HOUSE OF REPRESENTATIVES—*Wednesday, April 9, 1997*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. GUTKNECHT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 9, 1997.

I hereby designate the Honorable GIL GUTKNECHT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Jerry L. Spencer, Ridgecrest Baptist Church, Dothan, AL, offered the following prayer:

Our kind and all powerful God, Thou Who are art sovereign over Thine own created universe, we thank You for being available to us and to every person in the vast human family.

We greet You this morning with great anticipation for Thy brilliant presence. In humility and awe we come before You with confidence in Your love for us and Your never-ending desire to meet us at the point of our daily needs. We pray specifically for each Representative, their family, and their staff.

Great God, because we are always learning and becoming, would You please convict us when we fail ethically or morally or spiritually. Grant us repentance, and give us wisdom and discernment and courage.

We thank You for the challenges and the opportunities of this new day. We receive this day as a personal gift from You. You not only made this day for us but You made us for this day. This is the first day of the rest of our life. It could be the last day of our life. So, God, make it the best day of our life. Hallelujah, the Lord God omnipotent reigneth. Let us rejoice and be glad as we assume our responsibilities and diligently discharge our duties.

Praise the Messiah, Thy beloved Son, the Lord Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. JONES] come forward and lead the House in the Pledge of Allegiance.

Mr. JONES led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 412. An act to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

THE REVEREND DR. JERRY L. SPENCER

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, I rise this morning to welcome to this body a good friend and distinguished clergyman from my congressional district. Dr. Jerry Spencer, pastor of Ridgecrest Baptist Church of Dothan, AL, is well known throughout the South for his dedication to God and for his active evangelism, which has taken him to such farflung places as Russia and India.

A native of Tennessee, a graduate of the University of Tennessee and the world's largest seminary, the Southwestern Baptist Theological Seminary in Fort Worth, TX, Dr. Spencer has pastored for the past 40 years while ministering in over 30 countries.

Dr. Spencer has recorded four albums, authored numerous books, and has penned articles appearing in many popular Christian periodicals. Furthermore, he is the past president of the National Conference of Southern Baptists and a current member of the executive board of the Southern Baptist Convention.

Since 1988, he has made Dothan, AL, his home, where he is a senior pastor of the nearly 3,000-member Ridgecrest Baptist Church, one of the South's fastest growing churches.

Mr. Speaker, it is my great honor to welcome my friend, Jerry Spencer, to the U.S. House of Representatives, and I join the entire House in thanking him for offering this morning's prayer for this esteemed body.

DO SOMETHING, CONGRESS

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, at the beginning of this Congress we pledged to work together on issues that matter most to the American people. The Republican majority promised to work in a bipartisan way to improve the quality of life for working families everywhere.

Well, it is nearly 100 days later and what have the Republicans put forward? Have they tried to make college education more affordable? No, they have done nothing. Have they moved to guarantee health care for all children? No, they have done nothing. Have they tried to make pensions more portable and more secure? No, they have done nothing. Have they offered a plan for real campaign finance reform? No, Mr. Speaker, they have done nothing.

Democrats have a real agenda, and we have a message for the Republican leadership: Either lead, follow, or get out of the way.

Mr. Speaker, the 105th Congress does not have to be a do nothing Congress. Let us move forward on education and health care and pension security and real campaign finance reform. We can be the do something Congress, but we have got to start actually doing something, and we have got to start doing something today.

WE NEED A TAX SYSTEM WHICH IS FAIR AND SIMPLE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, I have a problem, and my problem is I cannot decide which foolish, counterproductive, unfair tax I hate the most. I do not like the capital gains tax because it hurts economic growth and it kills job creation. I do not like the death tax because it takes one's life work, the fruit of a lifetime of labor and tells the grieving, "Pay up now, and if you can't afford to, I'm closing

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up the family business." I do not like business taxes because it takes the taxes twice, and like the capital gains tax, it means fewer jobs for the people who need them most.

But perhaps the most odious, offensive and outrageously unfair part of the Tax Code is the personal income tax. The burden is too heavy, the loopholes are too pervasive, and the complexity is simply overwhelming.

When we look at the set of volumes that compromise the Federal Tax Code, 36,000 pages at last count, we cannot help but think who designed this thing? It is time to get a grip, junk the Tax Code, start all over, cut tax rates and pass a tax system which is both simple and fair.

HOW DUMB CAN WE BE?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America's building a new war machine that promises to be the mother of all mayhem, an awesome Air Force and Navy and the greatest land army ever in world history. And America is bankrolling this Goliath in China. That is right, in China, despite the fact that China is a brutal dictatorship that has already threatened to nuke their neighbors.

Now, Mr. Speaker, I say to the Congress, "If that's not enough to freeze dry your stir fry, check this out."

While China now sells Barbie and GI Joe to our kids, General Cho is stocking our assets.

Beam me up, Mr. Speaker. Hard-earned dollars by American workers building the next national security threat to the United States of America; how dumb can we be? How dumb?

The bottom line: Chinese toys today, but maybe just maybe a Chinese missile tomorrow. Think about it.

SUPPORT H.R. 15, THE MEDICARE PREVENTIVE BENEFITS IMPROVEMENT ACT

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to urge my colleagues to support H.R. 15, the Medicare Preventive Benefits Improvement Act. This legislation will ensure that important, sometimes even lifesaving, preventive benefits will be covered by the Medicare program.

The debate over the future of health care is one of the most critical issues we face as we approach the next century. H.R. 15 helps to address this important matter by providing preventive health benefits to seniors. It guarantees Medicare coverage for some of the most critical preventive screening tests available. These tests include mammographies for women 50 and over, pap smears, colon cancer screening, prostate screening and diabetes self-management supplies.

As we move forward with budget negotiations we need to realize that there are issues that have bipartisan support. Many are included in H.R. 15, which currently has 79 cosponsors both Democrat and Republican.

Mr. Speaker, we must act now and pass this preventive health bill. It is good legislative policy and, most importantly, it will save lives.

CONGRESS IN PERMANENT STALL

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, we are very frustrated by the slow start of this Congress. Even though we are about to pass the 100-day marker, this Congress is still stuck at the starting gate. To date we have only taken 60 votes compared to 2 years ago where we took 302 votes.

I would like to think that this Congress is sort of like an old car that is just taking a little while to get warmed up, but the troubling thing about this session is we seem to be in a permanent stall. We are not working on issues that matter to American families now, and there is no plan to work on them in the future.

The real tragedy is that these are issues both Democrats, Republicans and the Americans would like to work on, issues like reforming campaign finance, balancing our budget and improving our schools. We are not just working on them now, but they are not scheduled for the future.

Mr. Speaker, it is time for this Congress to abandon the "who cares" legislative agenda that has dominated the first 100 days of this Congress and get to work on the issues that really matter to the American people.

JUDGES ABUSING THEIR POWER

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, there has been a lot of talk lately about Federal judges abusing their power. Federal judges have been ignoring the will of the people by overturning elections and legislating from the bench.

Judge Thelton Henderson did just that last year when he disregarded the will of 5 million California voters. He issued an injunction prohibiting the enactment of California's Proposition 209, which passed with 54 percent of the vote in November of 1994. Yesterday a 3-judge appeals panel voted 3–0 to overturn Henderson's ruling and allow the enactment of Proposition 209.

The panel said, and I quote, "A system which permits one judge to block with the stroke of a pen what over four million State residents voted to enact as law tests the integrity of our constitutional democracy."

I agree and applaud an all-America panel, 3-judge panel, for having the integrity to remind colleagues that they are there to interpret the law and not create it.

WHERE IS THE LEADERSHIP?

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, 4 years ago the Democrats were doing the heavy lifting to help hard-working families. The Family and Medical Leave Act, to help working parents, was law by February. The Motor-Voter Act, to bring more Americans into the democratic process, was law by May.

But now what are we doing? Nothing. We are not meeting, we are not working, we are not voting.

There is no excuse. There is work to be done. Too many of our young people cannot afford a college education. Too many children are dropping out of school. Ten million kids have no health insurance. In fact, while this Congress has done nothing, more than 300,000 children lost their health insurance.

Mr. Speaker, show us a bill on education, show us a bill on children health, show us a bill on campaign finance.

Where is the leadership? Where is the action? Where is the vision? Where is the beef? It is time to act, it is time to lead.

CAMPAIGN FINANCING

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, if my colleagues think the last campaign was too long, too costly and too negative, they ought to be mad. The AFL-CIO started negative political ads in Wichita, KS, last week, 19 months before the next election. Misleading false messages in the form of TV commercials are corrosive to our system of self government.

□ 1115

Here in America, the people govern. But how can they make good decisions when the information they get on television is false and misleading.

Most Americans believe that we ought to have time to govern, to represent the people, but when false campaign ads start 5 months after the last election, so does the next campaign. It is time for campaign reform, it is time for the AFL-CIO to be restricted to

separate voluntary contributions, not the taking of dues without the consent of their Members.

PUT FACES ON DIVERSITY AND CHILDREN'S HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is important this morning to put the face on several things that have occurred in this country that I think give us both a negative image and reputation, the face on Hopwood and the overturning of the very appropriate decision by the district court was to find 40 to 50 percent decline in minority students going to our institutions of higher learning across this Nation. The district court was right, the circuit court is wrong. We need opportunity and diversity in this country.

Then on the health care issue dealing with our children, let us put a face on health care for our children. Ten million children uninsured, an 11-year-old with asthma not being able to get health insurance. Seventy percent of those are working families making less than $500 a week, making $17,000 to $29,000 a year, working hard every day and not being able to insure their children, not being able to let children play in Little League or cheerleaders because they are fearful that they will get some sort of deadly illness that the working parent cannot pay for.

This is a crime and a crisis. Put the faces on diversity, put the faces on children's health insurance. Let us do something positive in this Congress. Let us applaud and affirm diversity and let us make sure our children are insured.

IT IS TIME TO CUT TAXES

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, on February 13, 1913, a day that will live in infamy, the 16th amendment to the Constitution was ratified.

Twelve words, Mr. Speaker, just 12 words was all it took to give the politicians in Washington a permanent hand in the pocket of every working person in America. "The Congress shall have the power to lay and collect taxes on incomes." The rest, Mr. Speaker, is history.

Who could have guessed that those 12 words would lead to our present state of affairs where the average family pays more in taxes than it pays for clothing, housing, and food combined.

Mr. Speaker, that is not right. This is about fairness. It is not fair that the family living from paycheck to paycheck struggles to make ends meet. It is not fair that taxpayers should have to send over one-third of their income to the politicians in Washington.

Mr. Speaker, taxes are too high. It is time to cut taxes for the American people.

WASHINGTON TO WORK

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, as an advocate of the Welfare To Work initiative last year, I come forward to propose a sequel this year: Washington To Work. How about it? How about this House getting to work the way they said they wanted the welfare folks to go to work last year. Mr. Speaker, the work ethic seems to be in full blown retreat here in Washington.

I spent some time preparing this comprehensive list of all of the accomplishments of this Gingrich Congress. Here they are, and there is room for a little more on this blank chart, because there are millions of children who have no health insurance; there are millions of young people who want the chance to pursue a college education.

There are those of us who want the budget balanced with true balance, who want to reform the campaign finance system, and yet in this leaderless, aimless Gingrich House, this is the comprehensive list of accomplishments. It is time to apply the same work ethic to this House that our Republican colleagues and some of us on the Democratic side sought to apply to the welfare system last year.

COSTLY EPA REGULATIONS WILL HARM AMERICAN PEOPLE

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I will tell my colleagues somebody that is working in overdrive is the head of the U.S. EPA. Unfortunately, it is not working for us. She is making a policy decision that will directly affect the lives of millions of working families, all without basing them on sound science and in-depth research into the effects of these regulations on working people in our country. We cannot let this happen.

Therefore, I am hosting a statewide conference in Columbus, OH, on Monday, April 14. The purpose is to fight the new irrational air proposals by the U.S. EPA. I will be joined by the Governor of the State; the head of the Ohio EPA, Don Schregardus; George Wolff, who is head of the U.S. EPA's Clean Air Scientific Advisory Committee; and members of the Ohio legislature. The purpose: To tell the truth about these costly environmental regulations that will do great harm to America's working families, without any health care benefits.

This is a bipartisan conference supported by Republicans and Democrats all over Ohio who are concerned about the punitive, callous, mean-spirited actions of EPA Administrator Carol Browner directed at the people least able to pay, our working families; we have to stop this now.

LET US WORK IN THE 105TH CONGRESS

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, the first 100 days are supposed to set the standard for the session ahead. I hope this is not the case with this Congress, which has been plagued with delays on everything, not the least of which is the budget.

The Republican leadership has pushed back deadlines for voting for budget proposals, and now we hear it will be the summertime before we can expect to discuss the budget.

While the President submitted a budget more than 2 months ago, we still have yet to see an alternative budget from the Republicans. While we have fielded criticism on the President's budget, we cannot fight fire with fire because we have nothing to add to the numbers to compare the President's budget to what we have, which is nothing, so we have to move.

Similarly, we continue to waste time by not addressing the health care crisis for America's children. At the end of March a Families USA study told us that 2 million people were uninsured for at least 1 month in 1995 and 1996; 10 million children were uninsured for the entire year of 1995. We need to address this issue and other issues that affect our country.

Senators KENNEDY and HATCH have worked together in a bipartisan manner on a children's health care plan. Maybe we need to follow their lead and do something for children's health care in this House. Lead, follow, or get out of the way.

WE MUST CUT TAXES

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, I speak out today to express the frustration that millions of hard-working Americans feel about a government that promises tax cuts but fails to deliver.

I remember the promises made time and time again during campaigns about tax breaks for middle-income Americans. We have promises that we must keep. Is it any wonder that so many Americans feel alienated from a government that takes almost one-third,

and sometimes more, of taxes from the average family's earnings.

Mr. Speaker, who will speak for the common man? The person who does not belong to any special interest, who is not part of a PAC or a powerful lobby, who speaks for him? Mr. Speaker, who will speak for that single mother who works a second job at night to make ends meet or on weekends just to pay the taxes that are owed to Uncle Sam. Who speaks for her? We must cut taxes, Mr. Speaker. We have promises to keep. Those who feel they have no voice deserve to have their taxes cut.

CONGRESS MUST ATTEND TO PRIVACY ISSUES OF OUR CITIZENS

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, the newspapers are replete this week with IRS browsing of confidential information of American taxpayers' earnings. Recently, we read that Social Security is trying to outdo the IRS by putting on the Internet individual Americans' total lifetime earning records and making it easily accessible. Putting lifetime earning records of American citizens on the Internet is not user friendly, but abuser friendly.

Mr. Speaker, I am preparing to introduce on April 15 a piece of legislation that will inhibit the Social Security Administration from carrying on this process and establish a commission to study what confidential information should be put on the records held by the Government, so that abusers cannot invade the privacy of American citizens.

Imagine, anyone today can put a name, a Social Security number, a date of birth of that individual, the place of birth of that individual, and the mother's maiden name of that individual and get the information of lifetime earning records of that individual. That is abusive. This Congress must attend to the work of the privacy of American citizens. I urge my colleagues to join me in this legislation.

A SALUTE TO NICK ACKERMAN

(Mr. GANSKE asked and was given permission to address the House for 1 minute.)

Mr. GANSKE. Mr. Speaker, Nick Ackerman, of Colfax-Mingo, IA, lost to Clint Jones, of Bondurant-Farrar to place sixth during the recent Iowa State high school wrestling tournament. What is remarkable about this is that Nick's lower legs were amputated just below the knees when he was 1½ years old in order to stem an infection threatening his life.

Nick has always thought that he was normal: "I used to break the legs off my GI Joes to make them look like me." Years ago Nick corrected a school nurse who was explaining to his friends that Nick had a disability by telling her that he had a special ability. "I can take my legs off and nobody else in school can." As Vince Lombardi said, "it is not whether you get knocked down, it is whether you get up."

Nick may not have won a State championship in wrestling, but for those of us who watched him compete from his knees, he is a real winner. I and my colleagues in the U.S. House of Representatives salute his spirit.

THE 105TH CONGRESS SHOULD MOVE FORWARD

(Mr. WEYGAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, I bring to my colleagues today greetings from the Republican molasses of the 105th Congress. The last 2 weeks we have been on recess, but I understand both the CBO and OMB in Washington have been working to analyze the difference between this jar of molasses and the rate by which this Congress has been working. I am here to report that even though CBO scored it a little bit more conservatively, both CBO and OMB agree: molasses beat out the 105th Congress in terms of the work they are doing for American families.

It is critical for us to understand that if we are to move forward on the issues of education for our kids, health care for the low and middle income, protecting our seniors, working for jobs and reducing taxes, we have to move forward. Quite frankly, Mr. Speaker, we have not been. We are like the jar of molasses moving ever so slowly, never seeming to accomplish anything.

I urge my colleagues, particularly the Republican leadership, to let us put the agenda on the table. We as Democrats recognize we do not have the majority, but at least let us vote on the issues and move forward with America's agenda.

BIG GOVERNMENT IS NOT THE ANSWER

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am really disturbed about these Democrats. Apparently they are taking their paychecks and they are not working. What is it with my colleagues? My friends on the other side of the aisle all should be out having town meetings, visiting with constituents, visiting plants, talking to people, doing casework. If my colleagues are ashamed of the fact that they are not working, do not blame it on NEWT GINGRICH, go home and resign.

There is lots to be done. I realize that there is frustration that we are not up here passing more laws, more power, more for bureaucracy, more control over small businesses. I know what it is my colleagues on the other side of the aisle consider great fun, and that is growing the size of government. Mr. Speaker, the folks back home think it is a good day's work when government does not get bigger and bigger every single day, every single year.

Mr. Speaker, the IRS, just take them alone. The IRS right now is up to 111,000 employees. Americans spend over $1.8 billion man-hours a year just filling out their IRS income tax forms. Businesses spend $3.6 billion complying with their paperwork. That is too much government, too much bureaucracy.

Mr. Speaker, passing more laws and increasing the size of government is not the key to utopia, much to the disappointment of some of our colleagues on the other side of the aisle.

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THE REPUBLICAN MAJORITY DO-NOTHING CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I just want to let the gentleman know that it costs the Federal Government $288,000 a week to cart Members back from their districts, across this country, to bring us here to do nothing because the Republican majority of this House has no agenda; Mr. Speaker, $288,000 a week. Think about what working middle-class families in this country would be able to reap the benefit of if they had that kind of money.

Earlier this week, the Washington Post labeled this Gingrich Congress the do-nothing Congress. It is true. This Congress has spent the last 3 months doing a whole lot of nothing. My colleagues on the other side of the aisle have refused to produce a budget, refused to hold hearings on campaign finance reform, refused to schedule action on kids' health care, and refused to schedule a vote on any of the Democratic education initiatives: how to get kids to school and have working families be able to afford that.

The Republican majority would like to continue to do nothing. So be it. But get out of the way so others can talk about an agenda that helps working families in this country.

THE AMERICAN PEOPLE WANT LOWER TAXES AND LESS INTRUSION FROM WASHINGTON

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I have discovered something very upsetting in the information; upsetting, that is, to the media and the elite who want to run our lives. Mr. Speaker, it turns out that the American people do want tax relief. The latest USA Today CNN Gallup poll shows that 70 percent of Americans want a tax cut in any budget agreement this year. Seventy percent. Furthermore, a majority, 52 percent, say tax cuts and deficit reduction can be accomplished at the same time.

Maybe the White House will find a way to spin these facts to mean the opposite of what they say. Maybe they think the American people are just kidding. Maybe they think the American people did not actually mean to elect a Republican Congress that ran on a promise of tax cuts and tax reforms.

On the other hand, maybe they should just accept the truth: The American people support lower taxes, smaller government, and less intrusion from Washington.

URGING COSPONSORSHIP OF H.R. 14, THE CAPITAL GAINS TAX CUT MEASURE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I am very happy to inform the House that we now have over 114 cosponsors on the most important family tax cut measure that we could possibly consider. What is that family tax cut measure? It is the bill, H.R. 14, to take the top rate on capital gains from 28 percent to 14 percent.

I call it the most important family tax cut measure, Mr. Speaker, because this will in fact, based on two studies that have been conducted, increase the take-home wages of the average American family by $1,500.

The argument we have heard in years past is that a capital gains tax rate reduction is nothing but a tax cut for the rich. Nothing could be further from the truth. We need to bring this about. It not only will increase take-home wages, it will help us in our effort to decrease the deficit and deal with our national debt problem.

Mr. Speaker, I urge my colleagues if they have not already joined in the cosponsorship of my measure, which includes my colleague, the gentlewoman from Missouri, KAREN MCCARTHY, the gentleman from Virginia, Mr. MORAN, the gentleman from Florida, and several other people who are involved in this in a bipartisan way, I urge Members to cosponsor it.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES ON WEDNESDAY, APRIL 9, 1997, OR THURSDAY, APRIL 10, 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 107 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 107

Resolved, That it shall be in order at any time on Wednesday, April 9, 1997, or on Thursday, April 10, 1997, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my very good friend, the gentlewoman from Fairport, NY [Ms. SLAUGHTER] and pending that, I yield myself such time as I may consume. All time that I am yielding is for debate purposes only.

Mr. Speaker, this rule makes in order at any time on Wednesday, April 9, 1997, or on Thursday, April 10, 1997, today and tomorrow, for the Speaker to entertain motions that the House suspend the rules. The rule further requires the Speaker or his designee to consult with the minority leader or his designee on the designation of any matter for consideration pursuant to the rule.

Mr. Speaker, as my colleagues are aware, clause 1 of House rule 27 allows the Speaker to entertain motions to suspend the rules on Mondays and Tuesdays. The majority attempted to work with the minority to reach a unanimous-consent agreement to allow suspensions today and tomorrow. However, there was, unfortunately, an objection to that request. Absent a unanimous-consent agreement, a rule is necessary to allow suspensions on these days.

Mr. Speaker, this is a totally noncontroversial rule. As many Members on both sides of the aisle have said over the 1-minute period this morning, they want to see us begin moving ahead with our work. We want to do that. We want to take up these measures that could be considered under suspension of the rules.

Mr. Speaker, this rule itself is noncontroversial. It requires consultation with the minority, so I hope very much that we can move as expeditiously as possible to pass this.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to defeat this rule and the previous question. The rule under consideration serves no purpose, other than to allow the majority to require the Members of the body to return to the floor of this House day after day, all week long, to vote on measures which are noncontroversial and undeserving of an entire week's debate, particularly when so many more valuable and worthwhile bills languish unattended.

I can understand why the majority needs this rule, because it is a fig leaf. They are hoping if it passes they will have coverage they need to conceal the utter lack of any legislative agenda so they can drag out the consideration of a few minor bills and make this look like a work week. This rule is downright disrespectful, not just to the time of the honorable Members of the body, but to the voters we represent and their tax dollars.

It costs the taxpayers of this country $288,000 to bring all of us back to Washington this week, and for what? In the 105th Congress, we have worked less than 4 weeks' work, that is about a week a month, we are 4 months into this session, and that, considering the work week of the average American, is pretty disrespectful to them.

I am only one Member of this body, and a member of the minority at that, but I have a better agenda myself than the leadership of the House does. For example, one of the top priorities of the American people is campaign finance reform. Where is the leadership on this issue? They do not have a bill, but I do.

Last week the Federal Communications Commission voted out a rule that gives the new digital spectrum licenses available to broadcast stations. It has been widely suggested by such leaders as Senators MCCAIN and FEINGOLD, journalists like Walter Cronkite and David Broder, industry leaders like Rupert Murdoch and Barry Diller, and none other than President Clinton, that in exchange for the new spectrum rights the broadcasters should be required to provide free television time to political candidates.

Coincidentally, I have a bill, the Fairness in Political Advertising Act, that would condition station licensing on making available free broadcast time for political advertising.

My bill also includes a requirement that candidates who accept free time must use that time themselves speaking directly into the camera, and I believe it makes them directly accountable for the statements that are made in their campaigns. I hope it will cut down on the negative campaigning that has become the norm.

I challenge any of my colleagues to tell me why my bill continues to languish in the committee while we have no business on the floor and we could

be considering legislation. The fundraising scandals currently splashed across the Nation's newspapers have forced campaign finance reform to the top of the political agenda, but we have no action here. It is a shame that we are missing this opportunity to enact worthwhile and viable reform, particularly on such an important and timely issue.

On another front, we are fast approaching the anniversary of the Oklahoma City bombing, but 2 years later domestic terrorism thrives. Criminal bombings have doubled since 1988. We have a duty in Congress to keep explosive materials out of the wrong hands. I have a bill that would do just that. It would require Federal permits for all explosive purchases, mandate a nationwide background check for these permits. It would increase penalties for those who violate the Federal explosive law. We cannot afford not to pass this legislation as we approach this tragic anniversary, but it languishes out there somewhere while we do nothing.

Another pressing issue that Congress should be considering is making sure our laws keep pace with the astounding pace of scientific discovery in genetics. Time and again my constituents tell me they are worried about losing their health insurance. They are particularly worried that new technologies, like genetic testing, will open up new avenues for discrimination in health insurance and enable insurers to determine who is predisposed to a particular disorder and use that information to deny or raise the rates on their health insurance.

I have sponsored legislation that would prevent that being used against the person. It simply prevents the companies from using the information to cancel, deny, refuse to renew, change the premiums, terms or conditions of health insurance. This is so important to people in America now. We are concerned that people do not want to know the information vital to their lives because of the fear they have of losing their health insurance. Indeed, it might even bring a stop to research. If we do not pass legislation to protect Americans against this kind of discrimination, there will be dire consequences.

There are other considerations as well. Our constituents are asking what has gone wrong with our judicial system that allows repeat sexual offenders to revolve in and out of prison. Sexual predators and serial rapists continue to drift through our communities, circumventing local penal codes that vary widely by State.

Congress has a responsibility to address the issue by passing a bill that would put an end to the cycle of violence. The Sexual Predators Act is a measure I wrote that would do just that. It allows for the Federal prosecution of rapes and serial sexual assaults committed by repeat offenders, requires that repeat offenders automatically be sentenced to life in prison without parole.

I authored this bill to give local law enforcement the option of pursuing Federal prosecution to ensure that these predators, who often cross State lines, remain in jail, since many States have far less punishment available under their own laws. Instead of letting sexual predators out on the street to prey again, tough and certain punishment is required at the national level. No man, woman, or child in America should have to live in fear of a serial rapist or habitual child molester.

Enacting legislation is our business here. I know one of the previous speakers this morning had said better we should all be home having town meetings. But my people in my district, the 28th District of New York, expect me to be down here working for my paycheck. They are aware of the fact that it costs $288,000 to bring us back to Congress every week because I have told them that. They wonder where in the world the legislation is.

The things that are on their mind are what are we going to do, how are we going to keep our health insurance? What is happening to health care? What about my child? Is it going to have the child care it needs? What are you doing down there to make sure education stays strong?

Mr. Speaker, if the previous question is defeated today, and I hope it is, and I certainly urge my colleagues to vote for its defeat, if it is defeated, I will offer an amendment that would require the House to consider campaign finance reform before Memorial Day recess, May 31, so a final campaign finance reform bill can be sent to President Clinton before July 4. I think that is the least we can do.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say to my friend, the gentlewoman from New York, that I very much appreciate her enlightening the House on her legislative agenda for the year, and to say there are many very interesting proposals that she offers. Frankly, there are some solutions that I think are worthy of consideration as we move through the committee process.

Let me say, as far as where we are today, I believe that we need to recognize that there are measures that we hope to bring up under suspension of the rules that deal with the veterans of this country. There is a great interest in a bipartisan way to see us move ahead with the Veterans Employment Opportunities Act of 1997, and the other suspension which we are hoping to bring up today, if we can move ahead with this rule, is the American Samoan Development Act of 1997.

I know committees are working, and they are trying to deal with many of the very important issues that my friend raised. It is my hope we will be able to just as quickly as possible get to those items, as well as campaign finance reform.

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I have introduced my own campaign finance reform bill, which I think is very worthy of consideration. Actually, I have not introduced it yet. I am crafting it now and will be introducing it in the not too distant future. I hope we will be able to consider it. But we should look at a wide range of areas.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding to me.

I do not think anyone on our side wants to denigrate the importance of the veterans bill or the Samoan development bill. My question is, why did we not do them yesterday? We are not objecting to doing those bills, but Monday and Tuesday are the regular suspension days. We hardly worked ourselves into a lather yesterday.

Our question is, given these important bills, why did we not do them on the regular suspension day rather than have to do an extraordinary procedure to take them up today?

Mr. DREIER. Mr. Speaker, as my friend knows, we have just returned from the Easter work period, and we usually have a travel day there following.

Mr. FRANK of Massachusetts. Mr. Speaker, yesterday we were voting.

Mr. DREIER. After 5, it was after 5 so the Members could travel on Tuesday. That was the reason that we proceeded with the suspensions.

Mr. FRANK of Massachusetts. Mr. Speaker, if the gentleman will continue to yield, we had two debates on substantive issues. We did have one very substantive bill yesterday, but some people in the industry affected complained, the private mortgage insurance bill, so that got pulled lest their feelings be hurt, much less their profits. We were through voting by about 20 after 5. Another two votes would have added 10 minutes.

I understand we had 2 weeks off. Is there some implicit notion that we have to have a decompression chamber, that after 2 weeks off the Members will get the legislative bends if they have to deal with three or four bills in 1 day?

Mr. DREIER. Mr. Speaker, I do not feel that way. Frankly, everyone cannot handle it quite as well as my friend from Massachusetts.

Mr. Speaker, I yield such time as he may consume to gentleman from Glens Falls, NY [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Well, as Ronald Reagan used to say, let me just say to my good friend from Claremont, CA, one would think he is the State Department, he is being so diplomatic. Unfortunately, I do not have that kind of attribute myself, so I will be a little more blunt. I really am concerned about people standing up here and talking about campaign finance reform. When I go home and I go to a hockey game and there are 6,000 people in the stands, not once over this winter has anybody mentioned campaign finance reform.

What they did mention is that we ought to be enforcing the laws down there and what are all these illegal contributions that are coming in from the Chinese and from other places. I hear a lot about that.

I also hear a lot about people that are concerned about their jobs, and some of them are former members of the armed services. They are veterans now. They are concerned about a bill we have got on the calendar right here today. It happens to be a heck of a lot more important than campaign finance reform. This bill is H.R. 240. It is the Veterans Employment Opportunities Act of 1997 that we have been trying to get through this House now for a number of years.

While I am talking about that, let me also refer to an article by the gentleman from South Carolina [Mr. FLOYD SPENCE]. It is called the National Security Report, U.S. Defense Budget, Walking the Tightrope Without a Net.

Attached to it is a story that was in the Washington Post on April 9. I do not even know what day that is. I have lost track of the time. But this one says: Military forces are near breaking point, GOP report charges.

Let me tell my colleagues I just got back from a place called Bosnia, and I can say that we have some serious problems in this country today. We have got a problem with maintaining the commissioned officers in our military today. We have a problem in maintaining the noncommissioned officers in this military today because they are afraid there is no more opportunity out there for an honorable career in the military. Why not?

I see the gentleman from Florida [Mr. YOUNG] sitting back there, one of the finest Members of this body. He can stand up here and tell us the same thing, we are letting our military budget go back to what it was back in the 1970's, when we were losing all of our military personnel, because they could not afford to stay in the military because their families were on welfare. Their families were on food stamps. These are the kinds of things we ought to be debating. I will include these articles for the RECORD.

Let me get back to the bill that this rule makes in order. Again, it is the Veterans Employment Opportunities Act. Mr. Speaker, I am going to tell my colleagues there are some disturbing trends in this country and in this very Government of ours with regard to veterans employment. It is hard for me to believe and impossible to understand, but American veterans are actually discriminated against when it comes to finding jobs in this country but especially in our Government. If my colleagues do not believe it, just go out and ask any number of them like I do at the hockey games I was just referring to.

