But representation would add to the credibility and legitimacy of the Federal appellate courts and the decisions they render. I urge my colleagues to support the Fairness in Judiciary Appointment Act of 1997.

Mr. President, I ask consent that my bill be printed in the RECORD.

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

S. 382

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

SECTION 1. STATE RESIDENCY OF JUDGES OF FEDERAL COURTS OF APPEALS.

(a) IN GENERAL.—Section 44(c) of title 28, United States Code, is amended—

(1) in inserting "(1)" after "(c)"; and
(2) by adding at the end thereof the following new paragraph:

"(2) In each circuit (other than the Federal judicial circuit) there shall be at least one circuit judge in regular active service appointed from the residents of each State in that circuit."

(b) APPOINTMENTS.—As vacancies occur and judgeships are created for Federal circuit judges, the President shall make appointments under section 44(a) of title 28, United States Code, in a manner to meet the requirements of subsection (c)(2) of such section (as added by subsection (a) of this section) at the earliest practical date.

By Mr. D'AMATO:

S. 383. A bill to require the Director of the Federal Emergency Management Agency to provide funds for compensation for expenses incurred by the State of New York, Nassau County and Suffolk County, NY, and New York City, NY, as a result of the crash of flight 800 of Trans World Airlines; to the Committee on Environment and Public Works.

FEDERAL EMERGENCY MANAGEMENT AGENCY LEGISLATION

• Mr. D'AMATO. Mr. President, I introduce legislation which will require the Director of the Federal Emergency Management Agency [FEMA] to compensate the many State, county, and local governments throughout New York that assisted Federal officials in the rescue and salvage operations immediately following the crash of Trans World Airlines Flight 800.

As you will recall Mr. President, on July 17, 1996, TWA flight 800 crashed into Federal waters off the coast of Long Island, NY killing all 230 persons aboard. Immediately following the incident a vast army of rescuers set forth from the counties of Nassau and Suffolk, Long Island, and the city of New York to offer their assistance. Many of the rescuers were ordinary citizens. Others were from U.S. Coast Guard stations located within the area. However, the vast majority of the rescuers came from the many State, county, and local municipalities throughout the region. Braving darkness and rolling seas these heroes set forth upon the Atlantic Ocean, in many cases in small boats piloted by area residents and fishermen to help persons unknown to them.

In the hours and days immediately following the tragic crash, divers from the city of New York, and the New York State Police, working with Navy and Coast Guard officials, began their search for survivors. Braving frigid waters, darkness and the hazards created by the wreckage itself they soon realized the enormity of the loss of life. They then began the undaunted task of recovering the bodies of those who had lost their lives in the crash. These divers labored around the clock for weeks on end with only a few hours of fitful sleep performing this most sensitive of tasks. The men and women who labored under these harshest of conditions are to be commended.

While efforts continued under the water, the air above the crash site was

filled with activity. National Guard helicopters stationed in New York were requested to transport Federal officials to and from the crash site and to assist in recovery operations.

On land, National Guard engineers provided cranes to lift large pieces of the aircraft. These pieces were eventually loaded upon National Guard trucks in Brooklyn, NY, and transported to a hangar at Calverton, Long Island where they were reassembled. National Guard units provided security at the Brooklyn and Calverton facilities. National Guard units also provided generators to provide desperately needed lighting to assist in the recovery process.

Additionally, the New York State Department of Transportation provided steel and lumber in support of the National Guard's recovery efforts. The New York State Department of Corrections provided mobile homes to provide temporary housing for U.S. Navy and Coast Guard officials. New York State, county, and local police officials assisted the FBI with the collection and processing of large pieces of the aircraft. These same officials also provided security at the reassembly facility at Calverton. In probably one of the most sensitive and delicate of efforts, members of the Suffolk County Medical Examiners Office worked tirelessly and expeditiously in the identification of the victims of the crash in order that they might be returned to their loved ones. These are only a few of the examples of the assistance that was provided by and continues to this date to be provided by the citizens of the State of New York to Federal authorities.

New York State, New York City, Suffolk and Nassau Counties offered their assistance in this emergency without hesitation. However, the magnitude of the rescue and recovery operation imposed tremendous financial strains on these entities. To date, nearly \$13 million has been spent by State, city, and county governments and this total could very well increase as the final accountings are tallied. The legislation that I am introducing today will provide financial compensation to these entities for the costs they incurred in responding to and assisting in the efforts to retrieve the bodies and wreckage of TWA flight 800. This legislation will require that all requests for restitution be forwarded directly to the Governor of New York who will in turn submit a request to the Federal Emergency Management Agency. Total compensation would be capped at \$20 million.

Mr. President, we all commend the efforts of the State of New York, the city of New York, and Nassau and Suffolk Counties and the many thousands of men and women who offered their assistance in this time of need. I believe that this is the right thing to do

to provide fair compensation to those entities that responded to this extraordinary and tragic incident. I encourage my colleagues to cosponsor this measure and I urge its prompt consideration.

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. 383

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

SECTION 1. PAYMENT TO THE STATE OF NEW YORK.

(a) IN GENERAL.—Subject to the limitation under subsection (b), the Director of the Federal Emergency Management Agency (referred to in this section as the "Director") shall pay, from funds available to the Director, to the State of New York an amount determined by the Director, in consultation with the units of government referred to in paragraphs (1) through (3), to be equal to the aggregate amount of the expenses incurred (but not reimbursed by the Federal Government under other law) as a result of the crash of flight 800 of Trans World Airlines on July 17, 1996, off the coast of Long Island, New York, by—

- (1) the State of New York;
- (2) Nassau County and Suffolk County, New York; and
- (3) New York City, New York.

(b) LIMITATION.—The total amount paid by the Director to the State of New York under subsection (a) shall not exceed \$20,000,000.

SEC. 2. DISTRIBUTION OF FUNDS.

(a) DISTRIBUTION BY STATE OF NEW YORK.—The Governor of the State of New York (in this section referred to as the "Governor") shall use the amount paid to the State of New York under section 1—

(1) as reimbursement for expenses incurred by the State as a result of the crash referred to in section 1(a); and

(2) to make payments to the units of government specified in paragraphs (2) and (3) of section 1(a).

(b) REQUESTS FOR COMPENSATION.—

(1) IN GENERAL.—

(A) SOLICITATION OF REQUESTS.—The Governor shall solicit requests for compensation for expenses referred to in section 1(a) from the units of government referred to in subsection (a)(2).