That is why this bill is so terribly important, in order to impress upon the private sector the importance of hiring our Nation's service men and women. It is critical that we start with this very Federal Government and our own House, that means the employees of this Congress. This bill does that by putting some real teeth to the veterans preference laws already on the books so that when it comes to hiring, promotions and reductions in force, managers and supervisors are going to think twice before they try to get rid of the veterans, the few that we have.

That is because this bill makes failure to comply with veterans preference laws a prohibited personnel practice. These managers will be putting their own jobs at risk. What about our own House and the Congress? Well, this bill finally expands veterans preferences to nonpolitical jobs in the Congress. But not only that, it expands it to the nonpolitical jobs at the White House and to certain jobs in the judiciary branch as well.

More and more so, this Government has been suffering without the invaluable experience and background of American veterans and what they have to offer. This bill will put an end to that by giving our men and women in uniform a fighting chance when it comes to finding a Federal job. Can you imagine that? They do not even have a fighting chance today.

That is necessary because every time a young person enlists in the military, they are doing a service for the country that places them at a disadvantage on the pay scale relative to their peers. For instance, if a young 18-year-old boy or girl enlists in the military, and he goes on to serve 3 or 4 years and then his peer goes to college and serves, and finishes the same 3 or 4 years getting a degree, that young man or woman who served in the military is always 4 years behind on the success scale of opportunity, of the ability to be promoted.

When they leave the military, it is critical that we follow through our guarantees like veterans preferences in order to ensure that we continue to attract the best all-voluntary military in the world. I emphasize all-voluntary military. For the last 15 years or so, we do not have a draft. We depend on an all-voluntary military, attracting young men and women from all across the spectrum to serve in our military.

Take our young men and women in Bosnia whom I just mentioned a few minutes ago whom I had the privilege of visiting last Thursday and witnessing the very tremendous job that they are doing under very, very difficult circumstances today. They have committed themselves to serving their country overseas, many of them reservists who put their civilian lives on hold. This bill includes my own personal bill, H.R. 665, that makes all of those service men and women in Bosnia eligible for veterans preferences when it comes to finding Government jobs. When they come back out of Bosnia, they are going to be full qualified veterans having served in a combat situation and therefore they get veterans preferences.

Mr. Speaker, I want to commend the good work of the gentleman from Florida [Mr. MICA], the chairman, who will be here in a few minutes in moving this bill to the floor today and urge all the Members to support it. Let us send an overwhelming message to the Senate, the American people and, most importantly, our military personnel that we treasure what they do and we take very seriously the commitments we have made to them when they return from civilian life.

Mr. Speaker, I thank the gentleman for the time. I include for the RECORD the articles to which I referred:

[From the National Security Report, April 1997]

U.S. DEFENSE BUDGET: WALKING THE TIGHTROPE WITHOUT A NET

The Clinton administration's defense budget request of $265.3 billion for Fiscal Year (FY) 1998 represents a 2 percent real decrease from current (FY 1997) spending. As such, it continues a 13-year-long trend of real defense spending decline and it marks a 38 percent real reduction in spending from defense budgets in the mid-1980s.

The FY 1998 defense budget request represents 3.1 percent of the nation's gross domestic product, down more than 50 percent from the 1985 level of 6.4 percent. The FY 1998 defense budget request, when measured in constant dollars, represents the smallest defense budget since 1950.

Indeed, cuts from the defense budget have provided a substantial contribution to reductions in the federal deficit in the 1990s. In fact, defense cuts account for the vast majority of deficit reduction to date that is attributable to the discretionary budget. Based on the president's FY 1998 budget, between FY 1990–2000, entitlements and domestic discretionary outlays will increase substantially, while outlays for defense will decrease 32 percent. So the trend continues.

From the standpoint of military capability, the administration's FY 1998 defense budget request perpetuates the mismatch between defense strategy and resources—the widening gap between the forces and budgets required by the national military strategy and the forces actually paid for by the defense budget. In January 1997, the Congressional Budget Office (CBO) estimated the president's defense budget to be underfunded by approximately $55 billion over the course

of the next five years. However, many independent analyses, including that of the General Accounting Office, assess the shortfall to be much greater.

The FY 1998 defense budget request also reflects the administration's continued pattern of cutting long-term investment funding necessary for the modernization of aging equipment in order to pay for near-term readiness shortfalls. The FY 1998 procurement request of $42.6 billion is actually less than current (FY 1997) procurement spending levels and approximately 30 percent below the procurement spending level identified by the Joint Chiefs of Staff as necessary to modernize even the smaller military of the 1990s. Since 1995, the administration has vowed to end the "procurement holiday," but its plan to increase modernization spending is skewed heavily toward the later years of the five-year defense program, with the bulk of the proposed increases projected to occur beyond the end of the President's second term in office.

The inability to field new systems is highlighted by the administration's lack of funding for missile defenses. Six years after the Gulf War, which demonstrated both the strategic and military importance of effective ballistic missile defenses, the administration continues to shortchange spending for such programs, cutting the national missile defense program to protect the American people from the threat of ballistic missile attack by over $300 million from current (FY 1997) spending levels.

One of the primary reasons modernization spending continues to be reduced and used as a "billpayer" for shortfalls elsewhere in the defense budget is the administration's persistent underestimation of readiness and operational requirements. The FY 1998 defense budget request includes $2.9 billion less for procurement and $5.2 billion more for operations and maintenance (O&M) spending than was projected for FY 1998 by the administration just last year. This miscalculation results from the Pentagon's underestimation of its own infrastructure and overhead costs as well as from the continuing high and costly pace of manpower-intensive peacekeeping and humanitarian operations.

The diversion of troops, equipment, and resources from necessary day-to-day training in order to support these ongoing operations means that even those O&M funds being requested are not purchasing the kind of readiness central to the execution of the national military strategy.

Although the administration contends that the post-Cold War defense drawdown—a drawdown that has cut the nation's military by one-third since 1990—is nearly complete, the FY 1998 defense budget request reduces both the Navy and Air Force below the personnel levels mandated by law and below the levels called for by the national military strategy. While military forces are shrinking to dangerously low levels, the pace and duration of contingency operations are increasing. These conflicting trends are hurting military readiness, are eroding quality of life, and are certainly not conductive to maintaining a high quality, all-volunteer force in the long run.

[From the Washington Post, Apr. 9, 1997]

MILITARY FORCES ARE NEAR "BREAKING POINT," GOP REPORT CHARGES

(By Bradley Graham)

Increased demands on a reduced U.S. military to engage in peace operations and other noncombat missions have stretched units to "the breaking point," according to a House Republican report on the condition of American forces to be released today.

While congressional warnings about a growing military readiness problem have sounded for several years, the new study provides the most extensive anecdotal evidence so far about the toll on American forces of frequent post-Cold War deployments, long tours away from home, personnel shortages, and inadequate pay and living conditions.

"Indicators of a long-term systemic readiness problem are far more prevalent today than they were in 1994," said the report issued by Rep. Floyd Spence (R-S.C.), chairman of the House National Security Committee, after a seven-month study by his staff. "Declining defense budgets, a smaller force structure, fewer personnel and aging equipment, all in the context of an increase in the pace of operations, are stretching U.S. military forces to the breaking point."

Pentagon leaders, citing official readiness indicators, have insisted that U.S. forces remain as prepared for battle as ever.

For several years, the Clinton administration has listed readiness as its top priority in apportioning the defense budget, setting a historical high in operational and maintenance spending per soldier.

Some defense experts have accused Republican legislators of fanning talk of a readiness crisis for political ends—to justify increases in defense spending, forestall more troop reductions and embarrass the Clinton administration. They contend that any strains in the force could be relieved simply by more selective and efficient management of deployments.

But the House report, which was drafted without the participation of committee Democrats, describes a pervasive erosion of operational conditions and combat training. It says the quality of military life is deteriorating "to the point where a growing number of talented and dedicated military personnel and their families are questioning the desirability of a life in uniform." And it says military equipment is aging prematurely due to extended use and reduced maintenance.

The report faults the Pentagon's system for tracking readiness as flawed and incomplete.

The system, which is being revised by Defense Department officials, has focused mostly on whether units possess the required resources and training for wartime missions and includes little provision for measuring such factors as morale or deployment rates.

The official view of how troops are faring, the report asserts, contrasts markedly with what committee staff members found in visits to more than two dozen installations and over 50 units in the United States and Europe.

"Doing more with less may be the military's new motto," says the report, "but it is certainly not a sustainable strategy, nor is it conducive to ensuring the long-term viability of an all-volunteer force."

With the Pentagon in a middle of a major review of U.S. defense needs, the report cautions that any attempt to shrink the force further will "surely exacerbate the readiness problems that are identified in this report."

Since the waning days of the Cold War, American forces have dropped from 2.1 million to 1.45 million service members, while the number of deployments to such places as Bosnia, Haiti and Somalia has risen sharply.

Although only a small percentage of all U.S. military forces is involved in these missions at any given time, the extended duration and frequency of the deployments have magnified their impact.

The combination of lower troop numbers and more numerous deployments has led to shortages particularly of mid-grade, noncommissioned officers, the report says. To cover gaps, service members often are assigned to jobs for which they lack the requisite training and experience, the report adds.

Moreover, deployment times too often exceed the 120-days-per-year maximum set by the services, the report says. To make ends meet, those units that do deploy frequently scavenge parts and people from other units, creating "troughs of unreadiness' in the force that are "deeper and of longer duration" than before, the report adds.

Particularly, troubling, the report says, is an evident drop in the amount and quality of training, caused by funding shortages and reduced opportunities to train because units are on deployment or covering for units that are.

"The widespread belief of trainers interviewed at the services' premier high-intensity training sites—the National Training Center at Fort Irwin, the Marine Corps' Air Ground Combat Center at Twentynine Palms and the Air Force's Air Warfare Center at Nellis Air Force Base—is that units are arriving less prepared than they used to and are not as proficient when they complete their training as in the past," the report states.

Although military retention rates remain relatively high, the report says these official statistics cloud the fact that the "best of the best" are getting out. According to an internal Army survey quoted in the report: "Job satisfaction is down and about two-thirds of leaders say organizations are working longer hours . . . The force is tired and concerned about the uncertainty of the future . . . Morale is low at both the individual and unit level."

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, I thank my colleague from New York for yielding me the time.

Once again today Democrats are standing up for campaign finance reform. We will vote in a short while to defeat the previous question on this rule in order to bring up before this body campaign finance reform so we can have it on the floor of the House by Memorial Day. This will be the third vote we are taking on campaign finance reform in this Congress. There was a vote on opening day of the Congress and another on March 13.

I might add that not a single Member from the other side of the aisle has voted for reform yet. But I am hopeful that through this process of raising this issue on the previous question on rules, we will slowly see Members of the other side decide that we need to have a public debate on this most important issue.

Our way of financing political campaigns in this country today is broken. I think the American people know it. Although some have proposed spending even more on campaigns, the American people, I think, just think the opposite. More than 9 out of 10 believe too much money is being spent on political campaigns.

So we need to fix the system and we need to limit the amount of money in these campaigns. We need to stop the negative advertising. We need to get Americans voting again and believing in the system. The vote today is not about a particular bill. There are many different vehicles out there, some of them very good, or a solution. It is about setting up a process to debate campaign finance reform, to make sure it moves beyond the closed room, the back rooms, the locked doors, and out into the open where the American people can understand and learn and participate in one of the great debates that I think we are engaged in this year.

What we are really talking about is reinvigorating the political process. Right now Americans do not think their vote counts. They are sick and tired of what they see, what they see going on, and they feel a powerlessness to do anything about it.

We need to change that. We need to make democracy in this country mean something once again, and we need to give people hope that they can make a difference, that they can be a player, that they can feel that their Government is working for them. There are a lot of good ideas out there, and we are simply asking a chance to debate them.

For 4 months we have done nothing in this Congress. Oh, we have named a few buildings after people. We have commended the Nicaraguans on their election. We have expressed our respect for the Ten Commandments. But we have done nothing to improve the lives of American working families on health care, on education, on jobs. Real campaign finance reform will make a difference. It is another one of the issues that the public wants us to address.

So I urge my colleagues, Mr. Speaker, to vote no on the previous question in order to bring up campaign finance reform to the floor before the Memorial Day recess.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to simply say that it is very interesting to listen to the hue and cry over campaign finance reform that comes from my friends on the other side of the aisle. I stated that I have a measure that I am going to be introducing in the not too distant future which would actually encourage greater voter participation, an opportunity for them to participate with campaign contributions.

The thing that troubles me, Mr. Speaker, is the fact that we are in a position today where we do not have compliance with existing law, and we as Republicans are very proud to stand up for enforcement of the laws which have been flagrantly violated based on reports that we have had in the media. That is what we as Republicans are doing from this side of the aisle. I hope very much that we will be able to get to the bottom of these tremendous abuses of present campaign finance law.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, let me just say that I intend to support veterans preferences. Four hundred and thirty-five Members of this body, all of the Members who are here today, are going to vote for this bill. That is not the issue. This is a noncontroversial item. It is under a suspension calendar. We will vote without any bit of controversy. Suspensions are usually noncontroversial. They are considered on Mondays and Tuesdays in the House, so in fact we could have considered this vote yesterday when we adjourned at something like 10 after 5 or 5:15. We could have done this yesterday.

We are going to try to defeat the previous question this morning in an effort to be able to use our time in order to talk about campaign finance reform legislation so that we can vote on what is a pressing issue before the Memorial Day district work period.

It is hard to open a paper these days without reading about the lack of accomplishments of this Congress, in fact the do-nothing Congress. But the worst of it is that the Congress is doing nothing when the issue of campaign finance reform cries out for action and early action at that.

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Yes, let us continue on with the investigations, but what we in fact do know is that the system is broken and that it needs to be fixed. Let us have that discussion.

The 1996 elections broke all records for campaign spending: $2.7 billion. The Washington Post shows that 8 in 10 Americans agree that money has, quote, too much influence on who wins elections. The amount of money in politics disenchants the American people and tells citizens, ordinary citizens in this country, that their votes are not as important as fundraising dollars.

The record amounts spent in 1996 are a powerful argument for meaningful limits on campaign spending. We need less money in politics, not more. And if we are to achieve limits on campaign spending, we need to act immediately, because every delay takes us closer to the next election.

I doubt the American people want more money spent the way that the Speaker would. Let us have the debate on campaign finance reform, and let us just stop fooling around.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise to call upon my colleagues to defeat the previous question and to bring an amendment to this floor allowing a debate on the important issue of campaign finance reform.

Every person in America realizes the importance and necessity to address our broken system of financing the election, and yet my colleagues on the other side, the Republican majority, are planning no hearings on this issue, no debate on this floor, and no votes to change the way elections are paid for. It is a shame, and it is a disgrace.

There is too much money in the political process. We need to recognize that there is too much money in the political process. Members of Congress are forced to spend too much time chasing campaign funds. Special interests and the wealthy interests have too much influence. These are the problems that need to be addressed.

Mr. Speaker, there is a fundamental difference between Democrats and Republicans on campaign finance. Democrats believe there is too much money in the political process. Republicans believe there is too little. Let us have a debate on the floor of the House of Representatives.

Let the American people decide whether we need more or less money in politics. We should put our votes on the board, let the American people see, rather than bring us back to Washington week after week to vote on do-nothing legislation.

Let us address the real problems confronting our Nation. Let us fix our broken campaign finance laws. Defeat the previous question and let the real and serious debate begin.

Maybe, just maybe, we should adjourn or recess the Congress and go home for the next few days and visit our citizens, the people that sent us here, like I did last week. Why come back here and vote on do-nothing legislation? Now is the time to act. Defeat the previous question.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, at the outset of this Congress I was 1 of more than 100 Members of this House to ask that action occur during the first 100 days of this Congress on the issue of campaign finance reform.

Well, that period will expire next week. And what has happened during those first 100 days on the issue of campaign finance reform? The same thing that has happened on the hopes of reform for more health insurance for children across this country, the same thing that has happened with regard to the aspirations and needs of young people across this country to get access to a college education.

What has happened on campaign finance reform during the first 100 days of this Congress is zero, zip, nada. Not a thing has occurred on that or most of the other important issues that face America today.

Now, my distinguished colleague from California [Mr. DREIER], says they have another approach. When it comes to campaign finance, they do not want to legislate right now, they want to investigate. Well, I agree that some investigations are in order. The only problem with Mr. DREIER's approach is, they want to investigate everybody except this House. They want to look at somebody else's house down the street.

They do not want to look here at the issues of the peddling of campaign finance checks that have occurred on this floor and issues that have arisen in connection with the raising of hundreds of millions of dollars in funding this Congress, of special interest money that dominates the elections in this Congress on both sides of the aisle. No; they want to investigate someone else, get indignant, get upset, make some speeches, but not do a thing about it.

This rule sets priorities, and I would say our veterans, who will have 435 votes in favor of their bill in a few minutes, have as big a stake as anybody else in seeing this system cleaned up.

It is time for this Congress to act. We waited in the last Gingrich Congress 1½ years out of that 2 years before we ever even got a chance to vote on the issue of campaign finance reform. That is why we are going to keep raising this issue day after day, because we cannot wait another 1½ years for action, and at that time it was some convoluted position that even the Republicans could not support. It is time for action and action by voting down this rule.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to say that it is very interesting to listen to this debate as it proceeds on campaign finance reform. We are actually offering a rule here that would allow us to consider suspensions today and tomorrow to deal with veterans, American Samoa, assisted suicide, and yet the campaign debate here, the debate has proceeded on the issue of campaign finance reform.

Since that has happened, I want to take a moment before I yield to my friend from Texas, the majority whip, to talk about legislation I mentioned during the 1-minute period that I hope we will be able to have considered here. If we could get the President on board on it, it would be very helpful, and, frankly, it is much more important to the people whom I am honored to represent here and others from around the country than campaign finance reform.

It happens to be the single most important family tax cut that we could offer, and that is a reduction of the top rate on capital gains from 28 percent to 14 percent. As of right now, we have 118 cosponsors. Democrats and Republicans have joined, cosponsoring this.

I call it the most important family tax cut because it clearly will increase the take-home wages of working Americans, on average, by $1,500. Unlike many of the family tax cuts, which are temporary, some of those that the President has proposed, this capital gains tax rate reduction would be permanent, creating that boost for working Americans. I hope very much that we are going to be able to proceed with that measure, which also is critically important to our quest of a balanced budget.

We want to bring about a reduction in the national debt and get us on that glidepath toward a balanced budget. We know that unleashing the 7 to 8 trillion dollars that is locked in today, people who do not want to sell their family farm, their small business, their home or other appreciated asset because of the fact that that capital gains tax rate is so high, that capital would be unleashed, if we could reduce that rate from 28 to 14 percent, and would go a long way toward increasing the flow of revenues to the Treasury, as it has done every single time throughout this century.

Every shred of empirical evidence we have is that it will increase the flow of revenues to the Treasury, going all the way back to President Warren G. Harding, who, in 1921, under his Treasury Secretary, Andrew Mellon, cut the top rate on capital. The flow of revenues to the Treasury increased.

In 1961, when President Kennedy did it, the same thing happened; and then when Ronald Reagan did it with the Economic Recovery Tax Act of 1981, we saw that increase.

Unfortunately, when we increase the tax on capital, we decrease the flow of revenues to the Treasury. In 1978, when the capital gains tax rate was reduced, we saw, from 1979 to 1987, a 500-percent increase in the flow of revenues to the Treasury from $9 billion to $50 billion, and it began to drop after the 1986 Tax Reform Act went in place.

So it seems to me we have a very important issue that I hope we can address here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY], my dear friend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time. And he is so right about the real important things that we intend to do in this 105th Congress, rather than play these games that are being played around here.

It is amazing to me, the lack of shame that is expressed on this floor, that the minority party, that used to be the grand majority party for so many years, particularly since the last major campaign finance reform was passed back in the late 1970's, I think 1976 or so, had the majority of this House and the majority of the Senate and yet did not bring any bills down. In fact, if they just passed this bill, they could probably bring their campaign finance reform to the floor under suspension.

Oh, I forgot; they do not have a campaign finance reform bill. They are crying for campaign finance reform to come to the floor, but they do not even have a bill.

What is happening here is something that is really serious, because we want to hold hearings to look into what is serious. We have the potential of having had in the last campaign our national security compromised by foreign money being pushed into this country and trying to manipulate our campaigns, and they are trying to change the subject so that the American people will not focus on what is really happening and what really happened in the campaign last year by this President and by the Democratic National Committee. That is what is going on here.

I just came back from 2 weeks in my district and holding town meetings and meeting with my people. I did not travel anywhere. I worked my district during the district work period, and I had one person ask one question on campaign finance reform.

Now, the American people out there know exactly what is going on here on the floor of the House, and, frankly, they are ashamed as to what is going on on the floor of this House, trying to cover up what could be potentially a national security problem brought on by breaking the campaign finance laws that were reformed by this majority, by the majority Democrat party back in the 1970's, and trying to cover it up by talking about campaign finance reform here, and they do not even have their own bill.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I am delighted to yield to the distinguished gentleman from California.

Mr. DREIER. I thank my friend.

The gentleman makes a very important point, that being, we are simply calling for compliance with the present law that exists. And those on the other side of the aisle are saying, well, let us change the law, let us reform campaign finances, and that will address this hue and cry that we are hearing out there from the American people; all they want us to do is, the American people want us to comply with the laws that exist today.

Mr. DELAY. Mr. Speaker, reclaiming my time, I would also say that they want us to do it before we look at whether laws have actually been broken. And we all know the reason for that; it is strictly politics, to cover up the fact that the national security of this country may have been compromised.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. GUTKNECHT). The Chair would remind all Members the matter before the House is House Resolution Number 107.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to just comment on the majority whip's remarks about campaign finance reform and lack of action on the Democrat majority's part when we were in charge, and remind him that we passed it twice out of the House.

The first time, it was passed again through the Senate, vetoed by a Republican President; the second time, it was filibustered to death in the Senate. And, by the way, I think I did mention, I do have a campaign finance reform bill.

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, not only will the Republicans not bring campaign finance reform to the floor, but their rhetoric today tells us how far away they are from what is happening in America.

They want to suggest that the existing system is just fine, that it is a transgression simply of the White House that we should only be concerned about. And we should be very concerned about those.

They would argue that it is OK, as they did under the existing system, to have Haley Barbour say that he can set up meetings for anybody who gives $100,000 to any Republican chairman of the House, and he has never been turned down.

They would say it is fine to have a person who is accused of shaking down a lobbyist and threatening them that if they do not contribute to him, they will never have access to his office again. Under a current FBI investigation, it is just fine to have him investigate the President.

□ 1215

They would suggest that it is fine that a committee Chair, Republican committee Chair, get $200,000 from the very people he meets with about matters before his committee and the money comes right after the meetings. That is all apparently allowed under the existing system, and they do not think it should be investigated. They do not think it should be investigated; that there is nothing wrong with the system; that at the Republican gala, top donors, if you give $250,000 you can get to a lunch with the Republican majority leader, the Speaker, the whip, and others and committee Chairs. If you give $10,000, you can have a meeting.

You know what you get, ladies and gentlemen, you get seats in the gallery. You the public get seats in the gallery. You know what big donors get? They get access to leadership power and decisions. That is under the existing system, and that is why we are saying it has to be reformed. Two years ago we watched as top lobbyists sat in the majority whip's office and drafted legislation to the Clean Water Act.

Mr. DELAY. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. (Mr. GUTKNECHT). The gentleman will suspend.

The gentleman from California will be seated.

The SPEAKER pro tempore. The Clerk will report the words.

The Clerk read as follows:

If you give $10,000, you can have a meeting. You know what you get, ladies and gentlemen? You get seats in the gallery. You the public get seats in the gallery. You know what big donors get? They get access to leadership power and decisions. That is under the existing system, and that is why we are saying it has to be reformed. Two years ago we watched as top lobbyists sat in the majority whip's office and drafted legislation to the Clean Water Act.

The SPEAKER pro tempore. Does the gentleman from Texas seek recognition?

Mr. DELAY. No, Mr. Speaker. I ask that the Chair rule.

The SPEAKER pro tempore. The Chair is prepared to rule.

In the opinion of the Chair, there was no direct reference to a Member specifically performing a quid pro quo. Therefore, the Chair will rule that the words are not unparliamentary.

The Chair would, however, admonish all Members that it is a violation of the House rules to address the people in the galleries. It is also a violation both of the rule and the spirit of the rules to challenge or question other Members' personal motives.

PARLIAMENTARY INQUIRY

Mr. DELAY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DELAY. Mr. Speaker, if I understand your ruling correctly, the gentleman from California has made statements about another Member of this House that are incorrect. Is it the ruling of the Chair that a Member can make incorrect statements about another Member on the floor and not have his words taken down?

The SPEAKER pro tempore. The Chair is not in a position to rule on the truthfulness or veracity of a statement made by a Member on the floor of the House. That is a subject for debate.

Mr. DELAY. I thank the Chair.

The SPEAKER pro tempore. The gentleman from California may proceed in order.

Mr. MILLER of California. Mr. Speaker, the point is this. The point is that the American public is treated on a daily basis to account after account after account where money buys you privilege in the House of Representatives among the leadership and it buys you access. That has got to stop because it simply is not fair to the American people. Money is distorting how decisions are being made in this House, the people's House. Money is distorting outcomes in the people's House. Money is distorting the schedule in the people's House. That has got to stop.

And that is what is happening under the existing system. That is happening under the existing system, and that is why we objected yesterday so we could get time today to speak out against the status quo. The status quo is corroding this institution, it is corroding the decisionmaking process, it is corroding the outcome. The people of this country deserve better. That is why we need campaign finance reform. We need it for this institution. We need it for the integrity of the Democratic institution, the House of Representatives, the U.S. Senate. We need it to bring back the faith of the people we represent.

This is not about our campaigns. This is not about whether we get elected or not elected. This is about whether or not it is on the level in this place, whether or not every person has the right to the same access; not access based upon merit, not on the size of your wallet, not on the size of your contribution. That is what this argument is over.

But they will not let us have this debate on the floor of the House of Representatives. We have to go through parliamentary maneuver after parliamentary maneuver to have this said. Why? Because it is very embarrassing. It is very embarrassing on the bipartisan basis. But we have got to clear the air. We owe it to the American public. We have got to clear the air at that end of Pennsylvania Avenue and we have got to clear the air at this end of Pennsylvania Avenue. We owe the public no less.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Sugarland, TX [Mr. DELAY].

Mr. DELAY. I appreciate the gentleman yielding me this time.

Mr. Speaker, the gentleman from California has repeatedly brought up this incident, including in the media, and has been quoted in the media about an incident where there were lobbyists in the majority whip's office writing legislation.

I will be glad to yield to the gentleman to give me the names in the RECORD of those lobbyists that were in my office writing legislation, and the incident and the time and the date. The least he could do when he makes a statement that is totally incorrect, that he could provide that information to the House, or at least if that is the case and it violates the rules of the House or violates a law, would bring charges against this Member.

Mr. Speaker, I am glad to yield to the gentleman from California.

□ 1230

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, as the gentleman knows, unfortunately I can either make the contribution or I am a lobbyist. I was not privy to the meeting, but the meeting was widely reported, and I am not seeing the denial of the meeting taking place.

Mr. DELAY. Mr. Speaker, reclaiming my time, obviously the gentleman cannot substantiate his charges, obviously he cannot name names.

Mr. MILLER of California. Does the gentleman deny that these meetings took place?

Mr. DELAY. This gentleman, Mr. Speaker, denies categorically that it ever happened, that there are lobbyists in the majority whip's office writing legislation, unlike in the gentleman's office where environmental groups write legislation.

Mr. MILLER of California. Mr. Speaker, the gentleman wanted to take down words for inaccurate statements. I guess we can understand why the ruling does not exist right now.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, bring this down to a different level.

I rise to urge Members of this body to vote in opposition to the motion for the previous question and I do so because I want to raise the issue of campaign finance reform. I think it is time for us to deal with it, and I want to mention a couple of points.

First, according to a recent poll, 85 percent of Americans think that there is a crisis or a problem with the way candidates raise and spend campaign funds, and according to another recent poll, 85 percent of the people think that special interest groups have more influence than voters.

Now, when I was back in my district over the last 2 weeks, people did raise the issue of campaign finance reform, and do my colleagues know what a couple of them said? They said, "Why are you spending millions of dollars on investigations and doing nothing to help us? Why are you spending millions of dollars on investigations and doing nothing to help us?"

I believe that from my experience if we cannot find people who care about campaign finance reform we are not looking very hard. It may not deal with their jobs, it may not deal with their education, it may not be Social Security or Medicare. They are things that matter to their personal lives, but they care about our democracy and they care about this system of campaign funding. It is important because the relationship between those who elect us and those who sit in elective offices is critically important. It is a matter of trust. If our citizens continue to believe, as they do now, that money has more influence than votes, then we are diminished, they are diminished, and this democracy is diminished.

There is too much money in politics, and we need to do something about it.

I am a cochair of a freshman task force, a bipartisan group, six Republicans and six Democrats, and we want to work on this issue through this Congress, and what I ask all the Members here is to make sure that the year 2000 is not a repeat of the year 1996 and we deal with campaign finance reform now.

Mr. DREIER. I reserve the balance of my time, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to follow up on my colleagues from Maine and from California, particularly the gentleman from California, who said that we have an obligation to bring up the issue of campaign finance reform, and the main reason for that, I believe, is what I experienced in the last 2 weeks in my district during our district work period.

Again, as the gentleman from Maine said, so many of my constituents would come up to me and say, "What is going on in Washington? The Congress isn't doing anything. The only thing that they're doing is doing investigations of campaigns and frankly we're not interested. We don't want the money, the millions of dollars that is going to be spent on this. Sure, you can do a little investigation if you want, you can look into it, but the main thing is you have to do something about the issue of too much money in campaigns. You've got to address it."

And believe me, the American people feel very strongly that this is not happening right now, and the fault lies squarely with the Republican leadership of this House of Representatives. The Speaker, the Speaker has repeatedly said on many occasions there is not enough money in campaigns. Just the opposite is certainly true, and we have been here, many of us on the Democratic side of the aisle, many times over the last 3 or 4 months, including myself, saying we want this issue brought up, we are not in the majority, we cannot control the agenda.

That is why we have to go to the floor in these procedural ways and ask to defeat the previous question because the Republican leadership refuses to bring it up, and do not tell me that when the Democrats were in the majority that we did not bring it up. In fact we did. It passed. I remember. I voted for it on the House floor here. But it went over to the other body, and the Senators, the Republican Senators on the other side filibustered and killed it.

So there is no question the Democrats are in favor of campaign finance reform, Democrats are in favor of debate, Democrats want a bill to pass. We have said that we would like to have it happen by Memorial Day; I think the President mentioned July 4. Certainly the sooner the better, but so far no hearings on the other side, the Republicans. The Republicans have not had a hearing, they do not bring it up, they have no bill, they have no plan, they do not want to talk about it, which is why they get mad when we do. But I am telling my colleagues right now that the public will not stand for it. They want action.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, I think it is fascinating to watch the hue and cry for campaign finance reform from the Democrats when they controlled the House, the Senate, and the White House 4 years ago and chose not to bring it up.

The fact of the matter is we have two kinds of campaign financing systems in America; one is congressional. We could only take $1,000 from an individual or $5,000 from a PAC, we must report everything we receive and everything we spend, and that system did not break down, and no one is accusing it of having broken down.

There is another system for Presidential campaigns. If they accept $75 million of taxpayer money, they may not spend a penny more. That is precisely what Bob Dole did; that is not what President Clinton did. He accepted the $75 million, and he spent $40 million more than that. He admitted to doing that, but he said it was necessary to break the law because "we would have lost."

Now, I do not want to see America pay for the congressional races, with ceilings on them like they did for the White House, and have that system so easily abused as it was by President Clinton. Let us move on with this bill which allows bringing up the bill for veterans' benefits, let us pass this rule and get on with the business of the House.

Ms. SLAUGHTER. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to place into the RECORD an article from the Washington Post, March 12, 1995: "Forging an Alliance of Deregulation, Representative DELAY Makes Companies Full Partners in the Movement."