(B) REQUIREMENTS FOR REQUESTS.—Each request made under this subsection shall—

- (i) be in writing;
- (ii) contain appropriate documentation; and
- (iii) be submitted in such form, and in such manner, as the Governor may specify.

(2) DELEGATION OF AUTHORITY.—If the Governor determines that the review of the requests by the Director of Emergency Management of the State of New York is appropriate, the Governor may delegate the review of the requests to the Director of Emergency Management.

(3) REVIEW OF REQUESTS.—The Governor or the Director of Emergency Management, as the case may be, shall review each request submitted under paragraph (1).

(4) PAYMENTS.—If, on completion of a review under paragraph (3)—

(A) the Governor determines that a request is appropriate and accurate, the Governor shall make a payment under subsection (a)(2)

to the unit of government that submitted the request; or

(B) the Director of Emergency Management determines that a request is appropriate and accurate, the Director of Emergency Management shall inform the Governor of the results of the review, and the Governor shall make a payment under subsection (a)(2) to the unit of government that submitted the request.●

By Mr. CONRAD:

S. 384. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State; to the Committee on Environment and Public Works.

SOLID WASTE DISPOSAL ACT AMENDMENTS

● Mr. CONRAD. Mr. President, today I introduce legislation to give States and localities the right to regulate, and if they choose, reject, interstate shipments of municipal solid waste.

Mr. President, this is not a new issue to this body; we have grappled with the subject of interstate waste for years. The Senate has passed legislation to address this problem in each of the past three Congresses. Unfortunately, similar legislation has not been passed by the House of Representatives. This problem only grows more and more serious as we delay passing this important legislation.

An estimated 16 million tons of municipal solid waste travels across State lines each and every year. And the problem will only grow in the future. Last May, New York City Mayor Rudolph Giuliani and New York Gov. George Pataki announced an agreement to close the city's last landfill, the Fresh Kills landfill. Without additional landfill space in New York, an additional 4 million tons of municipal solid waste will be on the interstate market every year after Fresh Kills closes on December 31, 2001.

Landfills across the country are filling up, and communities are searching for new places to send their garbage. They are looking at places like North Dakota, where the air, water, and soil have not been spoiled by pollution and where local communities may be willing to take tremendous amounts of money in exchange for landfill space. Whether they want this imported waste or not, States and surrounding communities are almost powerless to stop the flow of garbage across their borders. Further, residents of local communities that agree to accept out-of-State waste often do not have all the information they need to make an informed choice to open their landfill space to imported garbage.

Mr. President, out-of-State waste has already come to my State of North Dakota. We have been accepting industrial waste from General Motors plants from all across the country, although GM has recently begun sending their waste to another facility. We also import municipal solid waste incinerator

ash from Minnesota. And one waste company tried for many years to open a superdump in North Dakota that would take nearly twice as much municipal solid waste as the entire State of North Dakota produces. My State is not unique in its situation; this is happening all across the country.

Mr. President, the residents of my State and citizens across the country are tired of being powerless to regulate interstate waste. In fact, just last year North Dakota's voters approved an initiated measure that was designed to deter imports of other States' waste into North Dakota. That measure was ruled unconstitutional by the U.S. district judge. In the judge's decision, he wrote, "The reality appears to be that trash is trash, and any law classifying it into home-grown versus foreign will not work."

Mr. President, unless Congress acts to give States and localities the authority to regulate and reject interstate waste, this situation will continue. The bill I am introducing today is really very simple. First, it gives States the authority to regulate interstate waste. If a State wants to reject new solid waste shipments, my bill would allow that.

Second, it requires that affected local governments formally approve of any waste import. This gives the communities the ability to veto proposed shipments of out-of-State waste.

Third, it provides an opportunity for the area surrounding the host community to be involved in a decision to accept out-of-State waste. A decision on siting a solid waste landfill, especially one that will take large amounts of imported waste, must be a collective one, and a small community alone should not be able to make a decision that will affect a much larger area.

Finally, my bill requires that waste companies publicly release all the relevant information about their proposed landfill before a community makes a decision on it. This information should include estimated environmental impacts and mitigation, economic impacts, planned expansion, financial disclosure, and records of past violations by the owner and operator of the proposed disposal site. Waste companies hold up the promise of jobs and economic incentives, but they do not want to reveal the potential risks involved in their plans. In many cases, they may not even reveal their overall plans until it is too late to stop them. One practice I have seen involves having a local developer purchase a site and get a permit to dispose of modest amounts of solid waste. The big interstate waste company then buys out the local party and aggressively expands the site's permit. The local community doesn't have a chance. This isn't fair and cannot be allowed to continue. Communities must be able to make informed choices.

Mr. President, we have been working on the interstate waste problem in the Senate for many years now. The problem has not gone away and it will not go away without congressional action. The trash is still moving, and States and communities are almost powerless to stop it. It is time to enact strong interstate waste legislation into law.

Mr. President, I ask unanimous consent that a copy of my bill be included in the RECORD.

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

S. 384

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

SECTION 1. AUTHORITY FOR STATES TO REGULATE MUNICIPAL SOLID WASTE GENERATED IN ANOTHER STATE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. AUTHORITY FOR STATES TO REGULATE MUNICIPAL SOLID WASTE GENERATED IN ANOTHER STATE.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government' means the elected officials of a political subdivision of a State in which a facility for the treatment, incineration, or disposal of municipal solid waste is located (as designated by the State under subsection (d)).

"(2) AFFECTED LOCAL SOLID WASTE PLANNING UNIT.—The term 'affected local solid waste planning unit' means a planning unit, established under State law, that has—

"(A) jurisdiction over the geographic area in which a facility for the treatment, incineration, or disposal of municipal waste is located; and

"(B) authority relating to solid waste management planning.

"(3) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means refuse, and any nonhazardous residue generated from the combustion of the refuse, generated by—

"(i) the general public;

"(ii) a residential, commercial, or industrial source (or any combination of the sources); or

"(iii) a municipal solid waste incinerator facility.

"(B) INCLUSIONS.—The term 'municipal solid waste' includes refuse that consists of paper, wood, yard waste, plastic, leather, rubber, or other combustible or noncombustible material such as metal or glass (or any combination of the materials).

"(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

"(i) hazardous waste identified under section 3001;

"(ii) waste resulting from an action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606);

"(iii) material collected for the purpose of recycling or reclamation;

"(iv) waste generated in the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(v) industrial waste (including debris from construction or demolition) that is not identical to municipal solid waste in composition and physical and chemical characteristics or that is not collected and disposed of with other municipal solid waste collection services; or

"(vi) medical waste that is segregated from municipal solid waste.