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentleman from California?

Mr. DELAY. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

Ms. SLAUGHTER. Mr. Speaker, I yield 20 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I appreciate the objection.

The point is on March 12, 1995, the Washington Post sets forth the series of meetings taking place wherein lobbyists and campaign contributors are provided a full partnership, are provided a full partnership, and I will yield in 1 second, in the drafting of legislation that was dealing at that time with deregulation.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman from California (Mr. MILLER) has expired.

Mr. DELAY. As usual, the gentleman's time is always expiring while he is trying to accuse another Member of the House.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. I just got to say, Mr. Speaker, in that article there is no—there are no names, there are no time periods that this meeting happened, there is absolutely no—regular order, Mr. Speaker. I know the gentleman does not like the rules——

The SPEAKER pro tempore. The gentleman from Wisconsin is out of order.

Mr. DELAY. I know the gentleman does not like to follow the rules, Mr. Speaker, but I am asking for regular order.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DELAY) controls the time.

Mr. DELAY. Mr. Speaker, I appreciate the courtesy from the gentleman.

Mr. OBEY. Mr. Speaker, I prefer truth over courtesy any time.

Mr. DELAY. Regular order, Mr. Speaker, or have the gentlemen removed from the floor.

The SPEAKER pro tempore. We will have regular order.

The gentleman from Texas is recognized.

Mr. DELAY. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 45 seconds remaining.

Mr. DELAY. Mr. Speaker, it seems that it is OK to take something out of the newspaper that is not true and bring it down to the floor of the House and attack other Members of this House with something that is not true, written by a reporter in the Washington Post, and using it as if it were true, and I think it is really, Mr. Speaker—it shows the lack of shame in this House about what is going on in this House when we are trying to pass a rule to bring bills up, consentual bills up, under suspension when the minority does not even have a campaign finance reform bill that they could bring to the floor even if we gave them the time to bring it to the floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I was in my office when I saw the incident that just occurred on the House floor involving the meeting that was discussed by the gentleman from California which he indicated had taken place in the majority whip's office. The majority whip has said that the newspaper article to which the gentleman from California referred contained no names of lobbyists. I have in my hand, as the Senator from my own State used to say, a copy of the article in question, and if my colleagues examine the text, there are the names of seven lobbyists listed.

Mr. DELAY. Mr. Speaker, would the gentleman yield and read those names?

Mr. OBEY. I would be happy to allow the gentleman to read the names. I am not going to mention the name of any person on the floor who is not here to defend himself.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. Mr. Speaker, I will not yield further, not at this time. The gentleman can come here and read the names.

I would ask unanimous consent again to be allowed to place this in the RECORD so that the names can be in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DELAY. I object.

Mr. OBEY. I thought the gentleman would.

The SPEAKER pro tempore. Objection is heard.

Mr. OBEY. I thought the gentleman would.

I find it interesting that the truth is being suppressed on the floor of the House in the name of the rules of the House.

Mr. DREIER. Mr. Speaker, once again I yield 1 minute to my friend, the gentleman from Sugarland, TX [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding this time to me, and since the gentleman from Wisconsin would not yield to me, especially when I asked him to read the names, he does not want to read the names because he will not enter into a dialog with me about the fact that one newspaper article misrepresented what happens in my office and that the fact that there has never been lobbyists sitting in my office or any office of the leadership sitting down writing bills.

We all know that the legislative counsel does that, and we all know that we talk to people about the bills, and he will not read the names. Read the names so that I may respond to the incident. But they do not want to read the names because once again they are trying to smear another Member of this House.

Mr. Speaker, I think we just consider the source of the issue, and if the gentleman does not yield to me, I am not going to yield to him.

Mr. OBEY. I yielded to the gentleman.

□ 1345

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members the matter before the House is House Resolution No. 107.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and as my colleagues know, the reason we have had such a tizzy in the last half hour is very simple. Everybody in this Chamber knows the system is rotten to the core. They may quibble about a detail, this or that.

Mr. Speaker, regular order.

□ 1245

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would require all Members to be respectful of each other anywhere on the floor. Hershey was only 3 weeks ago.

The gentleman from New York [Mr. SCHUMER] is recognized. The gentleman has 32 seconds remaining.

Mr. SCHUMER. Mr. Speaker, I would simply say that I have seen these articles, they have names in them. One of the articles refers to a lobbyist being the chief draftsman of the bill.

Now, the gentleman from Texas [Mr. DELAY] says it is not true. The Washington Post reporter obviously thought it was true.

There is one point to all of this. The reason that the gentleman from Texas is so inflamed about this is because we all know the system is rotten to the core, and we deserve a lot of blame on this side that when we had the majority, we did not reform it.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Glenwood Springs, CO [Mr. MCINNIS], a very able member of the Committee on Rules, as we continue this debate on this very important rule that will allow us to debate suspensions today and tomorrow.

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Let me say I am not sure what offends me most, the lack of civility that we have just seen in the last few minutes or a colleague of mine standing up in front of the American people and saying that this system is rotten to the core. Come on, wake up. This system is not rotten to the core.

Sure, we have a few bad apples. I would ask the gentleman to show me 535 people anywhere in this country where we do not have some of those individuals that misbehave. But frankly, as a whole, most of the people within this Congress are hardworking individuals on both sides of the aisle. We have good people on both sides of the aisle. Both sides of the aisle have individuals who work very hard.

Take a look at the current system that we have on campaigns. Do not listen to the rhetoric that we have heard. The problems that we have seen in the last year, it is not the system. The system is not the problem. It is people who are violating the system. It is people who are violating the law.

Name one administration that my colleague can think of in the history of this country that discloses, gives top secret information to the national political committee. Just take a look at incident after incident after incident.

The system does not allow that. It is against the law. We ought to investigate that and we ought to have repercussions for disobeying the law. But it is wrong because somebody goes out and violates a law, it is wrong because somebody goes out and violates the intent of the law, it is wrong because there are a few bad apples in the system that the gentleman from New York [Mr. SCHUMER] comes out and says that this system is rotten to the core.

Let me tell my colleagues, we live in the greatest country in the world. We have a system that is the best system in the world. It allows this kind of debate on this House floor. We can stand up here and talk about any issue that we want without facing repercussions from the military, for example, as we see in other countries.

It is wrong for any one of us in these chambers to stand up and speak in such derogatory terms as to paint a blanket paintbrush over every individual in here that some system is rotten to the core. I apologize for the statement on behalf of the individual that made it.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I do not apologize to anyone for saying that the system of campaign finance in this country is rotten to the core.

There are good people here, and even they are turned in a bad direction by the way we finance campaigns, and the sooner the gentleman from Colorado and every Member of this body, Democrat and Republican, face that, the sooner we will be able to clean it up and restore people's faith.

Mr. Speaker, I love this country as much as the gentleman from Colorado [Mr. MCINNIS] does. I ask my colleagues to go ask the American people. The system of the way we finance campaigns is rotten to the core.

Mr. DREIER. Mr. Speaker, I yield 15 seconds to my friend from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, a very simple question to the gentleman: How much money do you have in your bank account?

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, the gentleman from Texas [Mr. DELAY] has asked why I do not want to read the names of the lobbyists in the article. It is very simple. They are not Members of the House and they cannot defend themselves. He can, and he ought to. I would suggest that if he wants to discuss these names, I am happy to discuss them with him publicly or privately any time.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this has been perhaps the most revealing debate of this entire session of Congress.

I might say, to use an old phrase, when push comes to shove, we get down to the heart of a critical issue to the American people and we see why it is that our Republican colleagues are so fearful of giving us even 10 minutes to debate this issue on the floor of the U.S. Congress; why they are so hypersensitive when the issue is not influence peddling down the street, but influence peddling right here in this building: Peddling out checks from tobacco companies; having meetings, not just one isolated meeting that has been discussed here. At the committee that I served on last year, they turned over the taxpayer financed computers to the lobbyists to write the legislation, and then they had them sit there and whisper in the ear of the committee counsel how to answer the questions about the legislation that the lobbyists had written.

It is that connection between special interest campaign finance and between the writing of legislation to benefit those same special interests that ought to be devoted a week, not an hour, a week, on the floor to debate how to fix it, and they are afraid to do it.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I shall offer an amendment which will require that comprehensive campaign finance reform legislation be considered by this House by the end of the month.

Mr. Speaker, I ask unanimous consent to include the text of the proposed amendment at this point in the RECORD along with a brief explanation of what the vote on the previous question really means and to include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The material referred to is as follows:

At the end of the resolution add the following new section:

Section 2. No later than May 31, 1997, the House shall consider comprehensive campaign finance reform legislation under an open amendment process.

Mr. Speaker, this vote on whether or not to order the previous question is not merely a procedural vote. It is a vote against the Republican majority's failure to develop and carry out an agenda that is meaningful to the American people. It is one of the few tools we have as the minority to offer an alternative plan for what the House should spend its time debating. We believe that should be comprehensive campaign finance reform. If the previous question is defeated, we will have the opportunity to amend the rule to require consideration of a campaign finance bill by the end of next month. The previous question is the way we can, by vote of the House, tell this Republican leadership to do what the American people really sent us here to do.

I urge my colleagues to vote against the previous question. Vote for comprehensive campaign reform.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's "Precedents of the House of Representatives," (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House is being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership "Manual on the Legislative Process in the United States House of Representatives," (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated,

control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.

Deschler's "Procedure in the U.S. House of Representatives," the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is the one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

[From the Washington Post, Mar. 12, 1995]

FORGING AN ALLIANCE FOR DEREGULATION

(By Michael Weisskopf and David Maraniss)

REP. DELAY MAKES COMPANIES FULL PARTNERS IN THE MOVEMENT

The day before the Republicans formally took control of Congress, Rep. Tom DeLay strolled to a meeting in the rear conference room of his spacious new leadership suite on the first floor of the Capitol. The dapper Texas Congressman, soon to be sworn in as House majority whip, saw before him a group of lobbyists representing some of the biggest companies in America, assembled on mismatched chairs amid packing boxes, a huge, unplugged copying machine and constantly ringing telephones.

He could not wait to start on what he considered the central mission of his political career: the demise of the modern era of government regulation.

Since his arrival in Washington a decade earlier, DeLay, a former exterminator who had made a living killing fire ants and termites on Houston's wealthy west side, had been seeking to eradicate federal safety and environmental rules that he felt placed excessive burdens on American businesses.

During his rise to power in Congress, he had befriended many industry lobbyists who shared his fervor. Some of them were gathered in his office that January morning at the dawn of the Republican revolution, energized by a sense that their time was finally at hand.

The session inaugurated an unambiguous collaboration of political and commercial interests, certainly not uncommon in Washington but remarkable this time for the ease and eagerness with which these allies combined. Republicans have championed their legislative agenda as an answer to popular dissatisfaction with Congress and the federal government. But the agenda also represents a triumph for business interests, who after years of playing a primarily defensive role in Democratic-controlled Congresses now find themselves a full partner of the Republican leadership in shaping congressional priorities.

The campaign launched in DeLay's office that day was quick and successful. It resulted last month in a lopsided vote by the House for what once seemed improbable: a 13-month halt to the sorts of government directives that Democrats had viewed as vital to ensuring a safe and clean society, but that many businesses often considered oppressive and counterproductive. A similar bill is under consideration in the Senate, where its chances of approval are not as certain.

Although several provisions of the "Contract With America" adopted by Republican House candidates last fall take specific aim at rolling back federal regulations, the moratorium was not part of that. In fact, as outlined that day in DeLay's office by Gordon Gooch, an oversized, folksy lobbyist for energy and petrochemical interests who served as the congressman's initial legislative ghost writer, the first draft of the bill called for a limited, 100-day moratorium on rulemaking while the House pushed through the more comprehensive antiregulatory plank in the Contract.

But his fellow lobbyists in the inner circle argued that was too timid, according to participants in the meeting. Over the next few days, several drafts were exchanged by the corporate agents. Each new version sharpened and expanded the moratorium bill, often with the interests of clients in mind—one provision favoring California motor fleets, another protecting industrial consumers of natural gas, and a third keeping alive Union Carbide Corp.'s hopes for altering a Labor Department requirement.

As the measure progressed, the roles of legislator and lobbyist blurred. DeLay and his assistants guided industry supporters in an ad hoc group whose name, Project Relief, sounded more like a Third World humanitarian aid effort than a corporate alliance with a half-million-dollar communications budget. On key amendments, the coalition provided the draftsman. And once the bill and the debate moved to the House floor, lobbyists hovered nearby, tapping out talking points on a laptop computer for delivery to Republican floor leaders.

Many of Project Relief's 350 industry members had spent the past few decades angling for a place of power in Democratic governing circles and had made lavish contributions to Democratic campaigns, often as much out of pragmatism as ideology. But now they were in the position of being courted and consulted by newly empowered Republicans dedicated to cutting government regulation and eager to share the job.

No congressman has been more openly solicitous in that respect than DeLay, the 47-year-old congressional veteran regarded by many lawmakers and lobbyists as the sharpest political dealer among the ruling House triad that includes fellow Texan Richard K. Armey, the majority leader, and Speaker Newt Gingrich of Georgia.

DeLay described his partnership with Project Relief as a model for effective Republican lawmaking, a fair fight against Democratic alliances with labor unions and environmentalists. "Our supporters are no different than theirs," DeLay said of the Democrats. "But somehow they have this Christ-like attitude what they are doing [is] protecting the world when they're tearing it apart." Turning to business lobbyists to draft legislation makes sense, according to DeLay, because "they have the expertise."

But the alliance with business and industry demonstrated in the push for a moratorium is not without peril for Republicans, many GOP strategists acknowledge. The more the new Republican leaders follow business prescriptions for limited government in the months ahead, the greater the risk that they will appear to be serving the corporate elite and lose the populist appeal that they carried with them into power in last November's elections.

William Kristol, a key Republican analyst whose frequent strategy memos help shape the conservative agenda, said the way congressional leaders deal with that apparent conflict could determine their prospects for consolidating congressional power. "If they legislate for special interests," he said, "it's going to be hard to show the Republican Party has fundamentally changed the way business is done in Washington."

THE EXTERMINATOR

After graduating from the University of Houston with a biology degree in 1970, Tom DeLay, the son of an oil drilling contractor, found himself managing a pesticide formula company. Four years later he was the owner of Albo Pest Control, a little outfit whose name he hated but kept anyway because a marketing study noted it reminded consumers of a well-known brand of dog food.

By his account, DeLay transformed Albo into "the Cadillac" of Houston exterminators, serving only the finest homes. But his frustrations with government rules increased in tandem with his financial success. He disparaged federal worker safety rules, including one that required his termite men to wear hard hats when they tunneled under houses. And the Environmental Protection Agency's pesticide regulations, he said, "drove me crazy." The agency had banned Mirex, a chemical effective in killing fire ants but at first considered a dangerous carcinogen by federal bureaucrats. By the time they changed their assessment a few years later, it was too late; Mirex makers had gone out of business.

The cost and complexity of regulations, DeLay said, got in the way of profits and drove him into politics. "I found out government was a cost of doing business," he said, "and I better get involved in it."

He arrived in the Texas legislature in 1978 with a nickname that defined his mission: "Mr. DeReg." Seven years later he moved his crusade to Washington as the congressman from Houston's conservative southwest suburbs. He sought to publicize his cause by handing out Red Tape Awards for what he considered the most frivolous regulations.

But it was a lonely, quixotic enterprise, hardly noticed in the Democrat-dominated House, where systematic regulation of industry was seen as necessary to keep the business community from putting profit over the public interest and to guarantee a safe, clean and fair society. The greater public good, Democratic leaders and their allies in labor and environmental groups argued, had been well served by government regulation. Countless highway deaths had been prevented by mandatory safety procedures in cars. Bald eagles were flying because of the ban on DDT. Rivers were saved by federal mandates on sewerage.

DeLay nonetheless was gaining notice in the world of commerce. Businessmen would complain about the cost of regulation, which the government says amounts to $430 billion a year passed along to consumers. They would cite what they thought were silly rules, such as the naming of dishwashing liquid on a list of hazardous materials in the workplace. They pushed for regulatory relief, and they saw DeLay as their point man.

The two-way benefits of that relationship were most evident last year when DeLay ran for Republican whip. He knew the best way to build up chits was to raise campaign funds for other candidates. The large number of open congressional seats and collection of strong Republican challengers offered him an unusual opportunity. He turned to his network of business friends and lobbyists. "I

sometimes overly prevailed on these allies," DeLay said.

In the 1994 elections, he was the second-leading fund-raiser for House Republican candidates, behind only Gingrich. In adding up contributions he had solicited for others, DeLay said, he lost count at about $2 million. His persuasive powers were evident in the case of the National-American Wholesale Grocers Association PAC, which already had contributed $120,000 to candidates by the time DeLay addressed the group last September. After listening to his speech on what could be accomplished by a pro-business Congress, they contributed another $80,000 to Republicans and consulted DeLay, among others, on its distribution.

The chief lobbyist for the grocers, Bruce Gates, would be recruited later by DeLay to chair his anitregulatory Project Relief. Several other business lobbyists played crucial roles in DeLay's 1994 fund-raising and also followed Gates's path into the antiregulatory effort. Among the most active were David Rehr of the National Beer Wholesalers Association, Dan Mattoon of BellSouth Corporation, Robert Rusbuldt of Independent Insurance Agents of America and Elaine Graham of the National Restaurant Association.

At the center of the campaign network was Mildred Webber, a political consultant who had been hired by DeLay to run his race for whip. She stayed in regular contact with both the lobbyists and more than 80 GOP congressional challengers, drafting talking points for the neophyte candidates and calling the lobbyist bank when they needed money. Contributions came in from various business PACs, which Webber bundled together with a good-luck note from DeLay.

"We'd rustle up checks for the guy and make sure Tom got the credit," said Rehr, the beer lobbyist. "So when new members voted for majority whip, they'd say, 'I wouldn't be here if it wasn't for Tom DeLay.'"

For his part, DeLay hosted fundraisers in the districts and brought challengers to Washington for introduction to the PAC community. One event was thrown for David M. McIntosh, an Indiana candidate who ran the regulation-cutting Council on Competitiveness in the Bush administration under fellow Hoosier Dan Quayle. McIntosh won and was named chairman of the House regulatory affairs subcommittee. He hired Webber as staff director.

It was with the lopsided support of such Republican freshmen as McIntosh that DeLay swamped two rivals and became the majority whip of the 104th Congress. Before the vote, he had received final commitments from 52 of the 73 newcomers.

THE FREEZE

The idea for Project Relief first surfaced before the November elections that brought Republicans to power in the House for the first time in 40 years. Several weeks after the election, it had grown into one of the most diverse business groups ever formed for specific legislative action. Leaders of the project, at their first post-election meeting, discussed the need for an immediate move to place a moratorium on federal rules. More than 4,000 regulations were due to come out in the coming months, before the Republican House could deal with comprehensive antiregulatory legislation.

DeLay agreed with the business lobbyists that a regulatory "timeout" was needed. He wrote a letter to the Clinton administration Dec. 12 asking for a 100-day freeze on federal rule-making. The request was rejected two days later by a mid-level official who described the moratorium concept as a "blunderbuss." DeLay then turned to Gooch to write legislation that would do what the administration would not.

At the Jan. 3 meeting in DeLay's office, Paul C. Smith, lobbyist for some of the nation's largest motor fleets, criticized Gooch's draft because it excluded court-imposed regulations. He volunteered to do the next draft and came back with a version that addressed the concerns of his clients. Under court order, the EPA was about to impose an air pollution plan in California that might require some of Smith's clients—United Parcel Service and auto leasing companies—to run vehicles on ultraclean fuels, requiring the replacement of their fleets.

Smith removed the threat with a stroke of his pen, extending the moratorium to cover court deadlines. He also helped Webber add wording in a later amendment that extended the moratorium from eight to 13 months.

Peter Molinaro, a mustachioed lobbyist for Union Carbide, had a different concern: He wanted to make sure the moratorium would not affect new federal rules if their intention was to soften or streamline other federal rules. The Labor Department, for example, was reviewing a proposal to narrow a rule that employers keep records of off-duty injuries to workers. Union Carbide, Molinaro noted in an interview, had been fined $50,000 for violating that rule and was eager for it to be changed.

For his part, Gooch wanted to make sure that the routine, day-to-day workings of regulatory agencies would not be interrupted by a moratorium. His petrochemical clients rely on the Federal Energy Regulatory Commission to make sure natural gas and oil, used in their production processes, flow consistently and at reasonable rates.

Gooch said he had "no specific mission" other than helping DeLay. "I'm not claiming to be a Boy Scout," he added. "No question I thought what I was doing was in the best interests of my clients."

THE WAR ROOM

On the first day of February, 50 Project Relief lobbyists met in a House committee room to map out their vote-getting strategy for the moratorium bill. Their keynote speaker was DeLay, who laid out his basic objective: making it a veto-proof bill by lining up a sufficient number of Democratic cosponsors. They went to work on it then and there.

Kim McKernan of the National Federation of Independent Business read down a list of 72 House Democrats who had just voted for the GOP balanced budget amendment, rating the likelihood of their joining the antiregulatory effort. The Democrats were placed in Tier One for gettable and Tier Two for questionable.

Every Democrat, according to participants, was assigned to a Project Relief lobbyist, often one who had an angle to play.

The nonprescription drug industry chose legislators with Johnson & Johnson plants in their districts, such as Ralph M. Hall of Texas and Frank Pallone Jr. of New Jersey. David Thompson, a construction industry official whose firm is based in Greenville, S.C., targeted South Carolina congressman John M. Spratt, Jr.

Federal Express, with its Memphis hub, took Tennessee's John S. Tanner. Southwestern Bell Corp., a past campaign contributor to Blanche Lambert Lincoln of Arkansas, agreed to contact her. Retail farm suppliers picked rural lawmakers, including Charles W. Stenholm of Texas.

As the moratorium bill reached the House floor, the business coalition proved equally potent. Twenty major corporate groups advised lawmakers on the eve of debate Feb. 23 that this was a key vote, one that would be considered in future campaign contributions.

McIntosh, who served as DeLay's deputy for deregulation, assembled a war room in a small office just off the House floor to respond to challenges from Democratic opponents. His rapid response team included Smith, the motor fleet lobbyist, to answer environmental questions; James H. Burnley IV, an airline lobbyist who had served as transportation secretary in the Reagan administration, to advise on transportation rules; and UPS lobbyist Dorothy Strunk, a former director of the Occupational Health and Safety Administration, to tackle workplace issues. Project Relief chairman Gates and lobbyists for small business and trucking companies also participated.

When Republican leaders were caught off guard by a Democratic amendment or alerted to a last-minute problem by one of their allies, Smith would bang out responses on his laptop computer and hand the disk to a McIntosh aide who had them printed and delivered to the House floor.

The final vote for the moratorium was 276 to 146, with 51 Democrats joining DeLay's side. Still 14 votes short of the two-thirds needed to override a veto, the support exceeded the original hopes of Project Relief leaders.

One week later, DeLay appeared before a gathering of a few hundred lobbyists, lawmakers and reporters in the Caucus Room of the Cannon House Office Building to celebrate the House's success in voting to freeze government regulations and, in a pair of companion bills, curtail them. He stood next to a five-foot replica of the Statue of Liberty, wrapped from neck to toe in bright red tape, pulled out a pair of scissors, and jubilantly snipped away.

Standing next to him, brandishing scissors of his own, was the chairman of Project Relief.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

In conclusion, let me remind my colleagues that defeating the previous question is an exercise in futility, because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. So the vote is without substance, and in fact we do not have a campaign finance reform bill that has even been introduced that would be offered if this were to be ruled germane.

The previous question vote itself is nothing more than a procedural motion to close debate on this rule and proceed to the very important vote that we will have allowing us to consider the veterans bill, the American Samoan bill, these suspensions. The vote has no substantive or policy implications whatsoever, that being the previous question vote.

Mr. Speaker, at this point I ask unanimous consent to insert in the RECORD an explanation of the previous question issue from our House Committee on Rules.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The material referred to is as follows:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendments on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, in conclusion I would say that this has been the most interesting debate that we possibly could have had over a measure that will simply allow us to consider two additional days of suspension.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5 of rule XV, the Chair announces that he may reduce to not less than 5 minutes the time within which a vote by electronic device, if ordered, may be taken on agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 213, nays 196, not voting 23, as follows:

[Roll No. 74]

YEAS—213

Aderholt
Archer
Armey
Bachus
Baker
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—23

Andrews
Ballenger
Barr
Barton
Becerra
Bishop
Boyd
Carson
Chambliss
Doolittle
Fawell
Filner
Granger
Hefner
Istook
McCarthy (NY)
Peterson (MN)
Porter
Ryun
Schiff
Stark
Watts (OK)
Young (AK)

□ 1315

Ms. RIVERS changed her vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken on Thursday, April 10, 1997.

VETERANS EMPLOYMENT OPPORTUNITIES ACT OF 1997

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 240) to amend title 5, United States Code, to provide that consideration may not be denied to preference eligibles applying for certain positions in the competitive service, and for other purposes, as amended.

The Clerk read as follows:

H. 240

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Employment Opportunities Act of 1997".

SEC. 2. EQUAL ACCESS FOR VETERANS.

(a) COMPETITIVE SERVICE.—Section 3304 of title 5, United States Code, is amended by adding at the end the following:

"(f)(1) No preference eligible, and no individual (other than a preference eligible) who has been separated from the armed forces under honorable conditions after 3 or more years of active service, shall be denied the opportunity to compete for an announced vacant position within an agency, in the competitive service or the excepted service, by reason of—

"(A) not having acquired competitive status; or

"(B) not being an employee of such agency.

"(2) Nothing in this subsection shall prevent an agency from filling a vacant position (whether by appointment or otherwise) solely from individuals on a priority placement list consisting of individuals who have been separated from the agency due to a reduction in force and surplus employees (as defined under regulations prescribed by the Office).".

(b) CIVIL SERVICE EMPLOYMENT INFORMATION.—

(1) VACANT POSITIONS.—Section 3327(b) of title 5, United States Code, is amended by striking "and" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) each vacant position in the agency for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position under paragraph (1), and".

(2) ADDITIONAL INFORMATION.—Section 3327 of title 5, United States Code, is amended by adding at the end the following:

"(c) Any notification provided under this section shall, for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), include a notation as to the applicability of section 3304(f) with respect thereto.

"(d) In consultation with the Secretary of Labor, the Office shall submit to Congress and the President, no less frequently than every 2 years, a report detailing, with respect to the period covered by such report—

"(1) the number of positions listed under this section during such period;

"(2) the number of preference eligibles and other individuals described in section 3304(f)(1) referred to such positions during such period; and

"(3) the number of preference eligibles and other individuals described in section 3304(f)(1) appointed to such positions during such period.".

(c) GOVERNMENTWIDE LISTS.—

(1) VACANT POSITIONS.—Section 3330(b) of title 5, United States Code, is amended to read as follows:

"(b) The Office of Personnel Management shall cause to be established and kept current—

"(1) a comprehensive list of all announcements of vacant positions (in the competitive service and the excepted service, respectively) within each agency that are to be filled by appointment for more than 1 year and for which applications are being or will soon be accepted from outside the agency's work force; and

"(2) a comprehensive list of all announcements of vacant positions within each agency for which applications are being or will soon be accepted and for which competition is restricted to individuals having competitive status or employees of such agency, excluding any position required to be listed under paragraph (1).".

(2) ADDITIONAL INFORMATION.—Section 3330(c) of title 5, United States Code, is amended by striking "and" at the end of paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

"(3) for all positions under subsection (b)(1) as to which section 3304(f) applies and for all positions under subsection (b)(2), a notation as to the applicability of section 3304(f) with respect thereto; and".

(3) CONFORMING AMENDMENT.—Section 3330(d) of title 5, United States Code, is amended by striking "The list" and inserting "Each list under subsection (b)".

(d) PROVISIONS RELATING TO THE UNITED STATES POSTAL SERVICE.—

(1) IN GENERAL.—Subsection (a) of section 1005 of title 39, United States Code, is amended by adding at the end the following:

"(5)(A) The provisions of section 3304(f) of title 5 shall apply with respect to the Postal Service in the same manner and under the same conditions as if the Postal Service were an agency within the meaning of such provisions.

"(B) Nothing in this subsection shall be considered to require the application of section 3304(f) of title 5 in the case of any individual who is not an employee of the Postal Service if—

"(i) the vacant position involved is to be filled pursuant to a collective-bargaining agreement;

"(ii) the collective-bargaining agreement restricts competition for such position to individuals employed in a bargaining unit or installation within the Postal Service in which the position is located;

"(iii) the collective-bargaining agreement provides that the successful applicant shall be selected on the basis of seniority or qualifications; and

"(iv) the position to be filled is within a bargaining unit.

"(C) The provisions of this paragraph shall not be modified by any program developed under section 1004 of this title or any collective-bargaining agreement entered into under chapter 12 of this title.".

(2) CONFORMING AMENDMENT.—The first sentence of section 1005(a)(2) of title 39, United States Code, is amended by striking "title." and inserting "title, subject to paragraph (5) of this subsection.".

SEC. 3. SPECIAL PROTECTIONS FOR PREFERENCE ELIGIBLES IN REDUCTIONS IN FORCE.

(a) IN GENERAL.—Section 3502 of title 5, United States Code, as amended by section 1034 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 430), is amended by adding at the end the following:

"(g)(1) A position occupied by a preference eligible shall not be placed in a single-position competitive level if the preference eligible is qualified to perform the essential functions of any other position at the same grade (or occupational level) in the competitive area. In such cases, the preference eligible shall be entitled to be placed in another competitive level for which such preference eligible is qualified. If the preference eligible is qualified for more than one competitive level, such preference eligible shall be placed in the competitive level containing the most positions.

"(2) For purposes of paragraph (1)—

"(A) a preference eligible shall be considered qualified to perform the essential functions of a position if, by reason of experience, training, or education (and, in the case of a disabled veteran, with reasonable accommodation), a reasonable person could conclude that the preference eligible would be able to perform those functions successfully within a period of 150 days; and

"(B) a preference eligible shall not be considered unqualified solely because such preference eligible does not meet the minimum qualification requirements relating to previous experience in a specified grade (or occupational level), if any, that are established for such position by the Office of Personnel Management or the agency.

"(h) In connection with any reduction in force, a preference eligible whose current or most recent performance rating is at least fully successful (or the equivalent) shall have, in addition to such assignment rights as are prescribed by regulation, the right, in lieu of separation, to be assigned to any position within the agency conducting the reduction in force—

"(1) for which such preference eligible is qualified under subsection (g)(2)—

"(A) that is within the preference eligible's commuting area and at the same grade (or occupational level) as the position from which the preference eligible was released, and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force if, within 12 months prior to the date on which such individual was so placed in such position, such individual had been employed in the same competitive area as the preference eligible; or

"(B) that is within the preference eligible's competitive area and that is then occupied by an individual, other than another preference eligible, who was placed in such position (whether by appointment or otherwise) within 6 months before the reduction in force; or

"(2) for which such preference eligible is qualified that is within the preference eligible's competitive area and that is not more than 3 grades (or pay levels) below that of the position from which the preference eligible was released, except that, in the case of a preference eligible with a compensable service-connected disability of 30 percent or more, this paragraph shall be applied by substituting '5 grades' for '3 grades'. In the event that a preference eligible is entitled to assignment to more than 1 position under this subsection, the agency shall assign the preference eligible to any such position requiring no reduction (or, if there is no such position, the least reduction) in basic pay. A position shall not, with respect to a preference eligible, be considered to satisfy the requirements of paragraph (1) or (2), as applicable, if it does not last for at least 12 months following the date on which such preference eligible is assigned to such position under this subsection.

"(i) A preference eligible may challenge the classification of any position to which the preference eligible asserts assignment rights (as provided by, or prescribed by regulations described in, subsection (h)) in an action before the Merit Systems Protection Board.

"(j)(1) Not later than 90 days after the date of the enactment of the Veterans Employment Opportunities Act of 1997, each Executive agency shall establish an agencywide priority placement program to facilitate employment placement for employees who—

"(A)(i) are scheduled to be separated from service due to a reduction in force under—

"(I) regulations prescribed under this section; or

"(II) procedures established under section 3595; or

"(ii) are separated from service due to such a reduction in force; and

"(B)(i) have received a rating of at least fully successful (or the equivalent) as the last performance rating of record used for retention purposes; or

"(ii) occupy positions excluded from a performance appraisal system by law, regulation, or administrative action taken by the Office of Personnel Management.

"(2)(A) Each agencywide priority placement program under this subsection shall include provisions under which a vacant position shall not (except as provided in this paragraph or any other statute providing the right of reemployment to any individual) be filled by the appointment or transfer of any individual from outside

of that agency (other than an individual described in subparagraph (B)) if—

"(i) there is then available any individual described in subparagraph (B) who is qualified for the position; and

"(ii) the position—

"(I) is at the same grade or pay level (or the equivalent) or not more than 3 grades (or grade intervals) below that of the position last held by such individual before placement in the new position;

"(II) is within the same commuting area as the individual's last-held position (as referred to in subclause (I)) or residence; and

"(III) has the same type of work schedule (whether full-time, part-time, or intermittent) as the position last held by the individual.

"(B) For purposes of an agencywide priority placement program, an individual shall be considered to be described in this subparagraph if such individual—

"(i)(I) is an employee of such agency who is scheduled to be separated, as described in paragraph (1)(A)(i); or

"(II) is an individual who became a former employee of such agency as a result of a separation, as described in paragraph (1)(A)(ii), excluding any individual who separated voluntarily under subsection (f); and

"(ii) satisfies clause (i) or (ii) of paragraph (1)(B).

"(3)(A) If after a reduction in force the agency has no positions of any type within the local commuting areas specified in this subsection, the individual may designate a different local commuting area where the agency has continuing positions in order to exercise reemployment rights under this subsection. An agency may determine that such designations are not in the interest of the Government for the purpose of paying relocation expenses under subchapter II of chapter 57.

"(B) At its option, an agency may administratively extend reemployment rights under this subsection to include other local commuting areas.

"(4)(A) In selecting employees for positions under this subsection, the agency shall place qualified present and former employees in retention order by veterans' preference subgroup and tenure group.

"(B) An agency may not pass over a qualified present or former employee to select an individual in a lower veterans' preference subgroup within the tenure group, or in a lower tenure group.

"(C) Within a subgroup, the agency may select a qualified present or former employee without regard to the individual's total creditable service.

"(5) An individual is eligible for reemployment priority under this subsection for 2 years from the effective date of the reduction in force from which the individual will be, or has been, separated under this section or section 3595, as the case may be.

"(6) An individual loses eligibility for reemployment priority under this subsection when the individual—

"(A) requests removal in writing;

"(B) accepts or declines a bona fide offer under this subsection or fails to accept such an offer within the period of time allowed for such acceptance, or

"(C) separates from the agency before being separated under this section or section 3595, as the case may be.

A present or former employee who declines a position with a representative rate (or equivalent) that is less than the rate of the position from which the individual was separated under this section retains eligibility for positions with a higher representative rate up to the rate of the individual's last position.

"(7) Whenever more than one individual is qualified for a position under this subsection, the agency shall select the most highly qualified individual, subject to paragraph (4).

"(8) The Office of Personnel Management shall issue regulations to implement this subsection.".

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply with respect to—

(A) reductions in force taking effect after the end of the 90-day period beginning on the date of the enactment of this Act; or

(B) in the case of the Department of Defense, reductions in force taking effect after the end of the 1-year period beginning on the date of the enactment of this Act.

(2) ONGOING REDUCTIONS IN FORCE.—If an agency has given written notice of a reduction in force to any of its employees within a competitive area, in accordance with section 3502(d)(1)(A) of title 5, United States Code, before the effective date under subparagraph (A) or (B) of paragraph (1), as applicable, then, for purposes of determining the rights of any employee within such area in connection with such reduction in force, the amendments made by this section shall be treated as if they had never been enacted. Nothing in the preceding sentence shall affect any rights under a priority placement program under section 3502(j) of title 5, United States Code, as amended by this section.

SEC. 4. IMPROVED REDRESS FOR VETERANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§ 3330a. Administrative redress

"(a)(1) Any preference eligible or other individual described in section 3304(f)(1) who alleges that an agency has violated such individual's rights under any statute or regulation relating to veterans' preference, or any right afforded such individual by section 3304(f), may file a complaint with the Secretary of Labor.

"(2) A complaint under this subsection must be filed within 60 days after the date of the alleged violation, and the Secretary shall process such complaint in accordance with sections 4322 (a) through (e)(1) and 4326 of title 38.

"(b)(1) If the Secretary of Labor is unable to resolve the complaint within 60 days after the date on which it is filed, the complainant may elect to appeal the alleged violation to the Merit Systems Protection Board in accordance with such procedures as the Merit Systems Protection Board shall prescribe, except that in no event may any such appeal be brought—

"(A) before the 61st day after the date on which the complaint is filed under subsection (a); or

"(B) later than 15 days after the date on which the complainant receives notification from the Secretary of Labor under section 4322(e)(1) of title 38.

"(2) An appeal under this subsection may not be brought unless—

"(A) the complainant first provides written notification to the Secretary of Labor of such complainant's intention to bring such appeal; and

"(B) appropriate evidence of compliance with subparagraph (A) is included (in such form and manner as the Merit Systems Protection Board may prescribe) with the notice of appeal under this subsection.

"(3) Upon receiving notification under paragraph (2)(A), the Secretary of Labor shall not continue to investigate or further attempt to resolve the complaint to which such notification relates.

"(c) This section shall not be construed to prohibit a preference eligible from appealing directly to the Merit Systems Protection Board from any action which is appealable to the Board under any other law, rule, or regulation, in lieu of administrative redress under this section.

"§ 3330b. Judicial redress

"(a) In lieu of continuing the administrative redress procedure provided under section 3330a(b), a preference eligible or other individual described in section 3304(f)(1) may elect, in accordance with this section, to terminate those administrative proceedings and file an action with the appropriate United States district court not later than 60 days after the date of the election.

"(b) An election under this section may not be made—

"(1) before the 121st day after the date on which the appeal is filed with the Merit Systems Protection Board under section 3330a(b); or

"(2) after the Merit Systems Protection Board has issued a judicially reviewable decision on the merits of the appeal.

"(c) An election under this section shall be made, in writing, in such form and manner as the Merit Systems Protection Board shall by regulation prescribe. The election shall be effective as of the date on which it is received, and the administrative proceeding to which it relates shall terminate immediately upon the receipt of such election.

"§ 3330c. Remedy

"(a) If the Merit Systems Protection Board (in a proceeding under section 3330a) or a court (in a proceeding under section 3330b) determines that an agency has violated a right described in section 3330a, the Board or court (as the case may be) shall order the agency to comply with such provisions and award compensation for any loss of wages or benefits suffered by the individual by reason of the violation involved. If the Board or court determines that such violation was willful, it shall award an amount equal to backpay as liquidated damages.

"(b) A preference eligible or other individual described in section 3304(f)(1) who prevails in an action under section 3330a or 3330b shall be awarded reasonable attorney fees, expert witness fees, and other litigation expenses.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3330 the following:

"3330a. Administrative redress.

"3330b. Judicial redress.

"3330c. Remedy.".

SEC. 5. EXTENSION OF VETERANS' PREFERENCE.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—Paragraph (3) of section 2108 of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, or the General Accounting Office;" and inserting "or the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service;".

(b) AMENDMENTS TO TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 2 of title 3, United States Code, is amended by adding at the end the following:

"§ 115. Veterans' preference

"(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

"(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

"(1) that such position is—

"(A) a confidential or policy-making position; or

"(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

"(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 3, United States Code, is amended by adding at the end the following:

"115. Veterans' preference.".

(c) LEGISLATIVE BRANCH APPOINTMENTS.—

(1) DEFINITIONS.—For the purposes of this subsection, the terms "employing office", "covered employee", and "Board" shall each have the meaning given such term by section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301).

(2) RIGHTS AND PROTECTIONS.—The rights and protections established under section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code, shall apply to covered employees.

(3) REMEDIES.—

(A) IN GENERAL.—The remedy for a violation of paragraph (2) shall be such remedy as would be appropriate if awarded under applicable provisions of title 5, United States Code, in the case of a violation of the relevant corresponding provision (referred to in paragraph (2)) of such title.

(B) PROCEDURE.—The procedure for consideration of alleged violations of paragraph (2) shall be the same as apply under section 401 of the Congressional Accountability Act of 1995 (and the provisions of law referred to therein) in the case of an alleged violation of part A of title II of such Act.

(4) REGULATIONS TO IMPLEMENT SUBSECTION.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions referred to in paragraph (2) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this subsection.

(C) COORDINATION.—The regulations issued under subparagraph (A) shall be consistent with section 225 of the Congressional Accountability Act of 1995 (2 U.S.C. 1361).

(5) APPLICABILITY.—Notwithstanding any other provision of this subsection, the term "covered employee" shall not, for purposes of this subsection, include an employee—

(A) whose appointment is made by the President with the advice and consent of the Senate;

(B) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress; or

(C) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(6) EFFECTIVE DATE.—Paragraphs (2) and (3) shall be effective as of the effective date of the regulations under paragraph (4).

(d) JUDICIAL BRANCH APPOINTMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Judicial Conference of the United States shall prescribe regulations to provide for—

(A) veterans' preference in the consideration of applicants for employment, and in the conduct of any reductions in force, within the judicial branch; and

(B) redress procedures for alleged violations of any rights provided for under subparagraph (A).

(2) REGULATIONS TO BE BASED ON EXISTING PROVISIONS.—Under the regulations—

(A) a preference eligible (as defined by section 2108 of title 5, United States Code) shall be afforded preferences similar to those under sections 3309 through 3312, and subchapter I of chapter 35, of such title 5; and

(B) the redress procedures provided for shall be similar to those under the amendments made by section 4.

(3) EXCLUSIONS.—Nothing in the regulations shall apply with respect to—

(A) an appointment made by the President, with the advice and consent of the Senate;

(B) an appointment as a judicial officer;

(C) an appointment as a law clerk or secretary to a justice or judge of the United States; or

(D) an appointment to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code).

(4) CONSULTATION.—The regulations under this subsection shall be prescribed by the Judicial Conference of the United States, in consultation with—

(A) the largest congressionally chartered veterans' service organization;

(B) 2 congressionally chartered veterans' service organizations that represent former noncommissioned officers;

(C) a congressionally chartered veterans' service organization that represents veterans who have fought in foreign wars;

(D) a congressionally chartered veterans' service organization that represents veterans with service-connected disabilities;

(E) a congressionally chartered veterans' service organization that represents veterans of the Vietnam era; and

(F) a congressionally chartered veterans' service organization that represents veterans of World War II, the Korean conflict, the Vietnam era, and the Persian Gulf War.

(5) DEFINITIONS.—For purposes of this subsection—

(A) the term "judicial officer" means a justice, judge, or magistrate judge listed in subparagraph (A), (B), (F), or (G) of section 376(a)(1) of title 28, United States Code; and

(B) the term "justice or judge of the United States" has the meaning given such term by section 451 of such title 28.

(6) SUBMISSION TO CONGRESS; EFFECTIVE DATE.—

(A) SUBMISSION TO CONGRESS.—Within 5 months after the date of the enactment of this Act, the Judicial Conference of the United States shall submit a copy of the regulations prescribed under this subsection to the Committee on Government Reform and Oversight and the Committee on the Judiciary of the House of Representatives and the Committee on Governmental Affairs and the Committee on the Judiciary of the Senate.

(B) EFFECTIVE DATE.—The regulations prescribed under this subsection shall take effect 6 months after the date of the enactment of this Act.

SEC. 6. VETERANS' PREFERENCE REQUIRED FOR REDUCTIONS IN FORCE IN THE FEDERAL AVIATION ADMINISTRATION.

Section 347(b) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (109 Stat. 460) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding at the end the following:

"(8) sections 3501–3504, as such sections relate to veterans' preference.".

SEC. 7. DEFINITIONAL AMENDMENT.

Subparagraph (A) of section 2108(1) of title 5, United States Code, is amended by inserting "during a military operation in a qualified hazardous duty area (within the meaning of the first 2 sentences of section 1(b) of Public Law 104–117) and in accordance with requirements that may be prescribed in regulations of the Secretary of Defense," after "for which a campaign badge has been authorized,".

SEC. 8. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE FOR CERTAIN PURPOSES.

(a) IN GENERAL.—Subsection (b) of section 2302 of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (10);

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

"(11)(A) knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or

"(B) knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement; or".

(b) DEFINITION; LIMITATION.—Section 2302 of title 5, United States Code, is amended by adding at the end the following:

"(e)(1) For the purpose of this section, the term 'veterans' preference requirement' means any of the following provisions of law:

"(A) Sections 2108, 3305(b), 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317(b), 3318, 3320, 3351, 3352, 3363, 3501, 3502(b), 3504, and 4303(e) and (with respect to a preference eligible referred to in section 7511(a)(1)(B)) subchapter II of chapter 75 and section 7701.

"(B) Sections 943(c)(2) and 1784(c) of title 10.

"(C) Section 1308(b) of the Alaska National Interest Lands Conservation Act.

"(D) Section 301(c) of the Foreign Service Act of 1980.

"(E) Sections 106(f), 7281(e), and 7802(5) of title 38.

"(F) Section 1005(a) of title 39.

"(G) Any other provision of law that the Director of the Office of Personnel Management designates in regulations as being a veterans' preference requirement for the purposes of this subsection.

"(H) Any regulation prescribed under subsection (b) or (c) of section 1302 and any other regulation that implements a provision of law referred to in any of the preceding subparagraphs.

"(2) Notwithstanding any other provision of this title, no authority to order corrective action shall be available in connection with a prohibited personnel practice described in subsection (b)(11). Nothing in this paragraph shall be considered to affect any authority under section 1215 (relating to disciplinary action).".

(c) REPEALS.—

(1) PROVISIONS OF TITLE 10, UNITED STATES CODE.—Section 1599c of title 10, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 81 of such title are repealed.

(2) SECTION 2302(a)(1) OF TITLE 5, UNITED STATES CODE.—Subsection (a)(1) of section 2302 of title 5, United States Code, is amended to read as follows:

"(a)(1) For the purpose of this title, 'prohibited personnel practice' means any action described in subsection (b).".

(d) SAVINGS PROVISION.—This section shall be treated as if it had never been enacted for purposes of any personnel action (within the meaning of section 2302 of title 5, United States Code) preceding the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MICA] and the gentleman from Pennsylvania [Mr. HOLDEN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to come to the floor this afternoon to present H.R. 240, the Veterans' Employment Opportunity Act of 1997, as reported.

This legislation contains many vital features of importance to our Nation's veterans. This bill is the product of hard work by a number of Members on both sides of the aisle, Mr. Speaker.

I want to take just a moment to pay particular thanks to several individuals who have helped make this historic legislation possible. First, the gentleman from Arizona [Mr. STUMP], who chairs the Committee on Veterans' Affairs, the gentleman from Indiana [Mr. BUYER], who is chair of one of the subcommittees and last year worked with us on a nonstop basis. Both of those gentlemen deserve great credit.

In addition, of course, the chairman of the Committee on Rules, who has been an untiring advocate on behalf of our veterans interests, the gentleman from New York [Mr. SOLOMON], also the gentleman from Indiana [Mr. BURTON], chair of our committee, and the gentleman from New Jersey [Mr. FRELINGHUYSEN].

I also want to pay a particular debt of gratitude to the new ranking member of our subcommittee, the Civil Service Subcommittee, which I chair and which produced this legislation, to the gentleman from Pennsylvania [Mr. HOLDEN], again, the current ranking member of our subcommittee, and also to the gentleman for Virginia [Mr. MORAN], who was the ranking member of the subcommittee last year, and his untiring efforts helped make this legislation possible, and also to the many Members who served and acted as cosponsors of this legislation.

Mr. Speaker, last year the House passed a very similar bill, H.R. 3586, with overwhelming support. However, the other body failed to act on this legislation before we adjourned. In order to strengthen that proposal that we had last year, that bill, and in order to facilitate its consideration as it moves through the Congress, we have consulted with the major veterans service organizations, Federal employee organizations, and other interested parties before bringing the legislation back to the House. I want to thank each of these organizations also for their assistance.

Mr. Speaker, there are two important differences that I would like to explain between the bill before the House today and the bill we passed last year. First, H.R. 240 makes the knowing violation of veterans preference a prohibited personnel practice.

Second, as a result of our consultations, we made it clear that the bill would not interfere with job bidding and assignment under selective bargaining agreements in the Postal Service.

Mr. Speaker, I will not attempt to detail here all of the benefits in this bill for our veterans, but I would like to emphasize what I believe are the three most important provisions of this legislation:

First, H.R. 240 establishes for the first time an effective user-friendly redress mechanism for our veterans whose rights have been violated. The second major provisions of H.R. 240 protects veterans against reductions in force using techniques that we have seen such as single person competition that in fact undermine veterans preference.

The third major provisions in the equal access section of the bill. Mr. Speaker, this provision has been included to ensure fair treatment for the men and women we employ in the Armed Forces. Just because these Federal employees have worn uniforms should not bar them from competing for Federal jobs. Yet that is the practice in the Federal civilian work force that we see today.

This bill tears down those artificial barriers for those who have served honorably in the Armed Forces for 3 years. We have made clear, however, that the equal access provisions do not interfere with certain transfers, promotions and assignments of employees under collective bargaining agreements between the Postal Service and its unions. The language in the bill has been carefully crafted.

Mr. Speaker, this bill does not interfere with the reassignment or transfer of rights of postal employees, and it does not diminish the rights of injured postal employees to what is called limited or light duty positions.

Finally, the bill has also been revised to permit the Judicial Conference to develop its own program for implementing veterans preference in our judicial branch. We recognize that personnel practices in the judicial branch may differ and do differ markedly in many instances from civil service processes in the executive branch.

Finally, Mr. Speaker, we have honored the request of the Office of Personnel Management that in fact when there are changes in reduction in force procedures, that we do not disrupt ongoing RIF's and that at least 90 days will be allowed in which to implement those changes.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia [Mr. MORAN], who was the subcommittee ranking member in the last Congress and worked very hard on this legislation.

Mr. MORAN. Mr. Speaker, I thank my friend and colleague from Pennsylvania for yielding me the time.

Let me just congratulate the gentleman from Florida [Mr. MICA], the chairman, and staff director, Mr. Nesterczuk, for bringing this bill forward and my good friend and colleague, the gentleman from Pennsylvania [Mr. HOLDEN], the ranking Democrat on the subcommittee, and his ace staff Cedric did such a great job last year. I know what a great job he did this year as well. I know it is a good bill and will be overwhelmingly approved. They did a good job.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my strong support for H.R. 240, the Veterans' Employment Opportunity Act. I would first like to congratulate the Civil Service Subcommittee chairman, the gentleman from Florida [Mr. MICA], for his leadership and bipartisan efforts on behalf of America's veterans to strengthen the veterans preference policies and programs.

The spirit of cooperation on both sides of the aisle has been critical in bringing forward this important legislation. Last year Chairman MICA and the gentleman from Virginia [Mr. MORAN], the ranking member, did a great job working on this issue, a great deal of work on this issue. H.R. 240 continues our efforts to strengthen veterans preference. It builds on the progress made by last year's bill by improving the ability of veterans to compete during the Federal hiring process, providing adequate protection for preference eligibles and reductions in force, extending veterans preference to all branches of the Federal Government and providing veterans preference for service in Bosnia, Croatia, and the former Yugoslav Republic of Macedonia.

The bill also makes knowing violations of veterans preference laws a prohibited personnel practice. Finally, it makes improvements in the system for investigating and redressing violations whenever they occur.

Testimony in previous Civil Service Subcommittee hearings has revealed that veterans preference in the Federal work force is often ignored or circumvented and that its continued viability in the workplace is threatened on several fronts.

This legislation addresses these problems by making it more difficult for agencies to place preference eligibles in single-position competitive levels. Under this bill, preference eligibles cannot be placed in such a competitive level if by reason of their education,

training or experience, a reasonable person could conclude that they would be able to successfully perform another job at the same grade and in the same competitive level within 150 days. In such cases, the preference eligible is to be placed in another competitive level for which he or she qualifies.

We have always agreed that our veterans deserve special consideration in employment decisions because of their special contributions to our country, and this bill continues that tradition.

Our veterans answered their call to duty and were always there for our country in times of need. This legislation honors our obligation to our veterans, who make up 28 percent of the Federal Government employees, and protects their rights in the Federal work force.

H.R. 240 is a good bipartisan framework for strengthening veterans preference. I know that some concerns remain about specific provisions of the bill, and I look forward to working with the chairman and all interested parties to address these concerns.

With the leadership of the Civil Service Subcommittee in the House and the cooperation of the Senate, we have an opportunity with H.R. 240 to pass an effective bill which will give our veterans help in obtaining and retaining civilian employment within the Federal Government based upon their military service.

□ 1330

I urge all my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS] the vice chairman of the Subcommittee on Civil Service.

Mr. PAPPAS. Mr. Speaker, I rise today to support our veterans by calling for the passage of the Veterans Employment Opportunities Act, introduced by the distinguished gentleman from Florida [Mr. MICA].

For too long many of our Nation's veterans have been neglected by our own Government when it comes to obtaining Federal employment. Our Nation's veterans, who served so selflessly and risked their lives, face unnecessary restrictions that preclude them from employment. All they simply desire is the opportunity to continue serving their Nation.

As a result of this legislation, veterans can apply for Federal jobs on a more competitive basis at a time when their employment within the Federal work force is declining and approaching a historically low level.

This is a bipartisan bill that reflects the interests of the people who served our country so courageously. I commend Mr. MICA for his work and urge my colleagues to support it.

Mr. HOLDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS] who is the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I thank the gentleman for yielding this time to me.

I rise in strong support of the Veterans Employment Opportunities Act. For the first time, wartime veterans and service-connected-disabled veterans will have access to an effective appellate process if they believe their rights under veterans' preference laws have been violated. Additionally, the bill will provide meaningful protection during a reduction in force for all preference eligibles.

I want to thank the gentleman from Florida [Mr. MICA], the gentleman from Virginia, [Mr. MORAN], and the gentleman from New York [Mr. HOUGHTON] for their bipartisan efforts on behalf of our Nation's veterans.

I also want to mention the good advice and hard work the representatives of the veterans' service organizations have contributed to the development of this legislation. Their assistance and cooperation was invaluable.

H.R. 240 is an excellent bill, and I urge my colleagues to support this measure.

Mr. MICA. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN] who is the very distinguished Member who has been a very strong advocate on behalf of our veterans.

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and let me salute the gentleman from Florida, Chairman MICA, and the ranking member for their hard work and effort on this piece of legislation.

As a veteran, I am proud to support the Veterans Employment Opportunities Act, which addresses some very serious concerns I have regarding personnel decisions being made at Federal facilities in my congressional district and around the Nation. Those men and women who have sacrificed years of their lives securing the blessings of liberty for all Americans deserve to be credited for that service in the Federal workplace.

My chief concern is that veterans' preference is being circumvented by many Federal agencies while they are downsizing through what is known as the designer reduction in force, or designer RIF. Many RIF's are carried out by Federal agencies artificially tailoring job categories to make them uncompetitive, thereby negating the employment of veterans' preference in the first place.

The bill Mr. MICA has brought to the floor today would make it more difficult for agencies to use these types of RIF's and provide veterans who are RIF'd with enhanced rights to other jobs. More importantly, this legislation would finally give veterans who believe their rights have been violated a user-friendly redress system, while also making violation of veterans' preference a prohibited personnel practice to be enforced with disciplinary action.

Finally, Mr. Speaker, I would be remiss if I did not thank the chairman, Mr. MICA, and his staff for inviting me to help in crafting this bill to strengthen and expand veterans' preference. The chairman and his staff have done a wonderful job, and I am very proud to join with them.

Mr. MICA. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX] for the purpose of a colloquy.

The gentleman from Pennsylvania [Mr. FOX] has worked with the subcommittee both last year and this year. He has some very specific concerns about the application of this legislation, and we were not able to meet all of the requirements he would like in this legislation, but he is going to state in his colloquy his goal.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank the distinguished chairman of the Subcommittee on Civil Service, Mr. MICA, for bringing this important issue before the House today. I would like to commend him for his leadership on this important matter of veterans' employment opportunities. I also want to indicate my support for H.R. 240 that is before us today.

I believe there is another related issue that needs to be addressed as well, Mr. Speaker. Reservists from all branches that were called to active duty during Desert Storm and Desert Shield but did not serve in the actual theater of combat were not awarded veterans' preference points. I would like to point out that these fine men and women were an integral part of supporting these important operations by making them so successful.

There is precedent from the Vietnam era for giving preference points to reservists who were not in the theater of operation but still called to active duty. In this case, many of them went overseas as well but not to the theater.

I have introduced H.R. 1006, which would correct this injustice. It is a related bill and seems to go hand in hand with this bill brought by Congressman MICA. I would very much like to work together with Mr. MICA, as the chairman, and other representatives of the House and Senate to see both these important measures pass the Chambers and are signed into law in this Congress and in this session.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume to tell the gentleman from Pennsylvania that it is my intention to work with the gentleman on the matters he has raised, and the gentleman has my commitment to do so.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume for

the purpose of entering into a colloquy with the subcommittee chairman, Mr. MICA.

Mr. Speaker, as I indicated during my earlier statement, I am aware there are still some groups with concerns about certain provisions of this bill. Though we expect to pass this bill in the House today, I would like the gentleman's commitment to continue working with me, our colleagues in the Senate, and all interested parties to address these concerns and further improve the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MICA. Mr. Speaker, might I inquire as to how much time we have left on each side?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Florida [Mr. MICA] has 10 minutes remaining; the gentleman from Pennsylvania [Mr. HOLDEN] has 15 minutes remaining.

Mr. MICA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SESSIONS] another distinguished member of our subcommittee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a privilege to come before the American people in support of this bill, and it is never inappropriate, I believe, to stand up for the rights of veterans, men and women of this country who have fought for us not only in peacetime but also in war. It is easy to take for granted the freedom that we experience every day, but we must not and cannot ever forget the contributions that the men and women of this country of our Armed Forces have made for America.

The Veterans Employment Opportunities Act of 1997 gives to those who have served our country needed appeals and avenues in cases where they may have been denied the opportunity to work in a position for which they were qualified. When veterans are not given the chance to prove their ability, I believe justice must prevail.

H.R. 240 strengthens the veterans' preference in place today and increases economic and employment opportunity for veterans. This bill would create for the first time an effective, user-friendly redress system for veterans who believe that their rights may have been violated. It would make any violation of veterans' preferences a prohibited personnel practice and provide severe disciplinary actions for those who violate those preferences.

Perhaps the most important element of this legislation is the fact that it will remove artificial barriers that often bar service men and women from competing for Federal jobs. These individuals should be able to compete for jobs for which they are qualified just like other Federal employees.

Government downsizing has not been good for veterans of this country. In 1984, veterans accounted for 38 percent of the Federal work force. Today, sadly, that number hovers at just 28 percent.

James King, Director of the Office of Personnel Management, testified before the chairman's subcommittee that as recently as 1992 the percentage of veterans among Federal civilian full-time permanent new hires averaged just 18.5 percent. This is a crisis. The talent and drive that our veterans possess could be just the thing that could turn our bloated bureaucracy around.

One element of this legislation that was particularly important to me was the fact that it ensures that only the most qualified candidates could receive employment under a veteran's preference. Some say that this legislation will place unqualified people in positions of importance, but as my good friend, the gentleman from Florida [Mr. MICA] assures me, this artful bill makes certain that those veterans with the most experience and the greater qualifications get a fair treatment when they are applying for a Federal job.

Mr. Speaker, I urge enactment of this bill and, thus, I stand for the good people, men and women, who have represented America in peacetime and in war.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

In following up to my prior inquiry, Mr. Speaker, I want to have a commitment from the gentleman from Florida [Mr. MICA] that I received privately, off the record, that we would continue to work with interested parties who have some concerns about the bill and do our best to address those concerns as we move forward with the process.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume to assure the gentleman from Pennsylvania and the distinguished ranking member that he has my commitment to work with him and the subcommittee in working out any further details or problems with this legislation as it moves through both the House and the other body.

Mr. HOLDEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MICA. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, when the Veterans Preference Act was passed in 1944, veterans had a reasonable expectation that service to our Nation would be recognized and rewarded. Veterans, many of whom risked their lives and livelihood, could expect, with all other factors being equal, to be given a preference when seeking Federal employment.

As our country has moved from the threat of international conflict, rewarding those who in fact have served our military has become more an illusion than a reality, unfortunately. While hiring preferences for others, for various reasons, has actively been encouraged, veterans' preference in securing Federal employment has, unfortunately, withered on the vine.

□ 1345

Lacking any enforcement or redress capability, veterans have watched the value of their so-called preference decline as others usurp their rightful place at the front of the Federal employment line. How ironic it is that those whose Federal service often put them at the most peril in an armed conflict now become more often the last hired and the first fired in a time of downsizing.

In closing, Mr. Speaker, I believe that the Veterans Employment Opportunities Act of 1997 provides much-needed protection to our veterans. It provides an effective redress system, and it expands job opportunities for those who in fact have served our Nation honorably in its armed forces.

Mr. Speaker, this bill is strongly supported by 19 major veterans service organizations representing 12 million veterans. I urge my colleagues to support and pass this bill.

Mr. BURTON of Indiana. Mr. Speaker, I rise in strong support of H.R. 240, the Veterans Employment Opportunities Act of 1997. As chairman of the Government Reform and Oversight Committee, I am pleased that one of the committee's first bills on the floor in the 105th Congress is one which will help our Nation's veterans. Chairman JOHN MICA is to be commended for his hard work on this issue and for introducing this bipartisan measure and bringing it to the floor. Last year the House passed similar legislation not once, but twice. Unfortunately, the other body failed to act on this legislation. I was an original cosponsor of H.R. 3586, which Congressman MICA introduced last year, and as chairman of the full committee I have worked very hard for passage of H.R. 240 this year.

Mr. Speaker, Congress intended for veterans' preference rules to help veterans compete for jobs in the Federal Government and to protect veterans' rights during reductions-in-force, or RIF's. Unfortunately, the Civil Service Subcommittee has found that the benefits of the original veterans' preference laws have been eroded. Agencies often ignore or find ways to circumvent veterans' preference directives. One way that agencies do this to conduct special RIF's that are narrowly targeted to specific individuals, leaving those individuals with no opportunity to benefit from the veterans' preference or other rules that would enable them to compete to keep their jobs. This is not right.

I served on the Veterans' Affairs Committee before joining the Committee on Government Reform and Oversight. Many of our Nation's veterans have made tremendous sacrifices for the peace and freedom that all Americans enjoy today. I think it is only fair that Congress take steps to help them compete for Federal jobs for which they are qualified and to protect their rights during RIF's. All veterans have earned those rights.

Clearly, veterans' preference laws need to be strengthened in order for them to remain

effective. H.R. 240 would do this by establishing an effective, straightforward redress system for veterans. Federal officials who knowingly violate veterans' rights could be brought before the Merit Systems Protection Board and fined $1,000, suspended, or fired. Federal agencies would be prevented from conducting designer RIFs which unfairly remove veterans' rights. Agencies will be required to establish priority placement programs for veterans who are affected by RIF's, and agencies must give veterans a preference when they rehire employees.

Anyone who is eligible for veterans' preference or has served in the Armed Forces honorably for 3 years would be eligible to compete for Federal jobs which agencies currently restrict to their own work forces or to current Federal employees. The bill specifies that members of our Armed Forces who are serving in Bosnia, Croatia, and Macedonia also will qualify for veterans' preference.

The honorable treatment of our veterans through such legislation is the least we can do to show our appreciation for the tremendous sacrifices so many veterans have made to protect the liberties of this great democracy for all American citizens.