"(b) AUTHORITY TO REGULATE.—

"(1) IN GENERAL.—Each State is authorized to enact and enforce a State law that regulates the treatment, incineration, and disposal of municipal solid waste generated in another State.

"(2) AUTHORITIES.—A State law described in paragraph (1) may include provisions for—

"(A) the imposition of a ban or limit on the importation of municipal solid waste generated outside the State; and

"(B) the collection of differential fees or other charges for the treatment, incineration, or disposal of municipal solid waste generated in another State.

"(c) LOCAL GOVERNMENT APPROVAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or as provided under State law, the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may not accept for treatment, incineration, or disposal any municipal solid waste generated outside the State unless the owner or operator has obtained a written authorization to accept the waste from—

"(A) the affected local government; and

"(B) any affected local solid waste planning unit established under State law.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply with respect to an owner or operator of a landfill, incinerator, or other waste disposal facility that—

"(i) otherwise complies with all applicable laws of the State in which the facility is located relating to the treatment, incineration, or disposal of municipal solid waste; and

"(ii) before the date of enactment of this section, accepted for treatment, incineration, or disposal municipal solid waste generated outside the State.

"(B) EXISTING AUTHORIZATIONS.—An owner or operator of a facility described in paragraph (1) that, before the date of enactment of this section, obtained a written authorization from—

"(i) the appropriate official of a political subdivision of the State (as determined by the State); and

"(ii) any affected local solid waste planning unit established pursuant to the law of the State;

to carry out the treatment, incineration, or disposal of municipal solid waste generated outside the State shall, during the period of authorization, be considered to be in compliance with the requirements of paragraph (1).

"(C) FACILITIES UNDER CONSTRUCTION.—If, before the date of enactment of this section, an appropriate political subdivision of a State (as determined by the State) and any affected local solid waste planning unit established under the law of the State issued a written authorization for a facility that is under construction, or is to be constructed, to accept for treatment, incineration, or disposal municipal solid waste generated outside the State, the owner or operator of the facility, when construction is completed, shall be considered to be in compliance with paragraph (1) during the period of authorization.

"(3) EXPANSION OF FACILITIES.—An owner or operator that expands a landfill, incinerator, or other waste disposal facility shall be required to obtain the authorizations required under paragraph (1) before accepting for treatment, incineration, or disposal municipal solid waste that is generated outside the State.

"(4) PROCEDURE.—Before taking formal action with respect to an authorization to receive municipal solid waste or incinerator ash generated outside the State, the affected local government and the affected local solid waste planning unit shall—

"(A) require from the owner or operator of the facility seeking the authorization and make readily available to the Governor, adjoining Indian tribes, and other interested persons for inspection and copying—

"(i) a brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantity to be handled;

"(ii) a map of the facility that discloses—

"(I) the location of the facility in relation to the local road system and topographical and hydrological features; and

"(II) any buffer zones and facility units that are to be acquired by the owner or operator of the facility;

"(iii) a description of the then-current environmental characteristics of the facility, including information regarding—

"(I) ground water resources; and

"(II) alterations that may be necessitated by or occur as a result of operation of the facility;

"(iv) a description of—

"(I) appropriate environmental controls to be used at the facility, including run-on or runoff management, air pollution control devices, source separation procedures, methane monitoring and control, landfill covers, liners, leachate collection systems, and monitoring and testing programs; and

"(II) any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals;

"(v) a description of the site access controls to be employed and roadway improvements to be made by the owner or operator and an estimate of the timing and extent of increased local truck traffic;

"(vi) a list of all required Federal, State, and local permits required to operate the landfill and receive waste generated outside the State;

"(vii) estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility that distinguishes between employment statistics for pre-operational levels and those for post-operational levels;

"(viii)(I) information with respect to any violations of law (including regulations) by the owner or operator, or subsidiaries;

"(II) the disposition of enforcement proceedings taken with respect to the violations; and

"(III) corrective action and rehabilitation measures taken as a result of the proceedings;

"(ix) information required by State law to be provided with respect to gifts, contributions, and contracts by the owner or operator to any elected or appointed public official, agency, institution, business, or charity located within the affected local area to be served by the facility;

"(x) information required by State law to be provided by the owner or operator with respect to compliance by the owner or operator with the State solid waste management plan in effect under section 4007;

"(xi) information with respect to the source and amount of capital required to construct and operate the facility in accordance with the information provided under clauses (i) through (vii); and

"(xii) information with respect to the source and amount of insurance, collateral,

or bond secured by the applicant to meet all Federal and State requirements;

"(B) provide opportunity for public comment, including at least 1 public hearing; and

"(C) not less than 30 days before taking formal action—

"(i) publish notice of the action in a newspaper of general circulation; and

"(ii) notify the Governor, adjoining local governments, and adjoining Indian tribes.

"(d) DESIGNATION OF AFFECTED LOCAL GOVERNMENT.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Governor of each State shall designate the type of political subdivision of the State that shall serve as the affected local government for the purpose of authorizing a facility to accept for treatment, incineration, or disposal of municipal solid waste generated outside of the State.

"(2) FAILURE TO DESIGNATE.—If the Governor of a State fails to make a designation by the date specified in paragraph (1), the affected local government shall be the public body with primary jurisdiction over the land or use of the land on which the facility is located."

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following:—

"Sec. 4011. Authorization for States to regulate municipal solid waste generated in another State."

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. WELLSTONE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 211, a bill to amend title 38, United States Code, to extend the period of time for the manifestation of chronic disabilities due to undiagnosed symptoms in veterans who served in the Persian Gulf war in order for those disabilities to be compensable by the Secretary of Veterans Affairs.

S. 363

At the request of Mr. HOLLINGS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 363, a bill to amend the Communications Act of 1934 to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Friday, February 28, 1997, at 9 a.m.

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

ADDITIONAL STATEMENTS

THE JALEX (JAPANESE LANGUAGE EXCHANGE) PROGRAM

● Mr. LUGAR. Mr. President, it is my pleasure to take a moment to recognize JALEX, the Japanese Language Exchange Program. Since its inception in 1992, the JALEX Program has made valuable educational contributions to students in the United States preparing to function in an increasingly global environment.