I urge my colleagues to support H.R. 240.

Mr. QUINN. Mr. Speaker, I rise in strong support for H.R. 240 because it is the biggest improvement to veterans' preference in many years.

To me, the most important aspect is that veterans, for the first time, will be able to seek justice through the courts when they feel their preference rights have been violated—that is a landmark in veterans' preference law.

H.R. 240 prevents agencies from building artificial barriers to hiring veterans. Veterans will now be able to compete for jobs currently restricted to people with civil service status or employed by the agency. Eligible veterans will be able to have priority placement if they lose their jobs in a reduction-in-force. To discourage agencies from designing elaborate processes to avoid hiring veterans, the bill makes violation of veterans' preference a prohibited personnel practice and authorizes damages if the violation was deemed willful. Also, for the first time, veterans' preference will apply to nonpolitical jobs in the legislative branch, the White House, and certain jobs in the judicial branch. The bill will also apply veterans' preference in any reduction-in-force at the Federal Aviation Administration and make those serving in Bosnia, Croatia, and Macedonia eligible for veterans' preference.

H.R. 240 will actually improve the employment opportunities for women and minority veterans. Women now comprise about 12 percent of the Active Duty Force and minority members now make up nearly 20 percent. These groups will now have a small advantage over similar nonveterans and that is the way it should be.

Mr. Speaker, I congratulate Chairman JOHN MICA and Ranking Member TIM HOLDEN for their persistence and the way they have developed this legislation. Because they have listened to, and worked with the major unions on this bill, the unions have expressed their support. OPM, in testimony before the Civil Service Subcommittee has expressed its support. The Veterans Service Organizations enthusiastically support the bill. I thank all the groups who have helped build this landmark legislation for their efforts.

Mr. Speaker, this bill is a winner for veterans, women, and minorities and I urge my colleagues to vote in favor of H.R. 240.

Mr. STUMP. Mr. Speaker, today I rise to voice my strong support for H.R. 240, the Veterans Employment Act of 1997. This is the most important improvement to veterans' preference laws in decades and I congratulate Civil Service Subcommittee Chairman JOHN MICA and his ranking member TIM HOLDEN for the excellent work they have done on this bill. H.R. 240 is a testament to Chairman MICA's persistence on this issue and I commend him.

Mr. Speaker, I believe it is important that Members understand the significance of this bill and how it affects veterans' preference. As you know veterans' preference was first passed in 1944. Through veterans' preference, wartime and disabled veterans got a small advantage competing for Federal jobs, and in promotion and retention. As a result, veterans comprise 27.6 percent of the Federal work force. But a law does not mean automatic compliance, and there are those who resent the small advantage given to wartime and disabled veterans.

Over the years, some Federal agencies have become very inventive when trying to avoid veterans' preference laws and regulations. Recently, with the pressure to downsize, agencies and hiring managers have found new ways to circumvent veterans' preference. A major reason agencies and hiring managers have felt free to pursue such tactics is that there was no real consequence for their illegal actions.

Today, the House has an opportunity to demonstrate to America's 26 million veterans that veterans' preference for Federal jobs is an important way to share the sacrifices of war. General Omar Bradley once said, "Veterans benefits are one means by which society attempts to ameliorate the tragedy of war and distribute its burdens." I concur in that assessment.

H.R. 240 has several important provisions. First, under current law, Federal agencies are able to shut veterans out by restricting hiring to those with civil service status or those already employed by the agency. With downsizing, it is routine to shut out many otherwise qualified veterans through these restrictions. H.R. 240 would change that by opening those vacancies to preference-eligible veterans and those with 3 years of honorable service.

The bill will also make it more difficult for agencies to design reductions in force, or RIF's to circumvent veterans' preference. Section two of the bill will make it more difficult to design RIF's in this way and will improve a veterans' right to transfer to another position through priority placement within the downsizing agency or at another Federal organization.

The most important provision, in my opinion, is the creation of a redress mechanism for those who feel their rights under veterans' preference have been violated. The bill provides that a veteran may file a complaint with the Secretary of Labor within 60 days of the alleged violation. The Department of Labor's Veterans Employment and Training Service [VETS] will have the responsibility to investigate the complaint within 60 days. If VETS is unable to resolve the complaint or has not completed action within 60 days, the veteran may file a complaint with the Merit Systems Protection Board [MSPB]. The Board has 120 days to complete its work. At any time after that, the veteran may file a complaint in Federal district court.

Equally important, the veteran may seek "make whole" relief for back pay and liquidated damages equal to back pay if the violation is found to be willful. The bill also makes violation of veterans' preference a "prohibited personnel practice" and makes any individual guilty of such violations subject to disciplinary action.

For many years, large parts of the Federal Government have been exempt from veterans' preference. The bill will extend this preference to nonpolitical and non-senior executive service jobs at the White House, Congress, and much of the judicial branch. It is long past the time when Congress, the White House, and the judiciary do their part in hiring veterans.

Next, the bill will require the Federal Aviation Administration [FAA] to implement veterans' preference in any RIF. Currently, the FAA is only required to follow veterans' preference in hiring.

Finally, the bill extends veterans' preference to the troops serving in Bosnia, Croatia, and Macedonia. These fine young American men and women are on the front line in a very dangerous area and they deserve the advantages of veterans' preference.

Mr. Speaker, this bill is the most significant improvement in veterans' preference in my memory and it deserves the strong support of this House. I urge my colleagues to support H.R. 240.

Mr. BUYER. Mr. Speaker, I want to thank my colleague from Florida for working as hard as he has on this legislation. I also appreciate the cooperation we've had from our colleagues on the other side of the aisle on H.R. 240.

Veterans' preference and its implementation in the Federal work force are issues that cause me great concern. We need effective and comprehensive enforcement of preference laws and regulations.

Federal agencies have long abused veterans preference in hiring, promotion, and retention. I view the entrenched bureaucracy as the main source of the problem. There are many hiring managers that would like to see veterans go away.

They resent a veteran's presence in an organization for any number of reasons. Maybe it's because these managers didn't serve and are embarrassed by the presence of those who did. Maybe it's because they have other diversity goals which they believe take precedence over veterans.

Our career civil servants must be made to follow the law, and their political bosses should be educated to watch closely for these unacceptable personnel practices.

The American people understand the nature of the sacrifices made for them by their veterans, and understand why veterans deserve preference—especially those disabled in the performance of their duties.

The Nation has a history of helping veterans returning to the work force and working successfully to place them in jobs, dating back to at least the post-Revolutionary War era when land grants were given in return for military service.

Veterans' preference must remain the cornerstone in hiring, promotion, and retention. Veterans' status is blind as to race, gender, age, religion, and other differences that make this Nation a melting pot. We are not arguing against diversity, but we do believe that veterans' preference must remain first among the priorities of Federal managers.

There is no excuse for hiring managers to develop ways around the hiring or retention of veterans in their employ.

Currently, there is no effective means by which a veteran may air a preference grievance, especially if the veteran is not hired. How then, are we to hold managers accountable for the provisions of law giving preference to qualified veterans?

The redress issue is at the core of the Veterans Employment Opportunity Act of 1997 and will help our veterans without harming other Federal workers.

As long as we continue to have conscientious lawmakers willing to address veterans' preference, we remain confident that we can take the corrective actions necessary to ensure its future health as a viable program for veterans who have faithfully served. I urge my colleagues to support the measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 240, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 240.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. MICA. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 108) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 108

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform and Oversight: Mr. Portman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

BIENNIAL REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

A passion for discovery and a sense of adventure have always driven this Nation forward. These deeply rooted American qualities spur our determination to explore new scientific frontiers and spark our can-do spirit of technological innovation. Continued American leadership depends on our enduring commitment to science, to technology, to learning, to research.

Science and technology are transforming our world, providing an age of possibility and a time of change as profound as we have seen in a century. We are well-prepared to shape this change and seize the opportunities so as to enable every American to make the most of their God-given promise. One of the most important ways to realize this vision is through thoughtful investments in science and technology. Such investments drive economic growth, generate new knowledge, create new jobs, build new industries, ensure our national security, protect the environment, and improve the health and quality of life of our people.

This biennial report to the Congress brings together numerous elements of our integrated investment agenda to promote scientific research, catalyze technological innovation, sustain a sound business environment for research and development, strengthen national security, build global stability, and advance educational quality and equality from grade school to graduate school. Many achievements are presented in the report, together with scientific and technological opportunities deserving greater emphasis in the coming years.

Most of the Federal research and education investment portfolio enjoyed bipartisan support during my first Administration. With the start of a new Administration, I hope to extend this partnership with the Congress across the entire science and technology portfolio. Such a partnership to stimulate scientific discovery and new technologies will take America into the new century well-equipped for the challenges and opportunities that lie ahead.

The future, it is often said, has no constituency. But the truth is, we must all be the constituency of the future. We have a duty—to ourselves, to our children, to future generations—to make these farsighted investments in science and technology to help us master this moment of change and to build a better America for the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 9, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEGISLATIVE POWERS AND THE EXECUTIVE BRANCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today I want to discuss something so powerful and hurtful that it cripples the economy, puts a stranglehold on businesses and farms, destroys livelihoods and families, and yet seems unstoppable. This monster that I am discussing is the power that was once granted to Congress in article 1, section 1 of the United States Constitution, which reads: "All legislative powers herein granted shall be vested in a Congress." Today, however, the executive branch of this very Government has taken control of this reserved privilege and holds it captive at the expense of American citizens.

The regulatory authority now used by these Government agencies to legislate, to create rule after rule, regulation after regulation, has begun to put a stranglehold on the western part of this country to the extent that they may never again breathe.

To illustrate my point, I would like to discuss the police powers Secretary of the Interior Babbitt and the Bureau of Land Management allegedly assume to possess. On November 7, 1996, the BLM posted in the Federal Register new law enforcement regulations. Although the BLM claims that these regulations are merely a recodification of the current regulations and do not result in the creation of "new authority," this is simply not the case. The proposed law enforcement regulations are an attempt to vastly, and in most cases unlawfully, expand the BLM's law enforcement authority by increasing the number and types of actions which may result in the violation of the law enforcement regulations and substantially increase the penalties for violation of such regulations.

The Constitution of the United States guarantees proper notice describing those actions which law enforcement agencies may subject its

citizens to criminal punishment. However, in this case, BLM has criminalized thousands of minor violations of Federal, State and local rules that previously were not criminal, without explaining the specific acts which are now criminal. The proposed regulations' vague references to "any law or ordinance" are not constitutionally sufficient, thus making the proposed regulations unconstitutional.

For example, proposed regulation section 9263.1 makes any citizen a criminal who is on Federal lands and who does not comply with all "State and local laws, regulations and ordinances relating to the use, standards, registrations, operation and inspection of motorized vehicles and trailers." The average citizen, and probably many employees of the BLM, are not familiar with the thousands of regulations that have just been elevated to criminal status. Without a specific list of the acts or omissions which would be criminal, the BLM's proposed regulations are again illegal.

The egregiousness of these actions does not stop there. The United States Constitution states that a citizen may not be placed in jeopardy twice for the same offense. These proposed regulations state that an individual who is in charge or charged with a violation by the Environmental Protection Agency can also be charged by the BLM with a violation of the Federal Land Policy Management Act. This is clearly an attempt to submit citizens to double jeopardy and thus circumvent the Constitution.

Furthermore, the eighth amendment of the Constitution states "Excessive bills shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted." The possibility that one may be fined $100,000 for driving 1 mile an hour over a 30-mile-an-hour speed limit is certainly an excessive fine. The possibility of spending 12 months in jail for the same offense is also cruel and unusual punishment and again unconstitutional.

Yet, as we all know, Mr. Speaker, the Secretary of the Interior on March 11, 1997, released a press statement titled, "Secretary Babbitt Directs BLM to Halt Action, Go Back to the Drawing Board with Law Enforcement Regulations." However, the press release goes on to further quote Mr. Babbitt directly and states

> This action does not diminish the legal authority of the BLM law enforcement officers on public land. But it is very clear that we have not done a good job of clarifying regulations and communicating BLM's legal authority under existing Federal statutes to protect health, safety and environmental resources on America's public lands.

Let me explain further, Mr. Speaker, and tell my colleagues exactly what powers the BLM is commandeering:

On July 24, 1994, a New Mexico family was on a family outing at the Santa Cruz Lake area in the northern part of that State. After fishing and picnicking for 2 hours, the family loaded up their car and were leaving the area when they were stopped by a BLM Ranger. According to a complaint filed by the family's attorney, the BLM Ranger approached the vehicle carrying a shotgun and ordered everyone out of the car using threats of bodily harm laced with profanity. The BLM Ranger fired his shotgun at the car to show that he meant business.

The complaint continues:

Three men got out of the car and asked why they were being stopped. They asked if it was for fishing without licenses, but they were never asked for their fishing licenses. When one man and the women and children tried to leave, the BLM Ranger then maced the driver and handcuffed him. The driver's mother tried to help her son but was knocked to the ground by the Ranger who then stomped on her leg before handcuffing her.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship. I oppose this unusual and unlawful assumption of regulatory powers.

After handcuffing the mother the BLM Ranger went back to the driver and sprayed him again in the face with mace. All this time the children were crying and the Ranger yelled at them to shut up. According to the complaint the BLM Ranger said he was going to blow their—expletive deleted—heads off.

It gets worse. When one of the men picked up one of the children to comfort him, the BLM Ranger put his shotgun to the child's head and ordered the man to put the child down. Two other BLM Rangers allegedly arrived and began waving their weapons around as well. The BLM Rangers refused to say why they had stopped the family in the first place. The adults were incarcerated and the BLM Ranger did not notify the Attorney General as they are required to do. Although records at the Santa Fe Jail indicate six adults were arrested on charges of assault and hindering a Federal employee, a U.S. magistrate released all those jailed because the BLM did not produce a written complaint and no formal charges were made. To this day the family still has no idea why they were arrested.

Remember these are Federal public land management employees, who are commiting these atrocious acts. It is not the Federal Bureau of Investigation, nor the Bureau of Alcohol Tobacco and Firearms, or any other law enforcement agency.

It becomes very evident that these power-hungry bureaucracies have designated themselves unconstitutional police powers, without having proper authority or training. The agents are turning into bullies with little respect for public safety or property.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship of bureaucratic monsters. It is time for Congress to stand up for its constitutional rights and the protection of the American people.

EPA OFFERS MORE REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, according to the Environmental Protection Agency, the air in this Nation is getting cleaner. Major metropolitan areas are experiencing fewer and fewer days of dirty air, and it is time to thank the EPA for a job well done. In fact, according to the EPA, in almost every major city in America, air pollution levels have been dropping. Nationally since the EPA was established, the combined total of all causes of dirty air have decreased by 29 percent. This reduction occurred even as the Nation's population has grown by 28 percent, people drove more than twice as many miles, and the economy doubled in size.

Our Nation is on the right track to cleaner air. But if you talk to the EPA, you would think the sky was falling. This agency has proposed tightening the standards for ozone and particulate matter even more. This new standard, which may take effect without congressional approval, will not clean the air faster. In fact, it will cost the American economy jobs, erode local tax bases and provide nominal positive health effects. Our Nation does not need new regulations which may force people to car pool to work and increase regulations on our Nation's industries and family farms.

Our Nation needs regulations that are based on sound science, not emotionally driven, feel-good politics. Indeed the scientific community is not unified in its support of these new regulations. While the EPA has a study that claims it can save thousands of lives with these new rules, the National Institute of Environment Health Sciences, another government agency, came to the conclusion that high rates of pollution do not increase rates of asthma. This information directly contradicts the fundamental basis for the new regulation.

In addition, the EPA's own scientific advisory board, which is made up of industry, academic and medical experts, told the EPA that its new standard for particulate matter, "does not provide a scientifically adequate basis for making regulatory decisions for the setting of National Ambient Air Quality Standards and related control of particulate matter in the Clean Air Act."

We must also ask ourselves why, when the air is getting cleaner in America, the number of people being admitted to hospitals with respiratory complications are increasing? Why is a good thing having a bad effect?

Our Nation needs regulations that do not needlessly destroy jobs. Five of the 19 counties which I represent rely on coal as a substantial part of their economies. The coal industry has been hit hard by the EPA and stands to be eliminated in southern Illinois if stricter standards are implemented.

Unemployment levels in some of my counties would climb even higher than the current 7, 8 to 9 percent that they are now. Not only would these new regulations mean more jobs lost in areas already suffering, but prices on consumer goods will go up as well. Conservative estimates on the direct cost of this regulation on Americans will be around $10 billion every year in higher costs for cars, farm equipment, electricity, and countless products that Americans rely on every day for their well-being.

□ 1400

Mr. Speaker, as a newly elected Member of Congress, I can say that I am truly amazed and disappointed that the EPA would impose such high costs on the American people without little benefit. Our Nation's air is getting cleaner, the economy is growing, and the unemployment averages on the national level are at an all time low. Controversy surrounds the EPA studies, and all they can do is offer more regulations.

Mr. Speaker, it seems that the EPA is more interested in political agendas and self-preservation than in creating good national policy.

GOVERNMENT IS TOO BIG AND COSTS TOO MUCH

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Texas [Mr. BRADY] is recognized for 5 minutes.

Mr. BRADY. Mr. Speaker, working Americans often ask today, "Why can't we make ends meet like our parents did? Why does it take a two-income family to provide even a basic quality of life for our families?"

President Ronald Reagan had a clear answer. Government is too big and costs too much. I would add that today we also have a government that regulates too much. Excessive regulation is a hidden tax on families and on our businesses. Compliance costs are estimated to be $6,000 for each American household, $6,000 in costs in regulation for American households.

If you couple taxes, if you add to it regulations, the average American worker is working until July 9 to pay all the costs associated with government. Excessive regulation crushes small business, the engine of our job creation, and today one of the most pervasive fears among America's small businessmen is that they will fail to comply with some obscure government regulation and be forced to shut down.

In 1995, President Clinton convened a conference on small business, asked them to meet in our capital. More than 1,600 attended. The No. 1 concern that they registered, they were overregulated and had too much government paperwork to comply with.

According to our Small Business Administration, the cost of regulation, of paperwork and of tax law compliance is about $5,000 per worker. It is even greater for smaller firms. Regulation puts a brake on our small business job creation, it puts a brake on the entrepreneurial spirit which is the promise of America.

An example of unnecessary regulation, as Congressman SHIMKUS just described, are the new proposed EPA air quality regulations that Carol Browner recently announced. They deal with ozone and particulate matter, and if adopted, these stricter standards mean that many communities that meet existing standards will be redesignated as nonattainment areas. Other communities who spent millions to control these types of pollution will be told they must now do it another way. It has no scientific basis, it has questionable benefits. The regulations though will have a dramatic impact on our families in Texas, where I live, and across America.

This new regulatory burden is an unproven, untested science experiment based on the premise that if an apple a day is good for you, then a bushel a day must be better.

Regulations have good intent, everyone supports clean air and clean water. Everything looks good on paper, but it is how it works in real life that affects you and I. The answer is to move the Federal Government closer to the customers they have served to initiate a cost-benefit analysis so we know what this costs, ensure that regulatory actions are based on sound science that we agree upon, that we have a budget within regulation that puts a ceiling on the cost of regulation to the American economy, and we have to initiate sunset review. That means put an expiration date on every regulation, on every program, on every agency, commission, and council, where they go out of existence unless they can prove their value and their worth to us today.

The bottom line is that American families and American businesses need a break from our Federal Government. We should restore common sense to our Government and remove the barriers to free enterprise and job creation. We have that opportunity in this session, and we need to take advantage of it.

IMPORTED PRODUCE LABELING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BONO] is recognized for 5 minutes.

Mr. BONO. Mr. Speaker, I sometimes get upset to a point to where I feel that I have to at least speak out, especially when I cannot do anything about it.

The situation with Mexico and NAFTA and California is basically a disaster for California, and it is abusive. It is extremely abusive, and I was raised not to take abuse, and if somebody dished out abuse, I would always give it back, and that worked out well.

So now being here in Congress and seeing abuses inflicted on us by a country who has total disregard for our lifestyle and what we require and what we do, it rather infuriates me. But we have a treaty, a NAFTA treaty, and the way we must go about that legally to handle that is one story which I am very active on, but I consider it one of many abuses we get from Mexico.

However, today I rise for one specific, to speak on behalf of my bill to protect American consumers and produce farmers, H.R. 1232, the Imported Produce bill. This does not necessarily totally relate to Mexico, by the way, the Labeling Act of 1997. Consumers need to know the country of origin labeling. Almost every product is clearly labeled "made in China" or "made in Mexico" except the produce we eat. Every other type of food is labeled. Why not the produce?

Consumers want to know where the produce they eat is grown. Does the country of origin allow pesticides banned in the United States? Are they working under the conditions that are sanitary? Recent news stories of children being infected with hepatitis due to Mexican strawberries are a prime example of the risk imported produce can pose. Before that it was bacteria in raspberries from Guatemala. What is next?

But this is why this is not only a health issue. It is an economic issue. Since NAFTA, the total economic loss in the production of fresh winter vegetables has been nearly $700 million. 200 farms have closed due to huge numbers of tomatoes imported from Mexico.

Without labeling, how can the consumer choose American produce over Japanese produce; how can they choose American produce over imported produce?

Anyway, I hate to read these things.

Anyway, my point is that our agriculture industry cannot compete now with Mexico because Mexico is not required to live up to the regulations that we must live up to. So therefore their product can come into our country, appear to be our product, undersell our product and cannot only be dangerous but also put industry out of business. This is another abuse that we must correct.

Most importantly, it seemed like last year I was hearing about school lunches from children that was considered the biggest travesty in the world, but now we are actually killing children with hepatitis from produce and that is sort of breezing by. I have a bill that calls for the labeling of produce. I ask that all of my colleagues support my bill when it comes to the floor.

OUR SOARING TRADE DEFICIT CANNOT BE IGNORED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the business cycle has not yet been repealed, but if we did the right thing in the Congress, I believe we could do a lot to alleviate the great harm done by the business cycle.

Mr. Speaker, artificially low interest rates are the culprit in the Government created boom bust cycle. Federal regulated low rates cause bad business decisions, confuse consumers and encourage debt. These distortions prompt market corrections which bring on our slumps.

In recent years the artificially low interest rates that banks pay on savings have served to reduce savings. In the 1970's savings were low because it was perceived that the money was rapidly losing its purchasing power. It was better to spend than to save. As money leaves savings accounts it frequently goes into stocks and bonds adding fuel to the financial bubble which has been developing now for over 15 years. Domestic and foreign central bank purchases of our treasury debt further serves to distort and drive interest rates below the market level.

Our soaring trade deficit is something that cannot be ignored. In January there was a negative trade deficit in goods of more than $19 billion, the highest in our history. Our deficit has now been running over $100 billion for several years, and the artificially strong dollar has encouraged this imbalance. Temporarily a negative trade balance is a benefit to American consumers by holding down price inflation here at home and allowing foreigners to finance our extravagance. These trends will end once confidence is shattered and the dollar starts to lose value on the international exchange markets.

The tragedy is that there are very few in Congress interested in this issue. Even on the Committee on Banking and Financial Services I hear very little concern expressed about the long term weakness of the dollar, yet economic law dictates that persistent negative trade imbalances eventually have to be corrected; it is only a matter of time.

I suspect in the next several years Congress will be truly challenged. The high level of frustration in this body comes from the fact that the large majority are not yet willing to give up the principles upon which the welfare state exists. Eventually an economic crisis will force all Americans, including Congress, to face up to the serious problems that we have generated for ourselves over the past 50 years.

I expect deficits to explode and not come down. I suspect the economy is much weaker than is currently claimed. In the not too distant future we will be in a serious recession. Under these circumstances the demand for spending will override all other concerns. In spite of current dollar euphoria, dollar weakness will become the economic event of the late 1990's. Consumers and entitlement recipients will face the problem of stagflation, probably worse than we saw in the 1970's. I expect very few in Congress to see the monetary side of this problem.

The welfare state will be threatened, and yet the consensus will remain that what is needed is more revenues to help alleviate the suffering, more Federal Reserve monetary stimulus to the economy, more price controls, which we already have in medicine, higher taxes and protectionism.

Soon it will be realized that NAFTA and GATT were not free trade treaties, but only an international effort at trade management for the benefit of special interests. Ask any home builder how protectionist sentiment adds several thousands of dollars to the cost of a home by keeping out cheaper Canadian lumber in spite of NAFTA's pretense at free trade.

The solution to this mess is not complex. It is however politically difficult to overcome the status quo and the conventional wisdom of our intellectual leaders and the media. What we need is a limited government designed for the protection of liberty. We need minimal control over our Nation's wealth, not the more than 50-percent of government control that we currently have. Regulatory control in minutia, as we have today, must end. Voluntary contracts need to be honored once again. None of this will work unless we have a currency that cannot be debased and a tax system that does not tax income, savings, capital gains estates or success.

Although it will be difficult to go from one form of government to another, there will be much less suffering if we go rapidly in the direction of more freedom rather than a protracted effort to save the welfare state. Perestroika and glasnost did not save communism. Block grants, a line item veto and a balanced budget amendment will not save the welfare state.

THE ISSUE OF CAPITAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I rise to expand on a couple of remarks made by my friend from Houston, Dr. PAUL, and to talk about an issue which I actually have raised twice here on the floor today, once during the 1-minutes, and then I discussed it during the time that I was managing the noncontroversial rule that we had for consideration of the suspensions, and that is the issue of capital gains.

□ 1415

My friend from Texas, Mr. PAUL, said that we should have no capital gains tax, and I happen to agree with that. But frankly, we need to begin moving in the direction of no tax on capital, and I am very pleased to have introduced, with the company sponsorship of many Members, my friend in Huntington Beach, Mr. ROHRABACHER, and many others, a bill, H.R. 14. It is called H.R. 14 because it takes the top rate on capital gains from 28 percent to 14 percent. I believe that this measure will go a long way toward increasing the take-home pay of working Americans.

Many people used to say that the capital gains tax cut was nothing but a tax cut for the rich, when in fact, we knew all along that by unleashing capital we could create jobs, increase the flow of revenues to the Treasury, but recent studies have shown that we not only can do those things, but on average, the take-home pay of working Americans will increase if we reduce that top rate on capital.

One of the things that people have also said who historically have talked about the capital gains tax cut as being nothing but a tax cut for the rich, there has been a realization that average Americans are saving a little more, and they are investing in some things, and we have found that there are 63 million American families that actually own mutual funds of the 90 million some odd families. So there is clearly a broad-based appeal and potential support for reducing the top rate on capital.

I say it is broad-based because on the opening day of this Congress, I was pleased that I was joined with Democrats and Republicans to introduce this. In fact, as initial sponsors on our side of the aisle, my colleague who serves on the Committee on Ways and Means, the gentleman from Pennsylvania [Mr. ENGLISH] joined me and we had actually three Democrats who joined. The gentlewoman from Kansas City, MO [Ms. MCCARTHY]; we had the gentleman from Texas [Mr. HALL]; and the gentleman from Virginia [Mr. MORAN], three Democrats and two Republicans on the opening day were the prime sponsors of this legislation to reduce the top rate on capital.

It is not targeted; it does not have the Government going in and selecting whose investment is taxed at a lower rate than someone else's, it simply reduces across the board, cutting in half that top rate.

What will this bring about? Well, we have today probably approaching $8 trillion of capital that is locked in because there are widows who are concerned about the prospect of selling their home or other investment because it has appreciated in value.

There are family farmers who are concerned about selling, because the capital gains tax rate is so high. There are small business men and women who very much want to sell, but they feel that they should not because that tax is so high.

It seems to me that a capital gains tax rate reduction is something that we could put into place to help ensure that we do not slip into recession. I see it as one of the best insurance policies to prevent us from going into recession.

Then as I alluded to a moment ago, the increase in the flow of revenues to the Federal Treasury which has happened every single time it has been done, reducing the top rate on capital gains in this century, would obviously, based on this empirical evidence, follow our reducing the top rate on capital.

Back in 1993 we found that if we had a 15-percent rate on capital gains, we could, over a 7-year period, increase the gross domestic product by $1.3 trillion, create a million new jobs and generate $220 billion in revenues to the Treasury. That comes about because we unleash that $7 trillion to $8 trillion that is locked in.

So a capital gains tax rate reduction is critically important in our quest towards a balanced budget, towards trying to deal with the national debt. And unlike the so-called family tax cuts that we continue to hear about, this would be permanent in that it would increase, as I said earlier, the take-home wages by $1,500 for the average American family.

Mr. Speaker, we are up to, as of this afternoon, 118 cosponsors for this very important measure, and I would like to encourage the Speaker and my colleagues on both sides of the aisle to join as cosponsors of this very important measure.

SUPPORT FOR OUR NATION'S SPACE STATION EFFORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak out in support of our Nation's space station effort. As most Americans are aware, we have been bending metal here in the United States and we are getting very close to putting aloft the first critical elements for the initial assembly of our space station; and as well, our international partners such as the Europeans, the Canadians, and the Japanese have invested billions of dollars in constructing their elements, and scientists all over the world, as well as school children all over the world, are looking forward to the first phases of this program.

Unfortunately, however, in the space station redesign conducted by the administration in 1993, the Russian government was placed in the critical pathway, what we call the critical pathway for space station construction and assembly. They were put responsible with Russian tax dollars for the construction of the service module, an element that has contained in it the life support, attitude control and propulsion capabilities.

Unfortunately, the Russians have not been paying for their part of the space station. They have demonstrated to the international community that they are an unreliable partner. Indeed, they have told us five times over the past year-and-a-half, I believe now six times over the past year-and-a-half that they will be putting the money into this program and they have failed to do so. As we all know here in this body, the Russians have very, very serious internal financial problems that have been created by their transition to a market economy, and they just do not have the rubles to pay their people to build their components to the space station.

Now, the reason I rise today is to call on the administration, and in particular, I call on the Vice President, AL GORE, to rise to the occasion and demonstrate to the American people that he has the kind of leadership ability that we expect to see in a national leader like him, and to step up to the plate and explain to us how he is going to redefine the Russian involvement in this program.

I do not believe this situation calls for another redesign of the space station. We have a good design as it is, and we need to stay on schedule and we need to make sure that this program is a success. But clearly, the Russians are not going to be able to be a full participant in the way that was originally defined. The time is ripe, the time is now, for the administration to come forward and, specifically for the Vice President, who has been tasked by the President to lead our Nation's space policy, it is time for the Vice President to step forward and explain to us how we are going to keep this program on track and to make it a success.

Now, let me just make very clear that I would like to see the Russians somehow involved, but they have to be removed from the critical pathway. We cannot have this program dependent on them anymore. We need to do what we can to keep them involved. They have a lot to bring to the table in their knowledge of space flight and their engineering, but we do not want them to be in the critical flow where our space station, the international space station is dependent upon them, because they clearly do not have the money to do that.

Now, there has been a proposal brought forward to take funds out of the space shuttle program and divert it into efforts to try to come up with a new interim control module that will serve as a fail-safe effort to make sure that this program is a success. I have very, very serious reservations about taking more money out of our space shuttle program. The space shuttle program has been cut drastically over the years. The space shuttle program has laid off hundreds, thousands of people in my congressional district, and that includes Kennedy Space Center, the home to our Nation's space shuttle, and I think it would be unwise for us to cut additional dollars out of the space shuttle program at this time.

I believe that there are other areas within the NASA budget, such as the Mission of Planet Earth Program that I believe last year had over $1 billion of unexpended resources, and the year before that, $600 million of unexpended resources, a program that does not have critical safety issues associated with it.

Specifically, we are not talking about human space flight here, we are talking about unmanned vehicles, unmanned satellites, studying the environment. A worthwhile program; nonetheless, a program that has clearly shown that it has extra money in it and a place where we could get the funds that we need to keep this program a success.

So again, I call on the Vice President to rise to the occasion and do the right thing and preserve our Nation's space station program.

AMERICA'S TECHNOLOGICAL EDGE IS IN DANGER

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRABACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRABACHER. Mr. Speaker, on Thursday of next week on this floor will be a debate which will actually end in a decisive vote for the future of the United States of America. Unfortunately, the vast majority of all Americans have no idea that there is even a piece of legislation like that which will be debated in one week on this floor even working its way through the system.

There has been a blanket, overall coverup on this issue in what would be called the traditional media of the United States of America. The networks and the major newspapers have not touched this issue because they do not want the American people to know that a major decision affecting their way of life, the standard of living of their children, America's competitiveness, and the economic well-being and the national security of our country will be at stake with one vote. That is because this issue is relatively hard to understand, yet it is so vital that if the vote goes the other way, I believe this will be the first step on an escalator

down for the people of the United States of America, because it will be ending and eliminating the greatest advantage that we have had as a country, and that is our technological edge over our competitors.

The American people enjoy a high standard of living, not because we work harder than other people. People all over the world, many of them work longer hours; they are hard-working people, but yet they live in poverty. They have standards of living that we would never accept in the United States of America for even our poorest person.

What gives us as Americans the edge? What ensures us the fact that we have wealth that is created in our country that can uplift the standard of the average person? It has been the technology that our citizens have developed and produced and invented over the history of our country.

America has been a nation of yes, hard-working people, but there are hard-working people everywhere. Most importantly, we have been a nation of technology which has permitted our people to increase their standard of living, to live high and above the rest of the people of the world. Even at a time when there is international competition with countries where the people earn far less wages, we can out-compete them and we can look forward to a bright future, if we have the technological edge.

But what is happening here next Thursday is a vote on the fundamental protections of law for American innovators, for American inventors, and for the owners and developers of new technology.

We have had basically the same law in the United States of America for 200 years. Again, most people do not fully comprehend that this has been a protection granted to Americans that is different in other countries that has enabled our country to produce this higher standard of living and this great opportunity for the average person. They do not recognize that because it is little known that written into our Constitution by our Founding Fathers is a patent office and protection for inventors. That is why the inventors were in the United States of America. That is why the great creators of that technology that produced all of the wealth that enabled us to live better, that is why they were Americans.

People came here from all over the world. Americans do not have any special trait. We just have freedom and opportunity and a legal system set down by our Founding Fathers that understood the necessity of individual freedom and individual rights being respected in order for the whole of the American people to progress.

□ 1430

And now we are changing the fundamental law in a very hushed manner so very few people know about it, the fundamental law that directs and protects the development of technology in the United States of America.

Next Thursday, on this floor, on April 17, will be a vote in which two bills will come head to head, one bill H.R. 400 and the other H.R. 811. It is a combination of H.R. 811 and H.R. 812.

H.R. 400, which I call the Steal American Technologies Act, will, if passed, open up the United States to the greatest theft of our intellectual property and our technological achievements in the history of our Republic.

It will be the equivalent of sending a message to everyone in the world to come and get our technological secrets and use them against the American people. It is as bad as that. That is H.R. 400.

That bill, what does it do? No. 1, and hold on to your seats for those of my colleagues who do not understand what is going to happen on this floor in 1 week, this is a bill that will mandate that every inventor in the United States who applies for a patent will have his or her patent published for the world to see after 18 months even if that patent has not been issued.

Now, what does this mean? From the history of our country, from the very beginning of our history, when someone has applied for a patent, when an American has applied for a patent, he or she has had the right of confidentiality, knowing that none of that information would be disclosed unless that patent was issued; and when the patent is issued, that means that person, that individual owns that technology. That has been a right for every American.

And what is happening now? Next Thursday we will vote to discard that right, that no longer, after 225 years of American history, that right, which has been a force for good in our society, will be discarded by a vote here on the floor of the House of Representatives because H.R. 400 mandates the publication of all of our secrets.

There will be no more industrial espionage. You heard about that. You have heard about people coming into the United States in order to steal our secrets. There will be no more industrial espionage because after 18 months, every bit of secret information about the development of our new technology will be sent to our worst enemies, people who want to destroy our country, people who want to destroy the American way of life, people who care not one iota for the standard of living for our people but want to pull those millions and billions of dollars of wealth into their pockets rather than see the American people enjoy the fruits of our free society.

This is almost unbelievable. It is almost beyond belief, until you hear people stand up and argue this case as if, oh, this is going to be good because everybody will know what is being developed and then we can all work together. All work together.

There are people in this world who are intent on not working together and they will be very happy to steal everything that America develops.

The second provision on H.R. 400, which will be on this floor in a week, is called reexamination. The publication angle of H.R. 400 is enough, is enough for us to say get rid of this terrible threat to the American people. But that is a future threat, I might add. Publication only affects the future technologies.

What we have discovered when looking into H.R. 400, and I did not know this until several weeks ago, there are small provisions in this bill which open up the door to reexamination, which is the No. 2 provision, reexamination.

What does reexamination mean? That means now, today, and all through our country's history, when you are issued your patent, it is your patent and there is almost nothing someone can do to challenge your right because it is your property. It has been decided upon and perhaps only one other criteria can be used to fight against it in court.

Instead, H.R. 400 opens up a panoply of options for not only our big corporations but foreign corporations and multinational corporations to go at and challenge every one of our existing patents, not only are future patents going to be published before they are even issued, so that thieves can take away our future technology, the current technology that we have that gives us billions of dollars in royalties that comes to the United States every year. These foreign corporations that are paying royalties now will have the option, instead of paying royalties, to file suit and to interfere and to act and to call for reexamination of current patents.

Finally, the last and perhaps another just as equally important provision of H.R. 400, the Steal American Technologies Act, which will be voted on in this body on the floor of the House in 1 week, is that it, again, hold on to your seats, it will obliterate the Patent Office.

That is right. The Patent Office is written into the U.S. Constitution, and it eliminates it as a Government entity and resurrects it. Resurrects it as what? A corporatized entity. Corporatized.

What does that mean? That means there will be some entity that used to be the Patent Office and now it will be corporatized, something like the Post Office, Government but not Government.

This bill mandates, for example, that this new corporate structure will have business leaders on its board of directors. Now, what does that mean? I thought the business leaders were the

ones who were going to be dealing with the patents. We are going to put the people who actually make money dealing with patents on the commanding board of directors of this company?

The board is also enabled to borrow money and the taxpayers are still on the hook. Patent examiners have been shielded for 200 years from outside influences. Patent examiners have never had a scandal. These hardworking public servants, like judges, have such power in their hands to determine who owns billions of dollars of wealth, but they have been shielded up until now from outside influences. Will they be shielded? Will they be shielded from this new corporate entity?

Let me add, there is one other thing I forgot to mention; the new corporate entity, according to H.R. 400, will be permitted to accept gifts. Accept gifts from corporations? Accept gifts from foreign companies? Accept gifts when they are making determinations about who owns what wealth in the future? What kind of effect will this have on the decisionmaking at this new corporatized Patent Office?

Mr. Speaker, this is a formula for catastrophe. This is a formula for the destruction of the American way of life, and I cannot stress it too strongly here, it is going to be voted on and the American people do not know about it. It is coming next week. There has been a lid placed on coverage in the mass media. We do not have shows on the network or in our major newspapers. They are not doing stories about this threat to each and every one of us. It is not there.

I have a piece of legislation, and the gentleman from California, DUNCAN HUNTER has a companion piece of legislation, H.R. 811 and 812, that go in exactly the opposite direction from the bill, from H.R. 400, the one I just described.

H.R. 811 is the Patent Term Restoration Act, which I have authored. Basically it restores a guaranteed patent term to the American people. If no one understands why we have to restore a guaranteed patent term, I hate to inform them, but we have already lost our right that has been with us since the founding of our country.

Our people have always had a right when they apply for a patent, no matter how long it takes for that patent to be issued, that there is still a guaranteed time period, 17 years, when someone would reap the benefit from that invention, either the investor or inventor, whoever owns that patent. That was taken away. That was eliminated by a provision that was snuck, and I repeat, snuck, into the GATT implementation legislation.

GATT 3 years ago did not require us to change our patent laws, but someone put that provision into GATT, and thus the Congress was faced with voting against the entire world trading system or agreeing to this fundamental change in patent law. This was a betrayal of the American people in the worst way. My bill restores the guaranteed patent term. So no matter how long it takes to issue your patent, no matter who is against you, once that patent is issued the American has a right to a guaranteed patent term of 17 years.

By the way, it was replaced with something that sounds pretty innocuous, like many of the things in these bills sound innocuous. The provision that replaced our patent term guarantee was a provision that said you are going to have patent protection from 20 years from the date that you filed. However, however, 20 years, all it really means is the clock is ticking against the inventor. If it takes 10 to 15 years to get an invention patented, for the patent to issue, that patent applicant basically has lost all of that time. All of that time.

No, we do not need the clock ticking against the inventor, we need a guaranteed patent term, which has been our right. That is what my bill does. The companion bill, H.R. 812, bolsters and strengthens and makes more productive and reforms the Patent Office and strengthens our Patent Office, instead of obliterating it like they do and corporatizing it, in H.R. 400.

These bills will come to a direct head-on-head vote. My bill will be offered as a substitute. H.R. 811, strengthening the patent system, will come right up against it and there will be one vote.

Right now there is an army of lobbyists going through this town contacting Members of Congress because they are interested in how they are going to vote. Unless the American people, unless the American people contact their representative, the major influence on how this vote will turn out will be lobbyists that are paid for by huge multinational corporations, foreign corporations, and yes, even some, many, of our major domestic corporations who are in league with these multinationals.

Mr. Speaker, we can turn this around if the American people do contact their elected representatives. That will make the difference.

By the way, interestingly enough, how do we communicate if we cannot get the news media to cover the story? I have tried everything. I give these speeches. I even have a web site, www.house.gov/rohrabacher/. That is www.house.gov/rohrabacher/. I had to go to the web site. I have gone to talk radio. Thank goodness we have democracy on the air. Thank goodness we have Rush Limbaugh and Michael Reagan and others, because the regular media will not cover this story that is so vital to the future of our country.

What coverage we have been able to get through these speeches on the floor, we have received letters, I have received letters and Members of Congress have received letters from all over the United States, from small inventors, people who are afraid.

The two most recent letters my office received, one was from a gentleman who is conducting research into breast cancer. He has made some breakthroughs but he is afraid to try to patent his discoveries. He is afraid of that because with the new H.R. 400, that would mean it would be published for the whole world to see, and he would reap no benefit from it. He is afraid, whether he should disclose what he has invented.

Another person who wrote my office is a person who has developed a new system of killing bugs. That may sound rather minimal to people, killing bugs. It is not minimal. We are pouring tons of pesticides into our environment every year, and this man has invented a new process that requires no chemicals, a new method of dealing with infestations of bugs in homes and in fields that would prevent us from being poisoned.

But he is worried. He has spent a lot of money in trying to develop this new process. He does not know if he wants to make it public through the patent system, because if he applies for the patent they will disclose this, if H.R. 400 is passed, even before he gets his patent and people will steal his process.

These are the letters coming to me: Breast cancer, things dealing with insecticides into our system. How is this going to affect our way of life? Can the Members not see just by those two examples? Who would have thought of those two examples before I said them? There are thousands of people all over this country who are inventing ways of making things better.

□ 1445

That is what Americans are all about. We are tinkerers. We are people who use our ingenuity. That is what Americans are all about. We are changing the fundamental law, and we are pulling the rug out from under them. We will make sure that the giant corporations in Japan and China and even our own giant corporations can steal from them. And when we do that, the American light of ingenuity will be put out. It will not go on. We have fostered, we have nurtured this creative genius among our people. If we change the rules in protecting their rights as individuals, that light will be put out and our standard of living will suffer.

Colleges and universities are getting the word. Throughout the United States of America we have been receiving letters from colleges and university people. People who are involved with research programs all over our country are writing and saying: You mean everything that I have been working for

will be disclosed to America's enemies if we file for a patent?

Small inventors, small inventors throughout the country have joined together to try to fight this but they are an unorganized group of people, the most unorganizable group of people I have ever seen. That is what they are, they are individualists, men and women who come up with new ideas who are hard to organize. Thus the major corporations want to steal the profit of their genius. I will have more to say on this floor a week from now.

Mr. Speaker, we have seen venture capitalists, people who put money into the inventors. All of the great inventions happen here in the United States of America: the light bulb, the telephone, the reaper, the telegraph, the airplane. We have had the great inventors. We have had the great inventors because investors have known that they would have 17 years of a guaranteed patent term to reap the reward.

The Government did not finance the research into most of these great inventions. It was done by individual investors and individual inventors, and these were the people who made the great breakthroughs. But if we pull the rug out from under them and we make their inventions public even before the patent is issued, then what is going to happen? If we take away the guaranteed patent term, there will not be investment capital. They will come to people and say we have to tax you some more. We have to have a Government program to have research for our country because you cannot rely on the private sector. You cannot rely on the private sector because they change the rules of the game.

Do we really want the Government picking out who is going to get all the research money? They are going to pick their friends. Politics and bureaucracy are going to come into play, as it was not part of the process over these last 200 years. We will become what the Soviet Union was. Do we know what that is? We will have changed the rules of the game. We will become a society aimed at collectivism versus protecting individual rights. This has been recognized.

For example, the Long Island Association of Industries is a group of 1,000 industries on Long Island who got wind of what was going on, read the legislation and they are outraged. They are outraged that the big guys are setting up the little guys, and some of the big guys happen to be multinational and foreign corporations. Amgen, a biotech corporation out in California, large biotech corporation, has put billions of dollars into research. And then this is going to be made public before the patent is issued so that all over the world they could just take what has been discovered and use it?

A solar energy company was in my office when this was breezing through the committee. Yes, H.R. 400 has already gone through committee. The solar energy company executive said to me: "Mr. Congressman, if they pass this legislation and they publish my patent applications before I get issued the patent, my Japanese competitors will be in production of the things that I have invested in and spent millions of dollars to produce and develop and discover. And the Japanese will be producing it. And they will be selling it on the market. And they will use the profit from selling my technology to defeat me in court, these huge corporations."

Mr. Speaker, it makes no sense. H.R. 400 says, how are we going to protect these American inventors? You ask them, if you are going to publish it, their information, before they get the patent, how are they protected? And do you know what the answer is? Well, once the patent is issued, if someone is using their idea, they can sue them in court. We can imagine the Wright Brothers trying to sue Mitsubishi Corporation. So sue me. You can go over to Japan to try to sue some huge corporation or China or some of these other countries. Impossible. This is a formula for the theft of America's technology and the decline of our standard of living.

A pharmaceutical company, Allergan, pharmaceutical companies spend millions of dollars trying to develop new drugs in our country. What happens, it takes years to get through the process. If their patent is made public, they will not spend that money. No one will spend any money to develop new drugs anymore that will cure diseases for our people because they will all say why should you spend the money to develop it.

This bill, I compared it yesterday to a bouquet of flowers. When you ask these people who are supporting this bill, who are pushing this bill through the system, why they could ever support, how could you ever support a piece of legislation that would be so destructive to America's interests, that would open us up to theft internationally, do you know what their answer is? Their answer is, there are a lot of good things in this bill.

Then they will go through a list of nice little things that keeps the money in the patent office. It helps facilitate hiring new patent employees, and they will go through a list. This is very similar to being handed a bouquet of flowers. If you are handed a bouquet of flowers and somebody says look at the flowers and then you realize the bouquet that he has handed you has a bunch of snakes in the bouquet, poisonous snakes. And you ask them, are these snakes poisonous? And if that person only wants to talk about the flowers but refuses to talk about the snakes, he does not like you. He is not giving you that bouquet because he thinks a lot about you. He wants to destroy you.

What is happening is that a bouquet of flowers has been handed to the American people. There are some nice little reforms in H.R. 400. They can talk about them all day, but we do not want to talk about the bouquet of flowers. We want to talk about the poisonous snakes that will destroy our country and poison our system and kill our families. That is what we want to talk about. But they will talk about how nice the rose looks. I want to talk about why we are publishing our information for everybody to steal. But look how nice the flower is. How about talking about the daisies. How beautiful. What about this idea that now you can have all of our patents attacked, the ones that are issued. Do not talk about that.

The bottom line is, the flowers are not what is important if the bouquet is filled with deadly snakes. H.R. 400 is filled with deadly snakes and we need to talk about it. Why would anyone want a bill like this? Why? Well, Bruce Lehman, head of our Patent Office, went to Japan 4 years ago. He signed an agreement with the Japanese, the counterpart of the Japanese head of the Japanese Patent Office. He signed an agreement to harmonize, harmonize America's patent law with Japan.

Mr. Speaker, I will tell my colleagues, I believe in foreign trade and international trade. Harmonizing our laws is a good thing. As long as we are bringing the standards of America, maintaining those standards and bringing other people up to our standards, that is a good thing. Instead, their form of harmonization, Mr. Bruce Lehman, head of our Patent Office, agreed to make our system like Japan's. This is enough to shake anybody up.

Our Patent Office agreed to change our strong patent system, the strongest in the world, to make it exactly like the Japanese system. This is horrendous. This is incredible. This is something most Americans cannot believe is happening. There will be a vote on this issue. All the things I described in H.R. 400 are part of this agreement to harmonize our law. It is bringing down the level of protection in America to the level they have had in Japan. This 18-month publication, this no guaranteed patent term, this uncertain patent term, that is part of their system. And in Japan they do not invent anything. Their people are under the domination of a group of economic shoguns who beat individuals and beat the average person into submission if that person threatens the power elite in any way.

If we change our laws to be like Japan's, those economic shoguns, those economic gangsters that run that economy will be right here in the United States of America doing to our people what they do to their own people.

This law will pass, this harmonization will happen next week in a vote

unless the people of this country call their Representative and say: H.R. 400, the Steal American Technologies Act, is horrible, vote against it. If the American people do not contact their Representative, these huge corporate interests internationally have hired lobbyists to contact your Representative.

Mr. Lehman, by the way, not only agreed to harmonize our law, but he was the same guy, head of our Patent Office, who not too long ago wanted to send our entire data base for our Patent Office, the whole data base, the home computer database, every bit of information he wanted to send it in disk form to the Red Chinese. That was his plan. Some of us went crazy and we stopped him. But what he said was he wanted to do it so they will know what not to steal, they will know what not to steal.

Unbelievable. Incredible. It is sending the worst thieves in the world the combination to your safe and saying this is so you will know what safes not to try to crack. I mean, after all, they will not have to be thieves anymore, they can come in any time they want. This is what is going on. This is the threat to our way of life.

Basically we have had a group of patent examiners who are now facing a major change in their way of life. They are going to see it right away. They are all opposed to this bill. All the small inventors, people and researchers in our colleges and universities across America, Amgen, the biotech company and Allergan, the pharmaceutical company. These are people who understand what is going on. The small inventors of course, they all oppose H.R. 400; but they cannot get the word out. They are looking for allies among the American people who understand the importance of the issue that we will be deciding.

There are an army of lobbyists and they are working this issue. But the American people can win. We have won these fights before. But it takes all of us to step forward and be active.

Mr. Speaker, I believe that next week we have got a good chance of winning but we also have a good chance of losing. It can go either way, but it will be a vote. It will be one of those crucial votes that go by that no one will ever understand exactly what happened to them 20 or 30 years down the road if we go the wrong way. This is Pearl Harbor in slow motion.

This is our Government giving away our seed corn to foreigners. This is a situation where, if the Wright Brothers would have had their discovery stolen from them by Mitsubishi Corp. because our Government publicized all of their secrets, the aerospace industry would have been developed in Japan and not the United States. And all of the Americans now who have quality high-paying jobs in that industry, they would be going, they would not have those jobs. They would say, gee, did not America used to be the No. 1 leader? The American people a generation from now will never know what hit them if we go the wrong way next Thursday.

So I would hope that my colleagues will join with me in defeating H.R. 400, the Steal American Technologies Act. Join with me in voting for the Rohrabacher substitute, which is H.R. 811 and 812.

THE BUDGET

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma [Mr. COBURN] is recognized for the remainder of the hour as the designee of the majority leader.

Mr. COBURN. Mr. Speaker, I do agree with the position of the gentleman from California [Mr. ROHRABACHER] and will be supporting his position on the House floor.

I wanted to take a minute to address those in our country who are interested in our budget. If in fact they do not believe that a balanced budget is important, then they should not pay attention to anything that I am about to say. But if in fact they think we ought to live within our means, then I think consideration of some of the information that I am about to relate to them they will find interesting.

In 1972, our entire budget was $241 billion. This year we will spend $17 billion more than that on interest on the national debt alone. So what we are really faced with in our country is a threat. The threat is not very popular to talk about. The threat is not easy to focus on.

□ 1500

But, nevertheless, the threat is great, and the threat is this: If the people who work and vote in this body fail to recognize the importance of not balancing the budget, what in fact they have done is ruined the future for our children and our grandchildren.

To the seniors who would be listening who suffered through the Great Depression, who were the valiant men and women who allowed us to win World War II, they are the ones who hold this debate in their hands, the fate of a balanced budget.

For what will really happen to our children as they pay out the $200,000 each that they now owe, both in terms of debt and interest, which does not begin to recognize the internal debt that we owe the Social Security System, from which we borrowed, actually stole, $69 billion last year to run the Government, their living standard will be nowhere close to what we experience today. Their opportunity to have an education, to own a home, will vanish in the midst of our irresponsibility.

How big is the threat? The threat is the largest threat we have faced since the end of World War II. It is a very subtle threat. It is one that is hard for people to get excited about, yet it will undermine the essence and the greatness of the American dream.

What do we have to do to win this battle? The first thing we have to do is recognize that career politicians from both parties are not necessarily interested in doing the right thing. Martin Luther King said in his last speech, his last major speech before he was assassinated, that cowardice asks the question: Is it expedient? And vanity asks the question: Is it popular? But conscience asks the question: Is it right? Washington has a way of avoiding the last question and running to the first two: Is it expedient? Is it popular?

It will not be popular to balance the budget. It will not be expedient to balance the budget. But it is right to balance the budget.

What is the psychology of the rationalization that we have in our country today that says we will balance the budget sometime in the future? How did we get to the psychology of saying we do not have enough money to pay our bills and it is fine to jeopardize and mortgage the future of our children because we do not have the courage to make the hard decisions that are required to eliminate that threat for our children?

What I would ask my fellow Americans to do is to think, as a grandparent or a parent, what are the most important things in their lives, and usually we will answer, our children or our grandchildren. I have an 18-month-old grandchild, and as I look at her, I look to see what possible future can she have if we fail to do the right thing, the thing that our conscience would dictate, which is not taking away their future for us now.

We hear from organizations like AARP that we should dare not touch the cost of living index, the CPI, regardless of the fact that most economists would agree that it overstates the incremental increase in the cost of living. The idea of selfishness has now displaced the concern for our children and our grandchildren.

The same thing for special interests that get funded by the Federal Government every year. There is going to be a debate in not too long on the National Endowment for the Arts. Regardless of what our feeling is on that, how can we spend money in that area when we know that our children will pay back that $90 million three or four times what it cost because we do not have the money to pay for it?

How in the world do we justify and rationalize our ability to not do what is right? We cannot. We cannot face our problem; we cannot stand up and do the hard thing. And, unfortunately, the reason that we will not is, many people in this body are more interested in getting reelected, and their careers

and their decisions about coming back to a place of power have become more important than their children and their grandchildren. So we see greed and selfishness for ourselves is starting to displace the very unique qualities that made America great.

Alex de Tocqueville said of the American people that America is great because America is good. When America ceases to be good, America will cease to be great. I would put forth to the American public today that the way we measure our goodness, the way we measure our compassion, is by doing the right thing and doing the right thing now.

We will hear a lot of people scream and say we cannot cut certain programs, that we cannot balance the budget, that we cannot do it today. But I would put forward the belief that if we faced an external threat in this country, not an internal one but an external threat to this country, that we as Americans would rally around, we would come together and say: What do we have to do to defeat this threat? And if it required sacrifice of us all, we would make that sacrifice, we would pull together, we would demand that every aspect of our Government become much more efficient, that they would accomplish the same task with less cost and more efficiency.

The fact is, we have a subtle threat. We are not willing to address this threat, and so, consequently, we are not about to do that.

I do not hold much hope for a balanced budget because I do not hold much hope that people will make a decision based on the right things, their conscience. And I do, unfortunately, feel that too many of the Members of this body will make a decision based on cowardice and vanity, much as Martin Luther King talked about.

The only way we balance the budget is if the people of this country say we must balance the budget. So those that hear what I am saying today have to become an active part, a participant in this process. They have to demand that those that represent them make the hard choices, the difficult choices, the choices that are morally right.

It is immoral to steal from our grandchildren and our unborn grandchildren. The only way we solve this problem is for the American public, the citizens of this Nation, to demand the courage and the proper representation of their Members of Congress to accomplish this task.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 30 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, the spirit of Hershey does live on, and I would say to the gentleman that I enjoyed the time that I spent at the conference on a bipartisan basis.

My concern today, however, and I suppose in a sense this is sort of a reaching out to the other side of the aisle, is that we need to address the issue of campaign finance reform. I say this not in the spirit of trying to attack anyone or to suggest that anyone has a solution to the problem or that the problem necessarily can be decided on either side of the aisle, but the bottom line is that the Republicans are in the majority in the House of Representatives, and the Democrats increasingly, including myself, have been frustrated by the fact that we have been unable to get the Republican majority to bring up the issue of campaign finance reform either in committee, with hearings or markups, or on the floor of this House.

Many of my colleagues know that in the President's State of the Union Address he called upon the House of Representatives, both Republicans and Democrats, on a bipartisan basis, to address the issue of campaign finance reform.

Democrats have increasingly, over the last few months, requested that the House Republican leadership address the issue, again have hearings on legislation, bring the legislation up in committee, and set a deadline on when campaign finance reform reaches the floor of the House of Representatives so we could have a debate and be able to vote on a bill that most of us could agree on.

Unfortunately, that has not happened, and, as a result, the Democrats have been forced to use procedural motions, as we did this afternoon on one of the suspension bills, to raise the debate and to allow us the opportunity to discuss campaign finance reform.

Mr. Speaker, on several occasions during special orders over the last couple of months, myself and other Democratic colleagues have come to the floor to both speak out on the issue and also to talk about some of the proposals that have been put forward, many of which have been introduced, many of the bills, on a bipartisan basis. But, unfortunately, we still see no action.

I think the issue is important for a number of reasons. First of all, as I mentioned earlier today, when I returned to my district for the 2-week break that we had, the 2-week district work period, it was repeatedly mentioned to me by my constituents at every location, a supermarket, a coffee shop, wherever I happened to be, many people came up to me and said: What is the Congress doing? It does not appear to be doing anything.

The term has already been coined by the Washington Post, which on this last Monday did an editorial, calling the Congress the do-nothing Congress. I think this editorial has already been read into the RECORD, and I will not repeat it again, but the bottom line is that we have taken up almost nothing of substance in the first 3 or 4 months of this Congress.

When I talk to my constituents, they say, well, it seems the only thing Congress does is to call upon investigations of the White House or investigations of campaign financing, but, at the same time that they are spending money on these investigations and doing subpoenas and calling for hearings about investigating finances or campaign finances out of the last November campaign, no one in the majority, no one on the Republican side in the leadership, is proposing that we move forward on campaign finance reform.

I would maintain, just based on talking with my own constituents in the last 2 weeks, that that is not acceptable. The public is really tired of hearing about all the investigations and all the problems with the campaign finance system. We all know there are problems. We know there is too much money in the system. We know that Representatives, Senators, the President and the Vice President, and everyone who is a Federal officeholder has to spend too much time raising money, which takes away from the time for them to do substantive business.

So the system cries out for change. It just cries out for change. Whether it is public financing or it is a cap on spending or it is the various proposals that have been put forward, the bottom line is that we have to address the issue. It is time for action. It is time to stop worrying about all the myriad of investigations and all the myriad charges and to simply do something legislatively to make the system work. That means campaign finance reform.

Just to throw out an example, in New Jersey we are now in the midst of a gubernatorial race, and for a number of years in my home State of New Jersey we have had a system in place where there is a cap on the amount of money one can spend, and if a candidate raises a certain amount of money through individual as well as political action committee contributions, they get public funds to match it, with the understanding that there is a cap on the amount of money that they spend on the campaign.

Now, I do not have to get into all the details of the New Jersey system, but the bottom line is, it is essentially a way of trying to reduce the amount of money spent on a campaign, trying to provide some sort of private funding either through political action committees or individuals at a certain amount, which is also capped, and then to match it with public funds. As a consequence, our gubernatorial races in New Jersey are reducing the amount of money that has to be spent.

If we look at how much is spent on a gubernatorial race in New Jersey statewide as opposed to how much is spent on a senatorial race where there is no public system of financing or no restrictions in the way that we have in spending on the State level, there is a big difference.

Really, at this point in New Jersey, it is not that difficult to run for Governor, raise the money to do so, if an individual wants to. On the other hand, it is very difficult to run for Senator because of all the money that one has to raise without any matching requirements.

So I do not want to get into the details of the specific proposals today, although I think some of my colleagues may decide they would like to, and that is fine, but the bottom line is, we are calling for action on campaign finance reform by the Republicans. They are in the majority; they have the obligation to bring up the bill, to have the hearings, to mark it up and bring it to the floor.

We suggested that that be done by Memorial Day. The President suggested it be done by July 4. In either case, it needs to be done and we need action.

Mr. Speaker, I know I have some of my colleagues joining me today, and I would like to yield at this point to the gentleman from Massachusetts [Mr. TIERNEY].

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to address the lack of direction and the absence of any agenda addressing issues of importance to the people of my district as well as the people of this country.

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Frankly this body has been behaving as an institution so gripped by political tensions and acrimony that any action claimed as nonpolitical appears only to be a pretense. Most Americans can remember when the distinguished Congressman O'Neill from my home State of Massachusetts was the Speaker and members of both parties conversed, they met, they socialized, they civilly debated issues and they deliberated all the proposed bills and amendments and finally they voted moving an agenda forward.

What has changed, Mr. Speaker? Who has changed to make this different so that the majority now proposes bills designed not for debate, not for contemplation or improvement, not even for amendment, but only for votes along party lines that are phrased in such political terms that are so stark that they are not even faintly disguised as other than campaign hype for the next election. Again, who has changed and what has changed, Mr. Speaker, so that this is the way things are today?

People expect us to debate here. They expect us to deliberate and they want an exchange of ideas and votes on the issues of importance to them. They want us to be dealing with campaign finance reform, with education, with health care, with Social Security and Medicare, the budget and economic growth. Our colleagues across the aisle complained when they were in the minority. Well, they are in the majority now, Mr. Speaker. Show us the leadership. Show us the fairness. Show us the good faith. Show us the nonpartisan governance. It is simply not happening. Some assert that they are not extremists on that side of the aisle, and that may be so, but check out the party-line votes and those assertions seem to lack merit. The protestations of moderation are contradicted by their party-line behavior, and their votes support the extremism and the politicization. Perhaps the greatest example, Mr. Speaker, is the committee funding. We are not here today debating campaign finance reform, as we should be, or the economy or health or education. We are not addressing campaign finance reform because we are busy dealing with the budgets for committees like the Committee on Government Reform and Oversight, where the committee chairman appears bent on orchestrating an investigation that will be without credibility. Why will it be without credibility, Mr. Speaker? Because, unlike the Senate committee dealing with the same subjects, it is going to be partisan. It is going to be more about the next election than about oversight. It is going to be limited. It is not going to be about the entire House and people running for the House or the entire Senate and people campaigning for the Senate. It is not going to be about Republicans and Democrats running for President, or the Republican as well as the Democratic party. Unlike the Senate, it is going to be focused only in a partisan manner. It is a committee that is seeking some $16.2 million, Mr. Speaker, using $3.2 million to investigate, using as much as $3.8 million of the base budget to supplement that investigation, and reserving some $7.9 million in a slush fund in case it needs more to go about its partisan limited attacks. That is $14.9 million, Mr. Speaker, potentially for that limited partisan political investigation that will be totally without credibility and will be a partial duplication of what the Senate is doing. That Senate, Mr. Speaker, will be doing a broader, bipartisan, more objective and I suggest more credible job for $4.35 million.