There are few Americans who would dispute the importance of providing our young people with an education that will prepare them to function effectively in the world. It is the responsibility of our educational system to prepare them to be competitive and cooperative in this global environment. You will be pleased to know that this kind of preparation is happening through JALEX, a unique program funded by the Center for Global Partnership of the Japan Foundation and administered by the Laurasian Institution.

JALEX is unlike many exchange programs because it is reciprocal, pairing novice teachers from Japan with mentor teachers of Japanese in the United States at the precollegiate level. The program is designed to mutually benefit teachers from Japan and teachers and students in the United States. JALEX began as a modest prototype serving 18 schools in 5 States and has grown to serve 76 schools and community organizations in 20 States, including 18 cities in my home State of Indiana. JALEX also operates in Washington, Oregon, Utah, Kansas, Missouri, Nevada, Tennessee, Iowa, Illinois, Texas, Wisconsin, Michigan, Minnesota, North Carolina, Virginia, Maryland, Connecticut, Maine, and Vermont.

In the process of achieving its mission—enhancing Japanese language instruction in the United States and classroom experience for native Japanese teachers of Japanese-as-a-foreign-language study—the program also provides opportunities for meaningful cultural exchange for thousands of American citizens.

Since 1985, the study of Japanese in United States schools has grown rapidly. Despite the comparative difficulty of Japanese and the long-standing appeal of Romance languages, interest in and demand for Japanese language instruction has continued to grow on a global scale.

JALEX began in 1992 when President Bush and Prime Minister Miyazawa acknowledged the essential role of enhanced Japanese language training to advance global partnership between the two nations. During the Tokyo summit in May 1996, President Clinton and Prime Minister Hashimoto vowed to further promote exchange programs between young people of Japan and the

United States as a means of strengthening this bilateral relationship.

The Center for Global Partnership of the Japan Foundation and the Freeman Foundation should be applauded for their generous support of this program. Their support provides participating schools an invaluable resource of a native Japanese teaching assistant in the classroom as well as materials, stipends, and professional development opportunities for United States teachers.

The approximate value of the annual benefits provided by the JALEX Program to each school is conservatively estimated at \$30,000. The Japanese language programs would not be as strong without the support of JALEX. The program has also provided several JALEX participants—teachers, administrators, and students—the opportunity to visit Japan. These activities are provided at no cost to local school districts and without U.S. Government tax dollars.

Because of JALEX, our leaders of the next century will be able to direct our Nation on a global scale with a greater sensitivity and awareness to cultural and national differences.

I hope my colleagues will join me in congratulating the JALEX Program for the contributions it has made toward fostering cultural understanding and respect.●

THE IMPLEMENTATION OF THE TOBACCO RULE

● Mr. LAUTENBERG. Mr. President, today the President's rules against teenage smoking will go into effect. I applaud President Clinton for these new rules and for his leadership in fighting youth smoking. It's critically important.

Mr. President, it's time to stop beating around the bush about tobacco. Tobacco is a deadly addictive drug. And those who deal in this drug are dealers in death. They're responsible for snuffing out the lives of thousands each year. And they should be held accountable.

Unfortunately, Mr. President, these deadly dealers also have tremendous political power. We saw evidence of this earlier this week, when a spokesman for the attorney general of Virginia said that the State would refuse to enforce, or even respect the validity of, this Federal rule against teen tobacco use. It was an outrageous and shocking statement. And although he has since backed off of it, the incident highlights the importance of protecting our children from big tobacco, and their deadly drugs.

Mr. President, just this week, Gen. Barry McCaffrey, our Nation's drug czar, recognized that cigarettes are a gateway drug, and that we will not be able to effectively fight cocaine, marijuana, and heroin use unless we work

to prevent cigarette smoking by children. Children who smoke are eight times more likely to use illicit drugs than those who do not smoke. Of adults who use cocaine, 83 percent smoked cigarettes as gateway behavior.

Mr. President, it's now clear that the front lines of the drug war are not only in Bogotá or Mexico City. They're right here in this country—in the corporate headquarters of tobacco companies and at our neighborhood convenience stores. The rule that goes into effect today will prevent kids from engaging in addictive behavior—behavior that could lead to other dangerous and illegal habits. As General McCaffrey has explained, prevention of teen tobacco addiction is key to our national drug control strategy.

Mr. President, the tobacco companies have been peddling these drugs to our kids for far too long. Although the industry denies that they target children in cigarette marketing, that's obviously not true. Consider this. How many 6-year-olds do you think can identify Joe Camel as a symbol for smoking? The answer, incredibly, is 91 percent; 91 percent of 6-year-olds link Joe Camel with smoking. That, Mr. President, is not an accident.

Mr. President, tobacco industry marketing doesn't stop with advertising. They also give away products that they know will appeal to kids. Over half of adolescents that smoke own at least one tobacco promotional item, such as a Tee-shirt, cap, sporting good, or a lighter.

Today, as the first part of the President's rules will go into effect, we will begin the process of protecting our Nation's children from an industry that kills 410,000 Americans each year. And we can't let the tobacco lobby undercut this effort.

The rule that goes into effect today would bar the sale of cigarettes to persons under the age of 18. Additionally, in order to ensure that no children slip through the cracks, stores would be required to check the identification of any individual who appears to be 26 or younger. This Federal rule is necessary because recent studies have shown that kids are able to buy cigarettes over the counter 67 percent of the time.

I have seen evidence of this problem firsthand. I went along on a sting operation in my home State in which I witnessed children purchase cigarettes with ease. It was very disturbing, but typical.

Mr. President, the rule that goes into effect today is a historic first step toward eradicating the epidemic of children's smoking plaguing our Nation. David Kessler, the outgoing Commissioner of the Food and Drug Administration has called this problem a pediatric disease and he is right. Of the 3,000 kids who start smoking every day, 1,000 will die of smoking-related illness.

So, Mr. President, I again commend the administration for their battle against teen smoking. And I pledge here and now that if anyone tries to undermine that effort, I will fight it every step of the way.

After all, we're talking about saving lives here. The lives of our children and grandchildren. And all of us have a responsibility to stand up to the tobacco lobby, and do the right thing.●

TRIBUTE TO MEGAN CHAMBERLAIN ON BEING HONORED WITH THE GIRL SCOUT GOLD AWARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Megan Chamberlain for receiving the Girl Scout Gold Award by the Swift Water Girl Scout Council in Manchester, NH.