Are the majority afraid, Mr. Speaker, to investigate Republicans and Democrats who ran for the House and the way they did it? Or Republicans and Democrats who ran for the Senate and the way they did it? Or both parties? We need to know what the past practices were. We need a thorough, inclusive investigation. We are 100 days into this session, Mr. Speaker, and there has been no campaign reform debate. We need a credible, valuable investigation that will cover all practices of all parties and all candidates. The purpose of the oversight portion of that committee, Mr. Speaker, should be to learn from the errors and the problems of the past. The goal, Mr. Speaker, should be to use that information as we deliberate proposals for campaign finance reform. We should be dealing with that business now, Mr. Speaker, so we can then address the budget, the economy, health care, economic growth and other issues in such a way that the public will not have the perception that special interests are taking charge but rather will have the confidence that we are doing the people's business.

Mr. PALLONE. I want to thank the gentleman, and I think, Mr. Speaker, we increasingly see the sense of frustration that many of those on the Democratic side of the aisle fear right now over the fact that there has been no progress in terms of the Republican leadership bringing up the issue of campaign finance reform. We are just going to continue to speak out every day until they take some action on this issue.

I yield to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Speaker, there is an important reason why the House of Representatives and the Congress ought to investigate campaign finance abuses. Such an investigation is perfectly legitimate. But the one that is about to be conducted in the House is not legitimate. That investigation by the Government Reform and Oversight Committee is now on a path to a very partisan investigation. I believe if we are going to look at campaign finance abuses, we ought to look at the whole spectrum of how this system supposedly works. We ought to find out what has been going on at the White House but we also ought to understand what has been going on here in the Congress. The scope of the investigation ought to be to look at all of these matters, because the only legitimate purpose of an investigation is to lead to campaign finance reform.

It is this system that is driving Members of Congress and candidates for President to go out and raise money. They are constantly out raising money and not doing the job of representing the people. We need to understand how this system has brought us to the point where we are today.

When we meet tomorrow on the Committee on Government Reform and Oversight, we are going to, for the very first time, discuss our committee's investigation. We have never had a meeting to discuss it. We are going to have a vote on the scope of that investigation. The chairman, Congressman DAN

BURTON, has suggested that the scope be only limited to President Clinton.

Can anyone believe that that is not a blueprint for a partisan investigation, a partisan witch-hunt? There is no reason for the Congress of the United States to use millions of dollars of taxpayers' money to pursue a partisan agenda. The only legitimate investigation, in my view, is to try to lead to reform and to understand how to accomplish that reform.

We have another important issue that is going to be coming up in our committee tomorrow, and that is the question of issuing subpoenas and disclosing confidential information. There has never been a committee of the Congress, to my knowledge, that has ever let one person, even the chairman, unilaterally issue subpoenas. Subpoenas have always been issued either by concurrence with the minority or a vote of the committee. The investigation is not the chairman's. The investigation is the committee's.

For that reason, we are proposing that the rules under which our committee operates protect the interests and the accountability of the Members for this investigation. If we do not issue the subpoenas in that committee and it is simply the chairman, how do we answer for it? And if the chairman is issuing them alone, how do we know it is not just his staff issuing subpoenas? This is important, because when a subpoena is issued to someone, they have to go out and hire an attorney. They are facing possible criminal sanctions for violation of that subpoena. They have got to worry that they are not going to comply in a precise way. I cannot tell you how many people have told me if they are the subject of a lawsuit, they get a little knot in their stomach of anxiety.

Can you imagine what it means for an ordinary citizen to be issued a subpoena by a committee of the Congress on a highly charged political investigation as we are now seeing conducted? In the Senate of the United States, there is a similar investigation on campaign finance in the committee chaired by Senator THOMPSON. In that committee, he is operating under a scope that will look at all campaign finance issues, and he is conducting himself under the traditional rules of all committees where the chairman issues subpoenas only with the concurrence of the minority or a vote of the committee. He is taking the same view when it comes to releasing confidential information. Yet Congressman DAN BURTON, the chairman of our committee, thinks he alone should be able to release confidential information whenever he sees fit.

We are talking about releasing, unilaterally, virtually all documents given to the committee. These documents were given to the committee, not to one member but to the committee itself. And we are talking about confidential financial records, trade secrets, medical histories, the identity of FBI informants, and privileged attorney-client communications. There may be times when such information should be released, but that decision should not be in the hands of one person alone, even if he is the chairman of the committee.

I am using this occasion to alert the Members to the fact that a very crucial decision is going to be made by the Committee on Government Reform and Oversight tomorrow. If we accept the protocol the chairman is setting out for us, we are going to be on a path of a partisan investigation which serves no legitimate purpose.

Why do we need to change the rules and let the chairman have this power? No one has explained to me why that is the case. By tomorrow, the chairman will have unilaterally issued around 100 subpoenas. Members of our committee are here today, and they are going to speak on this issue, but they are members of the committee and they have never been consulted about issuing these subpoenas. People have called me, and maybe them, asking how such a subpoena could have been issued. We do not know. And we do not think it is right. No one person should have that kind of power. Power concentrated in that way is an invitation for abuse, and I do not think we ought to give Chairman BURTON that option which may be too attractive to him and to his staff for them to abuse.

So when we meet tomorrow, we are going to propose a bipartisan investigation. Why should this be partisan? It ought to be something done both with the Democrats and the Republicans working together, just as in the Senate they are working together under rules that they have agreed to on a bipartisan basis to conduct this investigation that they are conducting.

From my point of view, I do not see any reason why there ought to be two separate investigations. I do not know why there is a Senate investigation and a House investigation and other committees are conducting parallel investigations on parts of the campaign finance issues. Can you imagine the amount of money that is being spent, in fact wasted, when the House is paying for a separate investigation than what the Senate is doing?

We had joint House-Senate investigations in the past. I think it makes a lot of sense for us to do one now. But not only is the taxpayers' money being wasted in the funding of these investigations, but when an agency gets a subpoena from the House and the Senate and different other committees, they have got to stop everything they are doing and devote staff time and resources to comply with the requests for information, and they are wasting money by the multiplicity of committees that are asking them to comply.

Mr. Speaker, I alert my colleagues that now is the time, if we are going to have a fair and bipartisan investigation, to get the ground rules straight. I hope tomorrow the members of the committee will go along with the suggestions that were adopted 99 to 0 in the Senate and ought to be the blueprint for our investigation in the House.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. MILLER of California. I want to commend the gentleman for the position that he and a number of his members on the Democratic side of the committee have taken. I only wish it would be taken by the entire committee, by the chairman, and by the leadership of the House.

One of the things that is becoming very clear, as we watch your investigations and others get under way with respect to the White House and the whole question of campaign finance reform and what happened in the last election and the incredible amounts of money, is that we do not have a lot of credibility with the public on this issue.

□ 1530

They really do believe that in some cases the fox is guarding the hen house here. The only way that we can start to reestablish that credibility is with a complete, comprehensive, and a bipartisan investigation.

One of the finest hours in terms of the public's understanding of the Congress and appreciation for the Congress was in the Watergate investigations, which were done, in fact, on a bipartisan basis because what was at stake was, in fact, the very institution of the Presidency, of the separation of powers, and of our democratic institutions.

I would suggest to the gentleman from California, and I would suggest to Chairman BURTON, and I would suggest to the Republican leadership that no less is at stake here. No less is at stake here because what we have seen is, in this last campaign in action, by the White House, by the Republican National Committee, by the Dole committee, by the Democratic National Committee, by Members of Congress, what we have seen is that we have essentially lost the confidence of the American people. That becomes very clear in any sampling done of the American public.

There is no substitute for a bipartisan, comprehensive investigation into irregularities with respect to this, into the legalities of various activities, into the ethics of these activities. If we fail to do that, whether or not you can pin somebody's hide to the wall or not will not resonate with the public in terms of whether they believe we have done the kind of investigation, whether we have really cleansed this system of

what I believe is such a corrosive level of special interest money that it is now distorting the processes by which this institution arrives at conclusions and I think is undermining our democratic institutions.

I would hope that when the gentleman starts his hearings tomorrow and the committee deliberates this, that there would be some fundamental understanding by the Republicans that this is larger than their party or our party, this is about the survivability of this institution in terms of the confidence of the American public, and that is very important.

That is very important because when this is all said and done, we have a lot of other issues where, if we do not have some level of confidence with the American public, the decisions about tax relief or the balanced budget or Medicare or Social Security were made without the corrosive influence of special interest money, then we are going to have a lot of trouble in terms of the future of this country and the future of this institution being able to make those difficult and tough decisions that are so necessary to our future.

And I just want to commend my colleague from California for his tenacity in this argument. I can appreciate that it appears that, this is simply prepared to overwhelm you, they are prepared to go on with business, as they view, as usual. And I want to thank the gentleman on behalf of one that serves in this institution and one who tries to represent to his constituents the democratic process in this institution for your efforts to try to balance out this investigation so that when we are all done, we can be clear with the public that we have done our very best, that we have been the fairest we can possibly be, that we have been bipartisan and we have arrived at some support and conclusion.

I want to thank the gentleman for his efforts.

Mr. WAXMAN. I thank the gentleman for his kind words.

This investigation is too important to play petty politics with. I think that the American public is thoroughly cynical about the role of special interest money and the way the candidates run after that money. We have got to reform the system.

This is an opportunity for us to understand the system, where it has been abused, where illegal actions have taken place, if any. But there are a lot of legal actions, as we all know, within the campaign finance area now, particularly with the opening of loopholes for soft money and independent expenditures, that are perfectly legal. Some of the most scandalous activities, I think, are some of the most legal activities in the campaign finance area.

The Speaker of the House, NEWT GINGRICH, spoke to a group the other day, and he said that he wants a thorough investigation about whether a foreign government is trying to influence American elections. How can you have an investigation about whether foreign governments may be trying to interfere in our elections but only for the Presidency, not for the Congress? If that is an important issue, let us put it all on the table. There are other members of my committee.

Mr. PALLONE. Mr. Speaker, I know the gentleman wants to be kind, but I have to say that, you know, the ultimate irony in this whole idea of foreign governments is that, and one of the reasons that I believe that the chairman of your committee, the gentleman from Indiana [Mr. BURTON], is not willing to open this up to include the House, both Democrat and Republican, and the Senate, is because he himself has been under investigation.

There have been allegations, as you know, that he in fact——

Mr. WAXMAN. Let me reclaim my time and just tell the gentleman, I hope he is incorrect, and I want us to work on our committee in a bipartisan basis and to go forward together legitimately to understand the system, find abuses, hold them out to public scrutiny, learn how to reform the system that no one, I think, can defend.

I know that there are members of my committee here that have taken out this opportunity for Special Orders.

Mr. TIERNEY. Will the gentleman yield?

Mr. WAXMAN. I am not going to yield to the gentleman. I will yield back my time to the gentleman from New Jersey and hope that he will yield to the other members of the committee that are here and others on our side of the aisle who want to express their views.

But I thank the gentleman for taking this opportunity on the House floor so that we can alert the public as to what is going on.

Mr. PALLONE. What I would like to do, with the indulgence of my colleagues, Mr. Speaker, is if I could yield back my time with the understanding that the Chair will grant that time to the gentleman from Massachusetts [Mr. TIERNEY].

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts [Mr. TIERNEY] is recognized for the remainder of the hour.

Mr. TIERNEY. Mr. Speaker, I would like to yield at this time to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

Our Founding Fathers, the authors of our Constitution, created something that the world had never seen, a representative government based on the popular election of the legislative and executive branches. It was a powerful idea whose time had indeed come.

Based on the study of the most advanced ideas of that date, it has taken us now more than 200 years to extend those basic ideas to include all of the people in this country, black, white, Hispanic, Asian, Native American, men and women; and I would like to add rich and poor to the list.

But, unfortunately, our democratic system has been attacked by a virus of virulence that our Founding Fathers could never have imagined, money. By some estimates, our last national elections cost $2 billion. And according to a study by the Center for Responsive Politics, 9 out of 10 U.S. House races were won by candidates who outspent their opponents in the election, and in nearly 40 percent of the House races the winner outspent the loser by a factor of 10 to 1 or more.

In competitive races, House candidates are spending 50 percent more in real terms on TV and radio advertising than they did 20 years ago at the time of Buckley versus Valeo. Thirty years ago, the average sound bite on the TV news was 42 seconds. By 1992, that bite was trimmed to less than 10 seconds. Literally, money talks, and because money talks, and when it talks it drowns out almost all other political discourse, money has distorted, corrupted, and perverted our political system.

It is time to get back to the basic democracy of Benjamin Franklin, Elizabeth Stanton, Frederick Douglass, Susan Anthony, and Martin Luther King. We are past the time for halfway and halfhearted patches on the system. Belief that this closure alone will remedy the problem is akin to belief in the tooth fairy. Solving the problem by just regulating soft money is about as likely as expecting pigs to fly.

I believe that the basic principles of campaign reform, at a very minimum, should be these:

First, take money out of the equation; finance all Federal campaigns through voluntary full public funding; amend the Constitution to prohibit Federal candidates from using private funds; provide voters with enough unfiltered information to make informed choices; open up television, radio, and other media for a discussion of the issues by the candidates; shorten the election cycle; create a truly independent regulatory agency to monitor and make public the spending of public campaign moneys; require paid lobbyists to publicly report who and when they lobby; create universal voter registration; encourage experimentation with mail and electronic ballots and multiple day elections; require full disclosure of all independent expenditures.

The fact that most Americans indicate that they have lost confidence in

the functioning of our democratic elections and that most do not vote should be both a warning and a summons to action. The time to act is now, before the American public continues to erode its faith in our democratic process.

Mr. TIERNEY. Mr. Speaker, I reclaim my time. I want to thank my colleague from Illinois and state, as a member of the Committee on Reform and Oversight, I would much rather be joining my colleagues debating and deliberating the issues you address than going down the avenue we are taking or seemingly going to take tomorrow.

At this time, Mr. Speaker, I yield to my colleague from New York, Congresswoman MALONEY.

Mrs. MALONEY of New York. Mr. Speaker, the Committee on Government Reform and Oversight will soon vote on whether to hold a serious campaign finance investigation or to hold a narrowly focused, partisan, wasteful charade. The chairman of that committee has begun a blatantly partisan investigation of the White House to embarrass the President. He proposes, he has an unprecedented proposal, and that is to limit the scope very narrowly only to the actions of the executive branch officials and only to the Presidential election. Doing so, limiting it only to the 1996 Presidential campaign and the executive branch, means it will focus only on the Clinton campaign and executive branch officials, means it will be only democratic violations that will be looked at.

At the very least, if the chairman was serious about studying campaign finance violations, they would look at both campaigns; they would look at both the Democratic and the Republican campaigns. There have been published abuses in the Dole campaign and the Clinton campaign. We should study both campaigns if we are serious about finding solutions.

Likewise, it should be expanded to cover the Congress, both branches, in the Senate campaigns and the House campaigns, if you are really looking at finding what is wrong with the system and trying to change it and make it better.

The chairman plans to use $15 million for his investigation. That is three times more money investigating the President than the Senate is spending to investigate both the President and the Congress. That makes absolutely no sense, and it is wasteful.

Mr. Speaker, the chairman has significantly broadened his own powers. He has issued more than 100 subpoenas without the committee's approval. Furthermore, the chairman is seeking unilateral authority to release the documents that he obtains by subpoena. The Senate, on the other hand, the Republican Senate, on the other hand, has voted unanimously and endorsed a bipartisan investigation of both Presidential and congressional campaigns regardless of party. They are looking at issues, not at politics.

Led by Senator FRED THOMPSON and the Republican leadership, the Senate is charged with an investigation of both illegal and improper campaign finance practices during the past election. The scope is well defined and entirely appropriate to serve the public interest and to understand the full range of abuse. However, the House investigation which the chairman is proposing is not. The chairman's blanket authority to unilaterally issue subpoenas and release documents is without precedent.

I want to state, Mr. Speaker, that this is the view that has been taken by all the good government groups. They are all criticizing the proposals that the Republican chairman has before the committee tomorrow: Public Citizen, the League of Women Voters, Common Cause, NYPIRG; they have all come out in opposition to this.

□ 1545

The Perot party has come out in opposition to this. This is not partisan opposition; this is good government, commonsense opposition.

Mr. Speaker, I would like to quote from Common Cause: "This issuance of a formal subpoena is a serious matter subject to great potential abuse."

They go on, and I quote, "It is inappropriate for a committee chairman to have the unchecked authority to unilaterally issue a subpoena which could be intended to harass, to embarrass, or oppress the other party."

Deans of this House on both sides, and the gentleman from Pennsylvania, Mr. Clinger, I served with him, a Republican who was the chairman of this committee, he would never, never do anything like this. I heard both Mr. Clinger and the gentleman from Michigan [Mr. DINGELL] on our side of the aisle say that the best legislation is legislation that is bipartisan, that is thoughtful, that is intended to help public policy.

The proposal that the Republican chairman is putting forth before the committee, according to Common Cause, Public Citizen, the League of Women Voters is unprecedented, wrong, anti-Republican, anti-Democrat, anti-good government, anti-common sense, wasteful, and should not be done.

I would like to caution all Members of this body on both sides of the aisle that everyone should think very carefully before they would vote for a proposal that absolutely the entire country seems to be opposed to except the chairman of this particular committee. I hope everyone will read the documents he is putting forward and read the statements of the groups that have come forward in opposition.

Mr. Speaker, I am entering into the RECORD the statements of Common Cause, Public Citizen, NYPIRG, the League of Women Voters, and other government groups that have uniformly and with great force come out in opposition to the proposal that the chairman, Republican chairman, is putting forth.

STATEMENT BY TOM ANDREWS, NATIONAL PROGRAM DIRECTOR, CITIZEN ACTION—NEWS CONFERENCE, APRIL 7, 1997

When it comes to the way political campaigns are financed in this country, Americans have two fundamental beliefs: 1) they are disgusted with the way things are and 2) they are highly cynical about the prospects of politicians cleaning it up.

Incredibly, it is possible that the House Committee on Government Reform and Oversight may exclude from its investigation into campaign fundraising practices illegal or improper campaign fundraising by members of Congress. Apparently Chairman Burton would like to restrict the scope of his Committee's work to only one party by probing only into the White House and the Democratic National Committee. Apparently we are to believe that there is nothing to worry about when it comes to any other politician's fundraising practices—certainly not the U.S. Congress.

In light of how disgusted Americans are with politics as usual, Chairman Burton's move needs to be entered into Ripley's Believe it Or Not. It is unbelievable that a House Committee would actually vote to begin an investigation of the campaign fundraising practices of politicians by systematically excluding the U.S. Congress. I know how out of touch some politicians can become from real people but you would have had to have traveled to Mars for the Congressional recess not to know how angry people are with big money in politics and how disgusted they will be with any investigation that attempts to sweep the truth under the rug before it even begins.

The issue here is clear. The Senate voted unanimously to open up their investigation to the entire campaign fundraising problem as it relates to all Washington politicians. To do anything else on the House side will render their investigation at best incomplete and, at worse, a partisan hatchet job that exhibits what Americans have come to hate most about politics.

The vote on this issue will become a marker for members of the Committee. Those who vote against a complete and fair investigation that includes Congress as well as the White House, will clearly identify themselves as a major part of the problem. Because every politician has learned to talk a good game on this issue, this vote will be very useful for citizens to know which side their member of Congress is really on when it comes to cleaning up our political system.

Every member of the committee needs to know that you can run but you cannot hide on this issue. Your vote will be counted and you will be held accountable. There is no excuse for anything less than a full and fair investigation of the mess and the scandal of the role of big money in our political system. Any member who votes against such a full investigation can expect to be asked by their constituents at home: "What do you have to hide?"

People are tired of the excuses, the inaction and the partisan manipulation. They want and deserve to have a democracy taken back from the monied special interests that bankroll candidates and returned it to it's rightful owners—the American people.

STATEMENT BY BECKY CAIN, PRESIDENT, LEAGUE OF WOMEN VOTERS OF THE U.S.—APRIL 8, 1997

CALLING ON THE HOUSE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT TO BROADEN THE SCOPE OF ITS CAMPAIGN FINANCE INVESTIGATION

Good afternoon, I'm Becky Cain, President of the League of Women Voters.

We are here today to call upon the House Government Reform and Oversight Committee to conduct a fair and comprehensive investigation into campaign finance practices. We are deeply concerned that the committee is poised to head in the wrong direction, to conduct an investigation that will not have the confidence of the American people.

Last month the Senate voted to expand the scope of its probe into campaign finance to include presidential and congressional fundraising practices, both illegal and improper. That vote was unanimous. Senators understood that if their investigation was to have any credibility, it had to include congressional as well as presidential fundraising practices. They understood that the investigation had to be conducted with fair procedures.

Here on the House side, however, we face a very different situation. The chairman of the House Committee on Government Reform and Oversight has insisted on excluding Congress from the House investigation. This simply is unacceptable.

On Thursday, the full committee will vote on a "protocol" to guide the House investigation. We call upon the committee to vote for an investigation that explicitly includes Congress in its scope. We call upon the committee to vote for procedures that ensure fairness.

Simply leaving the scope undefined is not an acceptable option. The chairman has made abundantly clear his desire to strictly limit the scope, so the committee must make explicitly clear that the Congress is included.

If the House investigation is to have a dime's worth of credibility, members must send the chairman a simple message: expand the probe to include Congress, and adopt fair procedures. The Senate investigation provides a good model.

Under the chairman's proposal, members of the committee will be voting to exempt their own fundraising practices from investigation. Members of the committee who do not demand and vote for an expanded inquiry will be putting themselves beyond the reach of the probe. Congress must not exempt itself from investigation. Congress isn't supposed to be above the law. How can members of Congress exempt their own campaign fundraising from investigation? The American people won't buy it.

Anyone who believes that campaign finance abuses are limited to one branch of government simply isn't reading the papers these days. The system is a mess and needs to be examined from top to bottom.

An investigation focusing solely on presidential fundraising activities will be seen for what it is, just one more political game. Instead, Congress must be included in the House investigation.

Members who think that this vote will slide under the radar, think again. The New York Times reported today that nearly nine out of ten Americans said that hearings should investigate the fundraising activities of both parties. In voting to exclude Congress, the committee acts in defiance of the public's clear desire for a fair, bi-partisan investigation.

The decision lies in the hands of Republican moderates on this committee. Their votes will decide whether the House will conduct an investigation that is credible and fair. Their votes will decide whether the investigation goes after wrongdoing wherever it can be found. By voting for the chairman's proposal, these moderates would guarantee a continuation of the partisan games that have characterized the debate on campaign finance for too long.

We are relying on moderates like Chris Shays, Connie Morella, Steve Horn and Tom Davis to do the right thing.

Local Leagues are taking action and calling on their members who serve on this committee to stand up for a fair investigation.

The Senate faced this same question and voted for a comprehensive investigation that looks into illegal or improper activities in connection with 1996 federal election campaigns, congressional as well as presidential. There is no good reason for the House not to do the same. We believe that members of this committee understand the importance of voting to broaden the scope of the House investigation. We trust they have the will to vote with their convictions.

Thank you.

STATEMENT OF ANN MCBRIDE, PRESIDENT OF COMMON CAUSE, REGARDING THE UPCOMING COMMITTEE VOTE ON THE HOUSE GOVERNMENT REFORM AND OVERSIGHT COMMITTEE'S INVESTIGATION INTO CAMPAIGN FINANCE ABUSES IN THE 1996 ELECTIONS

On Thursday, members of the House Government Reform and Oversight Committee are scheduled to decide whether they will spend the almost $4 million in taxpayer funds the Committee has been allocated to conduct a partisan sideshow or a thorough, complete investigation of the campaign finance mess in Washington. The campaign finance abuses and violations in the 1996 elections represent far too serious a crisis of American democracy for this Committee's investigation to be used for partisan game playing.

The American public simply will not trust an investigation that gives one party a free ride. A New York Times/CBS poll published today found that 9 out of 10 Americans want these hearings to investigate the fund-raising activities of both parties.

Any congressional investigation of campaign finance practices to be conducted by the House Government Reform and Oversight Committee must be comprehensive, fair and bipartisan. Only an investigation which is comprehensive, fair and bipartisan will have public credibility.

To be comprehensive and bipartisan, the Committee must look at fundraising improprieties and possible violations of law by both the presidential and congressional campaigns as well as by executive branch officials. Excluding congressional campaign finance practices, as Chairman Burton proposes, means the Committee will see only a partial picture of the abuses with the existing campaign finance system. Among the activities missed will be the growing soft money fundraising and spending practices of the party congressional campaign committees, the influence and access provided to special interests and their lobbyists for campaign money, the use of non-profits for partisan political activities and the misuse of so-called independent expenditures by party committees in congressional campaigns. Any credible campaign finance investigation must include these and similar very serious practices.

Further, should the Committee narrow its scope to wrongdoing by only executive branch officials, and not by both 1996 presidential campaigns, it will fail to consider possible serious violations by the Dole campaign. Common Cause laid out last October in a letter to the Justice Department how both the Clinton and Dole campaigns also violated the applicable spending limit and misused soft money. In order to be bipartisan, the investigation must examine both campaigns.

The Committee hearings also must be scrupulously fair. Fairness will be insured only if the Committee follows congressional precedents for investigative procedures, and gives minority members a voice in the investigation. Chairman Burton has proposed giving himself apparently extraordinary powers including unilateral authority to issue subpoenas and make public disclosures of investigative documents without prior consent of, or even notification to, the ranking minority member.

The issuance of a formal subpoena is a serious matter, subject to great potential abuse. While a ranking minority member should not be allowed to block a subpoena in order to obstruct an investigation of abuses by his party, it is also dead wrong for a committee chairman to have unchecked authority to unilaterally issue a subpoena.

If the Committee does not conduct its investigation in a manner that is—and that appears to be—comprehensive, fair and bipartisan, then not only will the House have squandered an important opportunity to understand the nature of this crisis in order to correct it, but the House majority will be seen by the American people as attempting to gain short term partisan profit at the expense of acting responsibly to address and solve these very serious problems.

The American people will be watching what happens in the Government Reform Committee on Thursday. Each member who serves on the Committee bears personal responsibility to stand up and be counted: To vote to ensure that both presidential campaigns as well as congressional campaigns are covered, and that the Committee's procedures are bipartisan and fair.

U.S. PIRG URGES HOUSE COMMITTEE TO BROADEN CAMPAIGN INVESTIGATION

The U.S. Public Interest Research Group (PIRG) today joined other reform organizations in calling on the House Government Reform and Oversight Committee to broaden the scope of its investigation into campaign finance reform practices. PIRG urged the Committee to include both Congressional and Executive Branch fundraising, as well as both improper and illegal activities, in its investigation. The Committee, chaired by Rep. Dan Burton (R-IN), has to date not decided to hold a broad investigation that includes congressional fundraising practices, in sharp contrast to the investigation of the Senate Governmental Affairs Committee, chaired by Sen. Fred Thompson (R-TN). The House committee will vote on the protocol for its investigation this Thursday, April 10th.

"Limiting this investigation is like wearing dark glasses to look in the shadowy corners of a dark house. Unless they turn on the lights, the committee will miss a huge part of the problem: fundraising practices in Congress itself," said Bill Wood, democracy advocate with U.S. PIRG. "We urge the House Committee to, at a minimum, rise to the level of the Senate investigation, and use their authority to illuminate all kinds of

problems in our current political fundraising system," he continued.

REPUDIATE REPRESENTATIVE BURTON'S ONE-SIDED INVESTIGATION INTO CAMPAIGN FINANCING CONSUMER GROUP ASKS HOUSE MEMBERS

WASHINGTON.—Citizen Action, the nation's largest independent consumer watchdog organization, today called on the House Government Reform and Oversight Committee to vote for a full investigation of all illegal and improper campaign fundraising activities by both political parties, by the White House and Congress.

Citizen Action blasted the effort by Rep. Dan Burton (R-IN) to conduct a narrow investigation that only includes the White House and Democratic National Committee, but excludes fundraising activities by Members of Congress.

Joining with the League of Women Voters and other organizations supporting campaign finance reform at a press conference this afternoon, former Congressman Tom Andrews, Citizen Action National Program Director, declared, "In light of how disgusted Americans are with politics as usual, Chairman Burton's move needs to be entered into 'Ripley's Believe it Or Not'. It is unbelievable that a House Committee would actually vote to begin an investigation of the campaign fundraising practices of politicians by systematically excluding the U.S. Congress," continued Andrews.

"It seems that Chairman Burton would like to restrict the scope of his Committee's work to only one party by probing only into the White House and the Democratic National Committee. Apparently we are to believe that there is nothing to worry about when it comes to any other politician's fundraising practices—certainly not the U.S. Congress.

"I know how out of touch some politicians can become from real people but you would have had to have traveled to Mars for the Congressional recess not to know how angry people are with big money in politics and how disgusted they will be with any investigation that attempts to sweep the truth under the rug before it even begins.

"The issue here is clear. The Senate voted unanimously to open up their investigation to the entire campaign fundraising problem as it relates to all Washington politicians. To do anything else on the House side will render their investigation at best incomplete and, at worst, a partisan hatchet job that exhibits what Americans have come to hate most about politics.

"The vote on this issue will become a marker for Members of the Committee. Those who vote against a complete and fair investigation that includes Congress as well as the White House, will clearly identify themselves as a major part of the problem. Because every politician has learned to talk a good game on this issue, this vote will be very useful for citizens to know which side their member of Congress is really on when it comes to cleaning up our political system.

"Every member of the Committee needs to know that you can run but you cannot hide on this issue. Your vote will be counted and you will be held accountable. There is no excuse for anything less than a full and fair investigation of the scandal that is the role of big money in our political system. Any Member who votes against such a full investigation can expect to be asked by their constituents at home: What do you have to hide? And there will be no excuse for anything less than action that will take our political system away from the monied special interests and returning it to its rightful owners—the American people," concluded Andrews.

REFORM PARTY DEFENDS PUBLIC'S RIGHT TO KNOW—JOINS COALITION URGING BROAD BRUSH IN CAMPAIGN FINANCE INVESTIGATION

"Citizens will not look kindly on an investigation that is artificially restricted to prevent political damage," states a letter mailed today to members of Congress. The letter represents the interests of millions of Americans in getting to the bottom of campaign finance abuses, once for all.

The Reform Party has joined five citizen action organizations, urging the Government Reform and Oversight Committee of the U.S. House of Representatives to approve a protocol for their investigation of campaign finance abuses that is fair and bi-partisan in its scope. The other organizations include the League of Women Voters, U.S. Public Interest Research Group, United We Stand America, Public Campaign and Public Citizen.

Addressing the members of the Government Reform and Oversight Committee of the Congress, the letter urges them, as they vote on the protocol establishing the scope and procedures for their investigation, to ". . .broaden the scope of the investigation to include the fundraising practices of both parties' presidential and congressional campaigns." The Senate has set a precedent for such a move by voting to broaden the scope of their own investigation to look at presidential and congressional fundraising, both improper and illegal.

"The notion that the Committee's investigation should exclude congressional fundraising practices smacks of a self-serving disregard for the public's right to know," the letter states. "In addition, it is imperative that the investigation be conducted in a fair and non-partisan manner. Procedural rules that put one party or the other at a distinct disadvantage will cast doubt on the integrity of the investigation. Scope and procedures that are anything less than comprehensive and fair will completely undermine the credibility of the House investigation from the outset."

Reform Party Chairman Russell Verney says, "Every day, the public trust is further eroded by more news of possible improprieties and even illegal acts in both presidential and congressional fundraising, from the selling of access in exchange for big campaign contributions to the use of federal property for fundraising. We're looking to the Congress to do the people's business and conduct the fair, nonpartisan investigation the situation demands one that digs deep and lays out the truth, no matter what it is or who it touches. The people will settle for nothing less."

For more information on campaign finance reform or about the Reform Party, call the national Reform Party office at (972) 450-8800, or contact your state Reform Party headquarters.