Megan is a member of Girl Scout Troop No. 1487 and has diligently served her community and the people of Manchester. She started working toward the Girl Scout Gold Award in 1995. Megan had to earn four interest project patches, which are the Career Exploration Pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge and design and implement a Girl Scout Gold Award Project. She completed her project in the areas of community service and environmental awareness.

Megan received outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Swift Water Girl Scout Gold Award is the highest attainable rank for a young woman between the age of 14-17. Megan has every reason to be proud of this recognition.

Megan promotes citizenship, character-building, and community service among the girls of our country. She also provides a respectable, solid role model for the youth of our Nation and teaches commitment, dedication and hard work. As a member of the Swift Water Girl Scout Troop, Megan learned valuable skills that will serve her for a lifetime.

I am proud to honor Megan for her outstanding accomplishments and congratulate her on this truly deserved award.●

R&D TAX CREDIT

● Mr. CONRAD. Mr. President, I believe that the Congress must make permanent the research and development [R&D] tax credit. The R&D credit has proven to be critical to the United States' economic growth and international competitiveness. The credit has led to many successes in U.S. scientific research and innovation, such as extraordinary accomplishments in pure mathematics; unprecedented growth in the power and availability of information technology; and rapid

progress in finding cures for life threatening diseases such as AIDS, cancer, and multiple sclerosis.

For my State of North Dakota, the new information technologies mean that information industries are creating thousands of jobs. Despite these accomplishments, and the obvious long-term benefits, the R&D credit continuously faces challenges to its existence. Because the R&D credit has never been made permanent, it has had to be extended seven times by Congress since its inception. This transitory treatment of the R&D credit has forced R&D companies to be more hesitant in planning future research projects. Unfortunately Mr. President, this on-again off-again process also led to an unnecessary and disturbing circumstance in 1996. For the first time in the history of its consecutive extensions, last year the R&D credit was not extended retroactively, leaving a gap in the law from July 1, 1995 through July 1, 1996. The gap has, and will continue to, adversely affect our country's R&D efforts. The gap has already contributed to decreased investment in R&D and less planning for future R&D projects by many companies. Currently, the R&D credit is due to expire on May 31, 1997.

Mr. President, we must act now to permanently extend the R&D credit and send the right signal to our Nation's innovators. Failure to act will not only jeopardize our Nation's research efforts, but it will also threaten the United States' world leadership in R&D. Our Nation's growth in R&D investment over the past decade has already been slow compared to Japan, Germany, Italy, and France. Budget realities are forcing the United States to further curtail discretionary spending for basic research. In fact, United States non-defense R&D investment has been flat at 1.9 percent of GDP after peaking at 2.0 percent in 1985, while Japan's has continued to grow to 3.0 percent. Although Germany's R&D commitment has been fairly stable at 2.7 percent since 1987, it is significantly higher than in the United States. One of the main reasons the United States lags behind these countries in R&D investment is because these countries offer their innovators generous tax incentives for R&D, including both deductibility of current expenses and special tax credits. Future economic challenges to the United States are also likely to come from developing countries in Asia as they boost R&D investment to catch up to the rest of the world.

New realities are being shaped by rapidly growing international R&D capabilities. These new R&D capabilities have created both global options as well as competitive pressures whose dimension are barely understood. Unless Congress decides to adapt to these realities and to enact a permanent R&D

credit, the United State's leadership in the global arena may plummet. Such a result will not only adversely impact the United States internationally, but at home as well in lost jobs, diminished economic growth, and a decreased standard of living.

As we prepare for the 21st century, we must remain committed to providing an environment that fosters technological investment, scientific exploration, and global competitiveness. Future economic growth and the prosperity of all Americans depends on continued R&D. America's well being depends on it. Let's remove the uncertainty surrounding the R&D credit's extension once and for all, and extend the credit permanently.●

STAND DOWN OF A-6E INTRUDER

● Mr. GORTON. Mr. President, I am proud today to honor the retirement of the Navy's A-6E Intruder. Attack Squadron 196 at Whidbey Naval Air Station in my home State and Attack Squadron 75 in Virginia Beach will stand down the final two Intruder squadrons in simultaneous ceremonies today.

As the backbone of carrier attack aviation for the past 36 years, the A-6E Intruder stood ready to face the enemy in any weather, day or night. The A-6 put teeth in the term "carrier forward presence." It saw combat in Vietnam, Lebanon, Libya, in the waters of the Arabian Gulf and over the shores of Kuwait and Iraq. It delivered iron bombs, laser guided bombs, and every air-to-ground missile available in the Navy inventory for the past three decades. The A-6E Intruder was the hardest working plane on the flight deck.

The pilots and bombardier/navigation who flew the Intruder had great affection and respect for the aircraft and its ability to withstand heavy enemy fire. They too should be honored for their courage and dedication to this great Nation. They will truly miss the A-6.

We also honor the thousands of Intruder maintainers, both past and present, who kept the A-6E flying day and night, at sea and ashore. The excellent record of the Intruder is a testament to the hard work of these men and women.

Finally, let us remember the Intruder crews who never returned. In service to our Nation, they paid the ultimate price flying this machine that they loved. We must never forget them. From this day on, the United States Navy must continue to carry on the spirit of Intruder attack.

On a personal basis, my son-in-law, Joe Nortz, was an A-6 bombardier/navigation during most of his 20-year Navy career. He is attending the stand down ceremony at NAS Whidbey as a great admirer of a great aircraft.●

COMMEMORATION OF THE 125TH ANNIVERSARY OF CONCORD COLLEGE

● Mr. ROCKEFELLER. Mr. President, on February 28, 1872, the West Virginia State Legislature passed a proposal to create the Concord State Normal School. Now, 125 years later, Concord College, as it is commonly referred to, educates some 2,400 students in a wide range of programs. I wanted to take this opportunity to share with my colleagues my pride in this remarkable institution that celebrates its 125th year of bringing southern West Virginia's best and brightest together.

The enabling legislation that created Concord provided no State funds for the school. So the townspeople raised \$1,700 by subscription to erect the first building on land donated by Mr. William Harvey Martin. On May 10, 1875, 70 students attended classes that first session in a rough frame building. In 1885, under the leadership of principal Capt. James Harvey French, the school received \$5,000 in State funds to build a new brick building to recognize the service given the State by the school. That new building was completed in 1887, and the first dormitory was built in 1891, on North State Street. In 1896, the town in which the college is located changed its name to Athens in recognition of Concord's role as a crucial and influential center of education for southern West Virginia.

In November 1910, the downtown facilities were destroyed by fire. The faculty and students were resilient, as typical West Virginians are, and they began holding classes the next day in other locations about town. The current campus site on Vermillion Street in Athens was bought by the town in early 1911. The campus endured a second and even more damaging fire in 1912, but Concord rebounded stronger than ever.

On July 1, 1919, Concord gained its independence from the State Normal School in Huntington. The title of principal of the institution was changed to president. The school awarded its first baccalaureate degree to three graduates in June 1923. Eight years later the school changed its name to the Concord State Teachers' College. Under the direction of President Joseph Franklin Marsh, Sr., the named changed again in 1943, to the current Concord College.

President Joseph F. Marsh, Jr., one of the longest serving presidents, oversaw the construction of the Alexander Fine Arts Center, Centennial Hall, three residence halls, the faculty housing units at Witherspoon Park, and the maintenance building. Years later, in the administration of President Meredith N. Freeman, enrollment grew and several new academic programs were established. And as of 1991, under the direction of current president, Jerry Beasley, Concord became

one of the first institutions in the Nation to join the prestigious Bonner Scholars Program. The Bonner Program rewards students who are actively involved in public service by helping to finance their college education.

This program, in particular, is very dear to me. In 1964, I moved to West Virginia as a VISTA volunteer. To see that our young people want to be involved in community service warms my heart and gives me hope for the future.

In recognition of the legislative act founding Concord State Normal School, an anniversary convocation has been designated for today in Athens.

Mr. President, Concord College is an enormously important part of West Virginia higher education, and continues to be an institution West Virginia residents are proud of. The 125th anniversary convocation taking place today is a program commemorating the college's beginning—and its future. I have no doubt the school's future will continue to be a bright one.●

TRIBUTE TO GEORGE BALD ON BEING NAMED THE ROCHESTER BUSINESS LEADER OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to commend George Bald, the economic development director for the Pease Development Authority and a Rochester community leader, on being named the Rochester Business Leader of the Year. I congratulate him for his record of excellence in business and community development.

George Bald's record of achievement is certainly worthy of this outstanding honor. In 1978, he was elected mayor of Somersworth where he served until 1984. He had a bold plan for the Rochester area which spearheaded the development of a new municipally owned industrial park while utilizing an existing park. George's next endeavor was as head of the newly established economic development department where he became known for exceptional economic success. Through his leadership, Rochester was effectively promoted as an attractive business location. He also strengthened relations with existing industries. Thanks to George's efforts, Rochester became the corporate headquarters of Cabletron Systems and during his tenure thousands of new jobs have been created.

George also helped establish a solid foundation on which the city of Rochester will continue to grow. From 1991 to 1993, he became city manager and in 1994, George was entrusted the position of economic development director for the Pease Development Authority. He served on the Industrial Affairs Council at the Chamber of Commerce and the Governmental Affairs Committee.

His outstanding community support is demonstrated in his participation with the Heritage Trust and his service on several boards of directors such as the Frisbie Memorial Hospital, the Rochester Visiting Nurses Association, the Gafney Home and the Somersworth Housing Authority. George is a former vice president of the New Hampshire Association of Industrial Agents, a member of the American Economic Development Council and a director of the Northeast Industrial Developers Association. Equally important, his friends know him for his integrity and dedication and as a man who is willing to go the extra mile to help his community.

I wish to congratulate George for his recognition as Rochester's Business Leader of the Year, and I am proud to represent George in the U.S. Senate. He has certainly earned this praise from the business community he has sought to help over the years. Congratulations George.●

VONNIE AND DALE BROWN

● Mr. CONRAD. Mr. President, the great State of North Dakota has brought forth many sons and daughters who have made tremendous contributions to our Nation and our world. Throughout its history, our State has given rise to individuals of great character, strong perseverance, and expansive vision. Today, I ask my colleagues to join me in recognizing two such individuals of whom North Dakota is very proud: Vonnie and Dale Brown.

A native of Columbus, ND, Vonnie Ness was the daughter of Martha and Clifford Ness and the granddaughter of Norwegian homesteaders, who came to the United States in the 1800's to settle in North Dakota. Possessed with both a great love and talent for dance, Vonnie graduated with a degree from Minot State University. When she and Dale married and later moved to Baton Rouge, LA, she combined a career as an instructor at Louisiana State University with the responsibilities of full-time motherhood to their daughter, Robyn. For many years, Vonnie taught a variety of dance courses at LSU where she was a much-loved and highly popular instructor. Since leaving LSU, she has continued her internationally acclaimed research in ethnic and folk dance and maintains an extensive schedule of travel throughout eastern Europe as a preeminent scholar in this field.

Born in Minot, ND, 61 years ago, Dale grew up in the most challenging of circumstances. He was raised in a single-parent home by a mother, Agnes Brown, whose strength of character and persistence in the face of great poverty kept the family together. Dale's life is a testament to overcoming hardship through optimism and hard work. Indeed, he has never not

worked, having held a job throughout his childhood and young adulthood to support his family and help pay for his college education at Minot State, of which he is also a proud alumnus. In turn, North Dakota and Minot State University are extremely proud of him. When he arrived at LSU, charged with reestablishing a once-powerful basketball program that had fallen on hard times, Dale took to the task with his usual blend of tenaciousness and God-given ability. It was not long before the Fighting Tigers were living up to their name, and LSU was once again on the map as a basketball powerhouse.

The statistics are in the record books and speak for themselves. Since he arrived at LSU in 1972, Dale's teams have gone on to secure four Southeastern Conference titles, made 13 NCAA tournament appearances, including two trips to the Final Four, and provided thousands of hours of enjoyment to spectators who appreciated seeing skill and sportsmanship in college basketball. Over 25 years he has recruited, coached, and mentored a long list of players who have had significant careers in the NBA.

But the record books don't even begin to tell the full story of what Dale Brown has done at LSU and contributed to our society. Ask any of the players he has coached what it is that they most value about their experience at LSU and they will tell you, clearly and simply, "It's been an honor playing for him." A current team member recently said in an article in the Washington Post about Dale's upcoming retirement, "He just teaches you more than basketball. He teaches you how to be successful in life. Every day it's always more than basketball. It's how to have an interview, how to hold a job. He's always bringing in motivational speakers to talk to us."

Too often in college sports, the goal of developing mature young women and men is forgotten to the all-consuming need to win, to show more skill on the playing field takes precedence overall else. To be sure, Dale Brown has compiled a record of great success on the basketball court; his players have benefited from his technical skill and coaching ability and have played very, very well. But his greatest legacy will be the players who have matured, through exposure to his character and example, into fine human beings. Our society needs more of these people and we need more teachers like Dale and like Vonnie to help our young people aim high and grow.

As Dale prepares to leave his position at LSU, coaching his last game this Saturday, we would like to recognize him and Vonnie for their contributions and wish them well as they enter this exciting new period of their lives together. Many new experiences await them, but some things will remain; undoubtedly, they will continue to

leave their own special marks on the people they encounter and the lives they touch every day.

Mr. President, North Dakota is a State of achievers, of people who overcome adversity and who embody the most noble characteristics of our pioneer ancestors and try their hardest, sometimes failing, but never quitting. Such is the example set for us by Vonnie and Dale Brown. Vonnie and Dale live in Louisiana now, but they will forever be North Dakotans, carrying forth their fellowman that make our State strong and all of us proud. I ask my fellow Senators to join me in saluting them today. ●

TRIBUTE TO GILES PRIDE

● Mr. FRIST. Mr. President, I rise today to honor the work of Nashville's own Capt. Giles Pride. Giles Pride has been a cornerstone to the success and service of the Nashville Fire Department for 52 years. At age 72, he is hanging up his fireman's hat and flame retardant jacket.

Pride began his career at the young age of 19, when he said he was 21-years-old in order to meet the eligibility requirements for joining the fire department. He was given very little training, worked 12 hours a day, and was paid \$150 a month. That was in 1944, and at his retirement he had served longer than any other full-time firefighter in the State of Tennessee.

Over the years, Pride has seen many advancements in firefighting, from the introduction of more innovative equipment to new strategies for fighting certain types of fires.

Mr. President, the work of a fireman is not always pleasant. Giles Pride has plenty of memories of comradery and friendship at Nashville's Fire Department. But he has also faced the hard reality of putting his life on the line every day to save the lives of others. Captain Pride has given 52 years of his life to the people of Nashville.

Too many times we hear of fire taking and destroying the lives of its victims. Not often enough do we thank the firefighters, like Captain Pride, who bring safety and security to our communities. Today, Mr. President, I tip my hat to Capt. Giles Pride for a job well done, and I wish him all the best in the years to come. ●

TRIBUTE TO MELISSA BROWN ON BEING HONORED WITH THE GIRL SCOUT GOLD AWARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Melissa Brown for receiving the Girl Scout Gold Award by the Swift Water Girl Scout Council in Manchester, NH.

Melissa is a member of Girl Scout Troop No. 1487 and has diligently served her community and the people of Manchester. She started working to-

ward the Girl Scout Gold Award in 1995. Melissa had to earn four interest project patches, which are the career exploration pin, the Senior Girl Scout Leadership Award, the Senior Girl Scout challenge and design and implement a Girl Scout Gold Award project. She completed her project in the areas of community service and environmental awareness.

Melissa received outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Swift Water Girl Scout Gold Award is the highest attainable rank for a young woman between the age of 14 to 17. Melissa has every reason to be proud of this recognition.

Melissa promotes citizenship, character-building, and community service among the girls of our country. She also provides a respectable, solid role model for the youth of our Nation and teaches commitment, dedication, and hard work. As a member of the Swift Water Girl Scout Troop, Melissa learned valuable skills that will serve her for a lifetime.

I am proud to honor Melissa for her outstanding accomplishments and congratulate her on this truly deserved award. ●

AIRPORT AND AIRWAY TRUST FUND REINVESTMENT ACT OF 1997

● Mr. GORTON. Mr. President, I am pleased to have joined my colleagues in supporting final passage of H.R. 668, an urgently needed measure to reimpose the aviation excise taxes through the end of fiscal year 1997, and give the Internal Revenue Service authority to transfer previously collected aviation excise taxes into the Airport and Airway Trust Fund.

Reinstatement of these excise taxes for fiscal year 1997 are essential to the continued operation of our Federal aviation system. The Airport and Airway Trust Fund into which these taxes are deposited, is funded by a 10-percent passenger ticket tax; a 6.25-percent cargo waybill tax; a \$6.00 per person international departure tax; and certain general aviation fuel taxes. In 1997, this trust fund is expected to provide 62 percent of the Federal Aviation Administration's [FAA] fiscal year 1997 budget. More specifically, the trust fund is expected to provide \$5.3 billion of the FAA's \$8.6 billion total fiscal year 1997 budget. Of this \$5.3 billion, \$3.6 billion will provide 100 percent of the resources necessary to fund the FAA's capital programs, while \$1.7 billion will provide 34 percent of the fiscal year 1997 budget for FAA operations.

When the authority to collect the aviation excise taxes lapsed on December 31, 1996, officials from both the General Accounting Office [GAO] and the FAA initially predicted that the \$4.35 billion in uncommitted balances

in the fund at that time would be available to fund the FAA's capital programs through June 30, 1997. If Congress did not reinstate the taxes by July 1, 1997, they predicted, the Office of Management and Budget [OMB] would have to reduce the FAA's capital accounts, which are totally funded out of the trust fund—including both the facilities and equipment [F&E] account and airport improvement program, to account for the \$1 billion shortfall between the trust fund's fiscal year 1997 expected contribution of \$5.3 and the actual contribution of \$4.35.

According to the FAA, this reduction in the facilities and equipment account could force the FAA to issue stop work orders on all major F&E contracts, which include upgrades of the current air traffic control system throughout the country. The Airport Improvement Program would suffer an even greater impact. Under the original projections, if the aviation taxes were not reinstated, funding for the airport improvement would have to be reduced by as much as \$300 million in fiscal year 1997. Existing funding agreements under the AIP would be maintained, but no new, discretionary funding would be provided for high priority safety and security projects, capacity projects, and important noise mitigation programs.

From a Washington State perspective, fiscal year 1997 funding for noise mitigation is particularly important. Seattle-Tacoma International Airport has been a national leader in noise mitigation programs and was the first to implement a local housing insulation program to reduce the impact on houses near the airport. The current program, which is partially funded through the AIP's discretionary noise mitigation grants, is scheduled to run through the year 2003.

Under the FAA and GAO's original projections, it was clear that reinstating the taxes as quickly as possible was the appropriate action for Congress to take to ensure that the U.S. aviation system continues to be the best system in the world. The need to do this became even more urgent in mid-January, however, when the Treasury Department announced that because of an accounting error, the Airport and airway trust fund could be insolvent as early as March or April.

Let me explain the events, as I understand them, which led to accounting error made at by the Treasury Department. Each airline deposits the ticket taxes it collects to the IRS every 2 weeks. Under the look-back provisions of the IRS safe harbor rule, however, an airline can base the amount of that payment on the amount of excise taxes it collected in a 2-week period from the second preceding quarter before the current quarter. In other words, in making a 2-week tax payment in the third quarter of the year, an airline can deposit the amount it collected in

a 2-week period during the first quarter of that year. If the taxes it deposits are less than what the airline actually took in during the third quarter, the airline can make up that underpayment when it files its quarterly return. The quarterly return date is approximately 2 months after the close of the quarter.

The 10-percent ticket tax was in place during the fourth quarter of 1996. The airlines' semimonthly tax payments for that quarter, however, were based on the second quarter of 1996, during which time no excise taxes were collected. The airlines, in essence, did not remit any excise taxes during the fourth quarter of 1996, even though they were collecting these taxes from passengers at that time. The airlines had to make up for these tax underpayments by the time they file their fourth quarter returns, which are due today. Without this legislation, however, these taxes would not be deposited into the aviation trust fund, since the general-fund-to-trust-fund transfer authority expired along with the aviation excise taxes on December 31, 1996.

It appears that the Treasury Department did not account for the complex accounting procedures, and assumed that the trust fund would be credited with \$1.5 billion more than it could have been, unless Congress reinstated the authority for the IRS to transfer the fourth quarter excise taxes to the trust fund.

Last night, the Senate passed the bill that will avert the imminent insolvency of the trust fund and ensure that our aviation system remains the best and safest in the world. The temporary reinstatement of the excise taxes, however, does not necessarily mean that the taxes should be extended indefinitely. Last year, Congress created the National Civil Aviation Review Commission [NCARC] to study new mechanisms to fund the FAA after an independent audit of FAA needs. The report on the independent audit of the FAA's projected needs was released today, February 28, and now the NCARC can do its work and report back to Congress in early October 1997. While I would have preferred to maintain the aviation taxes through the end of the year to ensure that there was not another lapse while Congress thoroughly considers the NCARC recommendations, procedural and time constraints made it impossible to do this. ●

**TRIBUTE TO BRYCE PICKERING,
THE 1997 U.S. SENATE YOUTH
PROGRAM DELEGATE FROM NEW
HAMPSHIRE**

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Bryce Pickering, the New Hampshire recipient of the 1997 U.S. Senate Youth Program Scholarship. Bryce was se-

lected by school superintendents from across the country as one of two delegates from New Hampshire for a week-long study of the Federal Government in Washington, DC. I was honored to have participated in the program as a member of the advisory board. I know first hand what an enriching experience this will be for him.

Bryce is from Plymouth, NH, and in his senior year at the Plymouth High School. In addition to an excellent academic record, Bryce is president of the student council. Apart from his extracurricular activities, he is also a school board representative, editor of the yearbook and a member of the school community council. Bryce is also a member of the Leo Club.

Through his community and school work, Bryce has demonstrated great initiative and an interest in political affairs. He has been awarded a \$2,000 college scholarship, and plans to study international relations.

As a former high school teacher myself, I commend Bryce for his hard work and outstanding achievements, and wish him success in his academic career. Congratulations to Bryce on this distinguished honor. ●

**TRIBUTE TO STEPHANIE FRANK,
THE 1997 U.S. SENATE YOUTH
PROGRAM DELEGATE FROM NEW
HAMPSHIRE**

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Stephanie Frank, the New Hampshire recipient of the 1997 U.S. Senate Youth Program Scholarship. Stephanie was selected by school superintendents from across the country as one of two delegates from New Hampshire for a week-long study of the Federal Government in Washington, DC. I was honored to have participated in the program as a member of the advisory board. I know first hand what an enriching experience this will be for her.

Stephanie is from Dover, NH, and in her senior year at the Dover High School. In addition to an excellent academic record, Stephanie is the treasurer of the student council. She pursues interests in the Dover High School band and chorus, the drama club, and is a member of the math team, the Latin club, the National Honor Society, and the tennis student council.

As the student chairman of Youth for Governor Jeanne Shaheen, Stephanie has demonstrated great initiative and an interest in State political affairs. Stephanie has been awarded a \$2,000 college scholarship for being named the 1997 U.S. Senate Youth Program delegate. She hopes to pursue an interest in a career with the U.S. Supreme Court.

As a former high school teacher myself, I commend Stephanie for her hard work and outstanding achievements, and I wish her success in her academic

career. Congratulations to Stephanie on this distinguished honor. ●

**RULES OF THE COMMITTEE ON
VETERANS' AFFAIRS**

Mr. SPECTER. Mr. President, pursuant to paragraph 2 of rule XXVI, Standing Rules of the Senate, I submit for printing in the CONGRESSIONAL RECORD the rules of the Committee on Veterans' Affairs for the 105th Congress, as adopted by the committee on February 28, 1997.

The rules follow:

**COMMITTEE ON VETERANS' AFFAIRS—RULES OF
PROCEDURE
I. MEETINGS**

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as he deems necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) No meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), seven members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Four members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a rollcall vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using

mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—
(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered

veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

ORDERS FOR MONDAY, MARCH 3, 1997

Mr. NICKLES. 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 Monday, March 3. I further ask that immediately following the prayer, the routine requests through the morning hour be granted, and there be a period of morning business with Senators to speak for up to 5 minutes each except for the following: Senator HUTCHISON of Texas, 15 minutes, and Senator JOHNSON, 15 minutes.

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

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, the Senate will be in session on Monday for a period of morning business. As announced earlier, there will be no rollcall votes during Monday's session of the Senate.

Under a previous order, the Senate will resume the balanced budget amendment debate on Tuesday. By a previous order, the vote will occur on passage of the constitutional balanced budget amendment on Tuesday at 5:15 p.m. For the information of my colleagues, this will be the next rollcall vote.

Again, the next rollcall vote will be Tuesday at 5:15 p.m.

ORDER FOR THE RECORD TO REMAIN OPEN

Mr. NICKLES. Mr. President, I ask unanimous consent the RECORD remain open until 3 p.m. this afternoon for bill introductions and statements.

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

ADJOURNMENT UNTIL 12 NOON, MONDAY, MARCH 3, 1997

Mr. NICKLES. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:19 p.m., adjourned until Monday, March 3, 1997, at 12 noon.