STATEMENT OF JOAN CLAYBROOK, PRESIDENT, PUBLIC CITIZEN, HOUSE INVESTIGATION OF CAMPAIGN FUNDRAISING ABUSES

Public trust in our system of government is dangerously low. Political gamesmanship and partisan sniping are destroying voters' confidence in their lawmakers. So is the corrupting spiral of legalized bribery better known as special interest money.

Attempts to limit the scope of the House investigation are a transparent attempt to cover up the misuse of special interest money swamping Congressional races and the methods used to raise such sums.

Congressional candidates poured $743 million into their 1996 campaigns. The disease of special interest corruption is not confined to the executive branch of our government, so why should the Government Reform and Oversight Committee's investigation be confined only to the executive branch?

The voters are demanding to know the full story behind the litany of fundraising abuses in both the Administration and Congress and by Democrats and Republicans alike.

The Government Reform and Oversight Committee investigation must not close its eyes to suspect activities like the Republican donor access programs, where those who gave $50,000 were guaranteed at least three private meetings with GOP senators.

The Committee must not close its eyes to the Republican fundraising letter of 1995 promising that corporate contributions of $25,000 or more would go "directly to fund House races"—an activity that would have been illegal.

And it cannot close its eyes to public demands for action. Today's poll in the New York Times shows almost nine of ten people wanting fundamental changes or even a complete overhaul of the political fundraising system, and nearly nine of ten people wanting the Congressional investigations to cover fundraising abuses by both parties.

Chairman Burton must not be allowed to turn this investigation into a partisan vendetta against the White House that sweeps Congressional fundraising abuses under the carpet. Giving him the power to control this investigation is like appointing Pete Rose Commissioner of Baseball. Dan Burton must not be allowed to seize unilateral power of subpoena, and he must not be allowed to destroy the credibility of the House of Representatives by confining its investigation to one corner of a very huge problem.

The Committee as a whole, not its chair must decide what subpoenas are issued, or the power will become a partisan weapon. The Committee as a whole should also control what documents are released to the public. The Committee's probe is far too important for it to be controlled by one individual whose own activities are being investigated by the Justice Department for abuses but who wants to decide which abuses will be investigated and which will be ignored.

Representatives must choose between a wide-ranging, principled and fair investigation, or one that is conducted for narrow partisan purposes that shields the indefensible Congressional campaign finance system from scrutiny.

Last month, because a handful of Republican senators stood tall, the Senate voted unanimously to expand the scope of its probe into campaign finance practices to include Presidential and Congressional activities, both illegal and improper.

Today, the question is whether the House—and the Government Reform and Oversight Committee—also has the courage to listen to the American people and investigate the whole story.

Mr. TIERNEY. Mr. Speaker, at this point in time I would like to yield to my friend, the gentleman from Illinois [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Mr. Speaker, let me say that as a freshman this is my maiden voyage, this is the first time that I have addressed the House with regard to a question of an issue relating to procedure and an issue that relates to a committee.

Let me say that as long as we are talking about investigations, I must confess, Mr. Speaker, that I have to plead guilty. I have to plead guilty to naivete.

When I ran for Congress this last fall, I ran with the notion that Members of both political parties were going to try to work together to improve our country on the issues that are important to people in our respective communities. We were going to work to try to improve the quality of education; we were together to try to improve and repair our schools; we were going to try to fight crime and balance the Federal budget.

I thought Congress was going to operate under the rule of law. I believe then, and I still believe, that Members of both parties want to act in good faith together to solve these problems and many other problems that face our communities. I must confess, however, that I was somewhat naive, and I must confess to being somewhat demoralized by the fact that as a freshman member of the Committee on Government Reform and Oversight what I have seen thus far has been nothing but a political witch-hunt designed to embarrass the President of the United States and designed to embarrass one particular political party.

The American people, Mr. Speaker, recognize, rightfully so, that there is something wrong with the way our financing of campaigns is being presently operated in the United States. The American people, I believe, rightfully so, want us to reform the campaign financing laws.

This Congress must, in my judgment, act now to address these problems, and in doing so, we have to do it in a bipartisan manner, not only to look at transgressions of Members of both parties; not only to see where Members of Congress, Members who are Democrats and Republicans, as well as candidates for the Presidency, have failed and transgressed in laws. We have to make sure that we reform the financing system.

So as we investigate the transgressions, I urge this Congress, and in particular, the committee of which I am a member, the Committee on Government Reform and Oversight, to make sure that when we investigate fundraising transgressions, we do so by addressing not only the White House, but also Members of Congress and Members of both political parties.

In the final analysis, Mr. Speaker, I firmly believe that Democrats and Republicans alike, Members of Congress, Members of the U.S. Senate, fundamentally love our country, love the democracy that we have the opportunity to serve. The fundamental integrity of this process is being called into question when our committee is not addressing these investigations in a fair-minded manner and does not seek to investigate all transgressions, and is merely looking to focus on one particular party, and in particular, the President of the United States.

Mr. Speaker, I hope that tomorrow when the Committee on Government Reform and Oversight meets we determine to hold a fair investigation and a nonpartisan investigation.

Mr. TIERNEY. Mr. Speaker, at this time I would like to yield to my colleague from Michigan, [Ms. KILPATRICK].

Ms. KILPATRICK. Mr. Speaker, with nearly 100 days now into the 105th Congress, I am puzzled and baffled that we have not yet begun to take care of the business of the people. Quality education, good-paying jobs, a clean environment, medical care for the people of this great country, all have not yet been addressed.

I want to give you an example of what can happen when a legislature works together in a bipartisan way. In 1993, President Clinton initiated and passed the Empowerment Zone Act. Since that time, there have been established 15 empowerment zones across America and 25 enterprise communities where jobs are created, where people are trained, where the displaced worker is put back to work.

I contend that this 105th Congress must get back on track. One hundred days and still no real issues, no real opportunity for children, for people. We have got to get back on track.

I am happy to report that Detroit, the city that I represent, among six other cities, was the No. 1 application put in and won that rightful first place empowerment zone designation. We have 2 billion dollar's worth of private investment; we have over 100,000 jobs committed and we are in the process of rejuvenating that.

I am happy to report that beginning next Monday, Tuesday, and Wednesday, the White House will sponsor and hold in Detroit the first annual meeting of the empowerment zones and the enterprising communities. This will be the first time that the enterprising communities and the empowerment zones will come together to see what is working, how many they have employed, how many they have retrained, what has happened in terms of assistance to schools and education.

I am happy that Detroit is being selected, I am happy that President Clinton had the foresight to establish the empowerment zones, and what I want to see this 105th Congress do is to expand that opportunity. Let us put Americans back to work. Let us provide educational opportunities for our children. Let us have pensions and security for seniors who have worked so hard for this country.

We are now almost 100 days into the 105th Congress. How long will it be before we get back to work? I am asking our Republican leadership, let us deal with the issues of America. Let us put Americans back to work. Let us provide security for our children so that they too can have wonderful, exciting lives that we have all been blessed by.

One hundred days. Is it not time that this Congress, the 105th Congress under Republican leadership deal with the real issues? Enterprise zones, working Americans, sending children to school, providing health care, securing pensions, that is what the American people want to talk about.

I would hope that we begin the work of the people of this great Nation, that as we move to a new millennium we talk about those real issues, and let us get to work, Congress. We are 435 of the most powerful people in the world. People sent us to this Congress to do their work. Let us get started on it.

Mr. TIERNEY. Mr. Speaker, at this time I would like to yield to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I rise to address an issue in which the credibility of Congress is at stake and the credibility of a congressional committee is at stake.

Our Government was set up, the Government of the United States was set up to provide for a separation of powers, and that separation of powers was to prevent the abuse of power, a system of checks and balances to prevent the abuse of power, a House and a Senate to prevent the abuse of legislative power, a district, appellate, and Supreme Court to prevent the abuse of judicial power.

Democracy is the greatest form of government known to the world, and it works, as long as we do not abuse power. The American people are very aware of this. That is why they favor a system which distributes the power throughout the Government.

We have a situation on our committee, the Committee on Government Reform and Oversight, which lends itself to the great concern of the American people as to whether or not power is being abused, because we have a condition set up which permits the chairman of that committee to be a policeman, a prosecutor, a judge, and a jury over matters relating to the investigation of campaign finance.

The American people have a right to know what is going on with respect to campaign finance, but they also have a right to make sure that it is done in an even-handed way, where power is not abused, so that there is credibility to any investigation.

Mr. Speaker and Members of the House of Representatives, we need to go very slowly on our efforts to investigate campaign finance if it is not being done in a bipartisan manner and if it refuses to recognize the demand and the requirements which the American people have for checks and balances and for the prevention of the abuse of power.

I implore the chairman of the committee to consider our requests so that we will have the committee make the decisions as a whole for the calling of witnesses, for the subpoena of documents, and for any other matters which come before our committee. I would ask the gentleman from Indiana [Mr. BURTON] as a gentleman and as a Member of this House to consider the grave responsibility he has to protect this democratic process in this moment of great concern of the people.

Mr. TIERNEY. Mr. Speaker, at this time I would like to yield to my distinguished colleague from Connecticut [Ms. DELAURO].

□ 1600

Ms. DELAURO. Mr. Speaker, I want to thank my colleague for yielding to me. Also, I want to commend my colleagues for coming down this afternoon to talk about the issue of this investigation.

I wanted to be here as well to join in the commentary in order to support the efforts of my colleagues in calling for an open and a fair investigation of campaign finance issues, campaign finance reform, and of what our administration practice is. But I also believe that we ought to take a look at the Congress as well and what has happened, and look at what may be potentially there to have an open and fair investigation.

However, I would just say to my colleagues that I think that there are clear motives on the part of the Republican majority to have a one-sided investigation, and the reason is what they do not want to do is to look into the practice that they were heavily engaged in in the last session of this Congress and during the election, of lobbyists writing the legislation in this body in exchange for campaign contributions.

Today on the floor of this House, the majority whip gave us his own revisionist history lesson on campaign finance reform. The majority whip, the gentleman from Texas, was widely criticized during the last Congress for allowing lobbyists to write legislation in his office. Article after article documented meetings where GOP donors were invited to draft bills on issues of concern to their special interests.

One such article from the Washington Post on March 12, 1995, and these are the words of the article and I am not making this up, this is documentation, documents an organization called "Project Relief" that included 350 industry members and lobbyists. Instead of just proposing legislation, the majority whip let them draft the laws directly. In other words, he would let paid lobbyists do what House Members, Members who are duly elected by the 500,000 or 600,000 people they represent in their districts to come here to carry the interests of those folks to this body, to craft that legislation in terms of good and meaningful public policy in the lives of American taxpayers, he would let the lobbyists do what House Members are elected to do.

The gentleman even admitted the practice, saying that the lobbyists have, and this is a quote, "They have the expertise." Today the gentleman from Texas claimed it never happened. Once again Republicans do not want an open investigation.

I will tell the Members the other items they do not want to look into. The tobacco industry gave the [RNC] Republican National Committee, $7.4 million. They passed a product liability that would have saved the tobacco company millions of dollars. The NRA gave $2 million. The GOP worked to try to kill the assault weapons ban in the last session of the Congress.

The GOP Congress let big business help write a workplace safety bill. In January of 1995 big business lobbyists wrote up a 30-item wish list for limiting certain workplace safety regulations. When the bill was finished in early June, virtually every single item on that wish list had been incorporated into the final version of the bill. Business lobbyists even worked closely in drafting the legislation.

There were other areas in terms of other non-legislative outrages. I am just going to hold up this book. This is the National Republican Campaign Committee, this is the tactical PAC project, PAC being Political Action Committees. These were folks who were given a friendly or unfriendly notation by their name. This was circulated to the GOP representatives based on how much money these folks gave to Republicans or Democrats.

The majority whip, who was nicknamed "the Hammer," and is very proud of this appellation here, for his fund raising techniques, has been known to greet lobbyists with this book, thumbing through it, and saying, see, you are in the book, one way or the other.

The long and short of it, I think what we ought to do is to continue with a lot of this information, to get it out. The public ought to know this. We ought to try to get it out, so that the public has both sides. This needs to be a fair and open investigation.

No one is saying that we should not investigate. We should, because wrongdoing, wherever it occurs, ought to be stopped. Let us do the right thing by the American people. Let us open this investigation and make sure that both sides are heard. I thank my colleague for having this special order today and for allowing me some time to speak.

Mr. TIERNEY. I thank my colleague for taking the time to point out in the remaining 2 minutes that I have, Mr. Speaker, just to continue to point out some of the issues that the gentlewoman brought to light, and being that what we are really discussing here is the fact that this is a proposal by a committee and a committee chairperson to run a totally extraordinary and unusual type of campaign investigation that focuses only on one party, one office, instead of doing what the other body, the Senate, did in terms of broadening it out.

The fact of the matter is, as our minority leader, the gentleman from California [Mr. WAXMAN], pointed out, the fact of the matter is that we can do better. We need not have two separate investigations, particularly when one of them is really compromised the way the one in the House pretends to be.

We ought to do what they have done over in the Senate side, or let them do it if we cannot work jointly with them, save the American taxpayer some $14 million, and deal with both parties, all offices, and have a credible investigation, and not one where we have one individual unilaterally, without any constraints, issuing subpoenas.

In every other investigation that has been done by these bodies of any notoriety, the gentlewoman will note that there was never a case of the unilateral issuance of subpoenas by the chairperson, whether it be Watergate, Iran-Contra, the House Ethics Committee, or the proposed Senate investigation, nor have there been unilateral releases of privileged and confidential documents in any of those.

Yet our chairperson in the House purports to do both of them, but he purports to do it by silently not stating specifically the context of his investigation and the protocol, so those Members of his committees who profess to be moderate or profess that they would be embarrassed by such a venture can hide behind that lack of specificity.

I want to thank all of my colleagues who came to the floor today to highlight this matter, and urge, Mr. Speaker, that we see some leadership on the other side of the aisle here, that we do something that will have credibility, that we move forward so the American people will know that this Congress is working for them.

ANNOUNCEMENT REGARDING THE PASSING OF THE HONORABLE CHARLES G. HAYES, FORMER MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentleman from Illinois [Mr. RUSH] is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I am saddened this afternoon, as I have the responsibility to announce to the Members of this body, to the Nation, and to the residents of the First Congressional District that on last evening our friend, our colleague, former Representative Charles G. Hayes, died last night.

Charlie Hayes, Mr. Speaker, as we know, was a man who was at the forefront of the struggle of poor people, minorities, women, trade unionists. He dedicated his entire life, Mr. Speaker, to promoting the interests of the disadvantaged, the downtrodden, the poor, the oppressed.

Mr. Speaker, those of us who served with Charlie Hayes during his tenure, beginning in the 90th Congress, recall affectionately and vividly his loud voice at the rear of the room when things got unruly here. He would call out "Regular order, regular order," in a distinctive manner, and everyone would be brought to attention because of his commanding voice.

Mr. Speaker, his commanding voice called "Regular order," indeed, in the affairs of this Nation, certainly as he saw injustices throughout the land, as he saw injustices in the union, trade union movement, as he saw injustices occurring in the city of Chicago and throughout the Nation.

Charlie Hayes was one of the giants of this Nation. America could not have produced a more sincere, a more dedicated, a more courageous leader than Charlie Hayes.

I knew Charlie Hayes on a lot of personal levels. I can recall moments when our community felt as though we were not being represented in the city of Chicago in a fair way, and Charlie Hayes was at the forefront, the leader of an organization, a committee, called the Committee to Elect a Black Mayor in the City of Chicago. The culmination of that committee's work was to elect Harold Washington mayor of the city of Chicago.

Charlie Hayes was a man who reached out to all races, to all elements in this society. All that you required in order to get Charlie Hayes' commitment to you was that you be discriminated against, that you be disadvantaged. If in fact you had those requirements, those prerequisites, then Charlie Hayes was indeed your champion and your leader.

Charlie Hayes served gallantly in this Congress. He was the first trade union leader to become a Member of Congress. He served gallantly on behalf of the people who reside in the First Congressional District. He was indeed a man whose every step was on behalf of the poor and the downtrodden, whose every act as a Member of this body, whose every act as a member of the trade union leadership movement, whose every act as an adult individual, his every act was characterized by his commitment to humanity, to the upliftment of humanity.

Mr. Speaker, I am very, very saddened as I stand before this body to deliver these few words of announcement that my friend, your friend, your colleague, Charlie Hayes, has passed on.

Mr. Speaker, as I sit back and I reflect for a moment on what Charlie is doing now in the assembly of God, in the heaven, I too know that he is looking here among us, and he is seeing and observing some of the things that are occurring here. I know that he is particularly saddened by that. I can just vividly imagine hearing his voice from the heaven calling down upon this body, addressing us all and saying, "Friends, colleagues, regular order."

SUPPORTING COUNTRY-OF-ORIGIN LABELING LEGISLATION ON IMPORTED FRUITS AND VEGETABLES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, at a later point I will have something to say about our distinguished colleague, Mr. Hayes of Illinois, with whom I had the great pleasure of serving for many years.

Mr. Speaker, I wanted to inquire of families in America that if they this past week bought strawberries in the grocery store and then one of their children became ill from eating those berries, would they be able to find out, as a U.S. consumer, where those berries had been produced and who had processed them? The answer is no, they would not be able to find that information out, when in fact consumers in our country have a right to know where their food is coming from.

Mr. Speaker, I rise today in support of a country-of-origin labeling bill on imported fresh fruits and vegetables. I also rise in support of labeling for frozen fruits and vegetables. Our distinguished colleague, the gentleman from California, Mr. SONNY BONO, has introduced the Imported Produce Labeling Act of 1997. I am pleased to join him as an original sponsor on that bill, to require all fresh fruits and vegetables to be clearly identified as to their country of origin. With all the pesticides used in other places and the difficulties with border inspection, this is the least we can do for our people.

Also, we have written this week to the Secretary of the Treasury, Mr. Rubin. The Treasury Department has been dragging its feet for well over a year on the labeling of imported frozen items, which of course these particular strawberries, on which hundreds of our people have become ill, were imported berries that were processed and frozen. There is absolutely no reason that as we approach the year 2000 we cannot take better care of the American people.

A recent poll showed that nearly 70 percent of our people want to know and favor country-of-origin labeling for both fresh and frozen commodities.

Mr. Speaker, I thank my distinguished colleague, the gentleman from Michigan [Mr. SMITH] for giving me the opportunity to place this on the Record.

Mr. Speaker, I rise today in support of country of origin labeling on imported fruits and vegetables—both frozen and fresh.

Nearly every consumer product has origin labeling except the produce we eat.

Consumers have a right to know where their food is coming from.

The use of pesticides in other countries and border inspection practices raise even more questions in the minds of consumers about the quality and health risks of imported fruits and vegetables.

I am pleased to be a sponsor of the Imported Produce Labeling Act introduced by our colleague from across the aisle, Representative SONNY BONO. This bill strengthens existing law to require all fresh fruits and vegetables to be clearly identified as to their country of origin.

This bill simply closes existing loopholes that allow fresh fruits and vegetables to be exempt from country of origin labeling requirements, by requiring that the products themselves—or the bins, display cases or containers holding the commodity—be labeled at the retail level with their country of origin.

It is critical that we clearly define the country of origin on all fruits and vegetables coming in this country so that we can effectively trace back bad lots.

The press has been full of reports about frozen strawberries with misleading country of origin information which were associated with an outbreak of hepatitis among school children participating in the National School Lunch Program. Commodities purchased for the lunch and breakfast programs are required by statute to be grown in America, unless no domestic product is available. Based on news reports, it appears that the processor may have falsified documentation to make Mexican strawberries appear to be American produce. As a result of this deception, thousands of children are threatened with disease.

On April 3, I wrote the Treasury Secretary Robert Rubin to urge him to proceed with the enactment of a final Customs Service Regulation which would clarify the requirements for country of origin labeling for frozen imported produce.

Last July, Customs published a proposed regulation clarifying that frozen imported produce be clearly labeled as to country of origin on the front panel of packages, in permanent ink. In its Federal Register notice regarding the proposal, Customs declared that the clarification in policy was necessary because current standards allow variations in labeling which could create confusion or be misleading.

Current law requires imported frozen produce to be clearly labeled as to country of origin. But it appears to be a common occurrence for frozen produce that is brought into the United States to be repackaged without the required labeling. In other instances in which packages are labeled, the size of type, or poor quality of ink, make it impossible for consumers or Customs inspectors to verify compliance with the law. Customs has warned that their responsibility in verifying that all packages sold in this country comply with the law is made extremely difficult in the absence

of clear standards for where the country of origin label is to be displayed.

Despite the importance of this issue and the right of all Americans to be informed about where the produce they buy for their families is from, Customs' proposed regulation received little public attention and few public comments during the comment period last summer. In fact, only about 50 individual comments were received: the majority of these were from food growers and processors in other countries.

However, American consumers and American food growers and processors appear to feel strongly about this issue. In fact, a recent national poll conducted after the comment period closed found that nearly 70 percent of American consumers would favor a Government regulation requiring country of origin labeling, and 73 percent stated that they would most likely notice the label if it appeared on the front panel of package. Perhaps most importantly, the survey found that 83 percent of consumers had never noticed a country of origin label on a package of frozen vegetables. These facts would seem to make the case for enactment of the Customs proposal crystal clear.

The recent news reports of thousands of American school children put at risk of hepatitis from frozen strawberries, imported from Mexico but misidentified as being product of the United States, serves as a dramatic reminder of how important it is for all American consumers to know where the food they eat comes from. The Customs Service must enactment country of origin labeling on frozen fruits and vegetables immediately.

□ 1615

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, for everybody's information, I will be taking slightly less than 20 minutes for this presentation. I think this is the time of year when every American, Mr. Speaker, should be looking at their income tax returns and seeing how much they pay in taxes. They should be looking at their payroll check, if they have payroll deductions, to see how much is deducted from that check for taxes for Government.

Right now if you are an average working American, Government taxes 41 cents out of every dollar you make. Government, in their thinking that they can make decisions of how to spend the money you earn better than you can, have simply decided to keep increasing the size of Government, doing more things, making more promises.

Mr. Speaker, I wanted to talk for a few minutes today on one of those promises, which is Social Security. Now, politicians have promised more than they can deliver on Social Security. The official estimate of the Social Security Administration is that Social Security is going bankrupt. This first chart that I have shows that there is going to be a slight surplus of money coming into Social Security until approximately 2011. After that, the taxes coming in that pay for the benefits going out are going to not be enough to adequately supply the existing benefit grant level. So the red part of this graph shows how much deficits are going to increase if we are going to keep our commitment under the existing Social Security benefit plan.

We have a serious problem in Social Security. It was decided in 1935 to have, if you will, a Ponzi game, a pay-as-you-go system where existing workers pay in their taxes and those taxes are immediately paid out to existing retirees, a pay-as-you-go program. That is the way it is today. That is the way it has always been since it was devised in 1935. Not a very good way when we consider the fact that we have a declining number of people working to pay in those taxes and we have an increased number of retirees, because they are living longer, for one thing, to receive those benefits.

Mr. Speaker, this chart shows that in 1950 there were 17 people working paying in the Social Security tax for every 1 retiree. Today there are three people working paying in their Social Security tax of 12.4 percent to supply each retiree that is on Social Security. By 2029, the estimate is that there will be only two people working to pay in those taxes. Of course what we have done is simply increased the taxes that the fewer and fewer number of workers pay in, not fair to the young people of today.

We need to start having something like generational accounting, how much are we taking away from our young people in terms of the taxes, in terms of the borrowing that we are doing today that we are, in effect, using the money they have not even earned yet because somehow we have decided our problems today are important enough that we are going to take the money that they have not even earned yet and make them pay back the debt that we are now imposing on them.

Mr. Speaker, this chart shows what is happening in terms of the cost of Social Security. It is hard to conceive $350 billion. So what I did is I broke this down to how much does Social Security cost per minute. This year Social Security is costing $700,000 a minute. Last year it cost $660,000 a minute. But look what is going to happen by the year 2030. It is going to cost $5,700,000 per minute. That is because more people are living longer, plus we have got the baby boomers that are going to start retiring in the year 2011, 2012, 2013.

The baby boomers of course was the huge increase in the birthrate that happened after World War II. Everybody thought the economy is great, we are coming out of this war as national heroes, we are going to have children because we can take care of them.

This shows the chart, the graph of the life expectancy of senior citizens. When Social Security started in 1935, the average age of death was 61 years old. The retirement age was 65. Of course what that means is most Americans never lived long enough to earn any of the Social Security benefits, so it was easy to balance the system in those days when most people were dying off before they even became eligible for Social Security. The estimates are now that, when you are born, on the average you are going to live to be 74 years old. But if you reach 65, the current age for total full eligibility for Social Security benefits, if you reach the age 65, now on the average you will continue living until age 84.

Some estimates are as high as, by the year 2030, one-third of the population will be living to be 100 years old. Of course what that does is mean more Social Security recipients depending on those workers, if we continue the existing system, to pay in their taxes, to pay for the existing benefits.

Here are just two charts. It shows between now and the year 2040 seniors will increase at 108 percent, coming to 71 million, where workers will increase only 23 percent of the population. That means fewer workers like we showed on the chart supporting with their taxes for more and more retirees.

So the question is, should we yet again increase taxes on those workers? This chart shows how we have increased taxes over the years. So every time there was a little money needed in Social Security, we increased the tax on workers. Of course when it started out, it started out at 2 percent on the first $3,500 of earnings. Now it is 12.4 percent on the first $62,000 of earnings. And that base of $62,000 is automatically indexed to go up every year.

Listen to this. Mr. Speaker, we have increased taxes on workers 36 times since 1971, more often than just once a year. We cannot increase that tax on workers anymore. It is not fair. Taxes are already getting too high. What this next chart shows, if the next chart is in order, and it is not quite in order, is how long it took to get everything back that you and your employer paid in Social Security taxes.

If you happened to retire back here in 1940, of course, it only took 2 months to get everything back you put in. Taxes were very low and the program was just starting. If you retired in 1960, it took 2 years to get back every tax dollar that you put in, that your employer put in, plus compounded interest. By 1980, it took 4 years after retirement. Look at 2 years ago. In 1995, you have to live 16 years after you retire to get the money back that you

and your employer put in. Not a very good investment.

Some people say, look, if you go to a private investment, it is risky. Nothing is more risky than the existing system because you are going to be very, very lucky if you get back what you put into the system in taxes.

In 2005, which is 8 years from now, you are going to have to live 23 years after retirement. By 2015, you will have to live 26 years after retirement to get back just what you and your employer put in in taxes.

Today 78 percent of American workers pay more in the Social Security tax, the 12.4 percent Social Security tax, than they pay in the income tax. That tax is high enough.

Mr. Speaker, I want to spend a little time with this last chart. This last chart is a pie representing how the Federal Government spends its money. Last year we spent a little over $1.5 trillion. Look at the large piece of this pie, how much Social Security took out of the total spending of Federal Government, 22 percent.

If we go around, we are looking at Medicare. Medicare is an amendment to the Social Security Act that was amended in 1965 to say, let us expand the Social Security Program to cover health care for senior citizens. Medicare is growing at almost the rate of 10 percent a year, and pretty soon Medicare is going to be a larger, huger problem than Social Security.

We have got to somehow take our heads out of the sand and start dealing with some of these tough issues. I know for politicians it is easy to put those decisions off. Maybe you say, look, I am only going to be in office another 2 years or 4 years, let the people after me deal with these tough issues. They are tough. How are we going to solve the problem?

I want to point out that interest on the public debt of the $5.2 trillion that we have overspent, annually we overspend, and that is called the deficit. You add all those deficits up and now it comes to $5.2 trillion. It takes 15 percent of the total budget just to pay the interest on that debt nobody down here in Washington is thinking about anyway or any possibility of paying that debt back. We are leaving it up to the young people to say, somehow you solve this problem later on.

We have got to quit this kind of Ponzi game like we have in Social Security. We have got to start having generational accounting. We have got to have the kind of decisions in Washington that do not take the chances away from our kids and our grandkids to have the same kind of opportunity, to have the same kind of standard of living that we have had.

I have introduced a Social Security bill. It makes a lot of modest changes. It does not increase the tax. It does not affect existing retirees. In fact, it does not affect anybody over 57 years old. But it gradually slows down the increase in benefits for the higher income recipients. It adds one more year to the time that you would be eligible for Social Security benefits.

It makes a couple other small changes. I say, and it has been scored to keep Social Security solvent forever; I say, let us run this proposal up the flag pole. Let us start looking at ways we can improve it, but let us not any longer pretend that the problems, that the problem does not exist. I say, if we have any regard for our kids, we are going to do two things: We are going to give them a good education and a good opportunity. We cannot give them a good opportunity if we continue to go deeper and deeper in debt and expect them to pay for it. We cannot give them the opportunity if we continue to increase taxes, thinking that Government can spend a worker's money better than they can.

Mr. Speaker, I yield back the balance of my time.

ON TAXES

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, I want to say some last words on taxes.

In 1947, the Federal budget represented 12 percent of the total economy in the United States. In other words, the Federal budget was 12 percent of GDP. We have expanded that. As politicians find that they are more likely to get elected and reelected if they make a bunch of promises to people, we have had too many promises, because what it takes to keep those promises is increasing taxes and increasing borrowing.

Though young people today should be up in arms about what Congress is doing to their future, everybody should be looking at what they are paying in taxes at the local, State and national level.

Look at payroll deductions. If we did not have automatic deductions on paychecks, the people of America would not stand for the kind of taxes they are paying to let somebody else decide how to spend their money when they could make a much better decision to help their family.

□ 1630

H.R. 864, THE MARIAN ANDERSON CENTENNIAL COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. BROWN] is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, I thank the distinguished gentleman in the well, Mr. SMITH of Michigan, for his eloquence in maintaining the floor for such a period of time to protect me and my interest in getting here.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the subject of my special order this afternoon.

The SPEAKER pro tempore (Mr. JENKINS). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to the centennial of the birth of Marian Anderson, one of the world's greatest singers, a champion for civil rights, and a leader in the advancement of global peace.

One hundred years ago, on February 27, 1897, Marian Anderson was born to a poor family in Philadelphia, PA. She died at the age of 96, on April 8, 1993. She was a master of repertoire across operatic recital and American traditional genres.

When one of her music teachers first heard her sing, the richness of her talent moved him to tears. One of the greatest conductors of opera and symphonic music who ever lived, Arturo Toscanini of Italy, claimed Marian Anderson had a voice that came along only once in a hundred years. But because of her race, her prospects as a concert singer in the United States seemed limited.

However, the magnitude of her talent eventually won her broad recognition all over the world. She became the first black singer to perform at the Metropolitan Opera in 1955. By the time she retired in the mid 1960s, Marian Anderson was recognized as a national treasure.

No one could have foreseen such a destiny for this girl born of a poor family in Philadelphia. Her father, an ice and coal salesman, died when she was a child. When her mother could not find a job as a teacher, Marian Anderson became a cleaning lady. She scrubbed people's steps to earn enough money to buy a violin. There was no money for piano lessons, so she and her sisters taught themselves to play piano by reading about how to do it.

Marian Anderson received her first musical training in the choirs at the Union Baptist Church in Philadelphia. The members of her church raised the money she needed to study with good music teachers. By saving money and getting a scholarship, she was able to study in Europe.

A century after her birth, Marian Anderson remains a model for all citizens of the world and one of the greatest treasures of our country. However, we should not forget that she had to fight

hard to win her place in history. Although she won a first prize in a voice contest in New York in 1925 and made an appearance that year with the New York Philharmonic, she was still unable to find operatic engagements and within a few years her career came to a standstill.

It was only after she toured Europe to great acclaim in the early 1930's that the American public began to pay attention to her. Even after her artistry was recognized, in her home country she faced racial prejudice on a more mundane level. Well into her career, she was turned away at restaurants and hotels. America's opera houses continued to remain closed to her for a long time.

Yes, it was Marian Anderson who first broke the color barrier for Western classical musicians of African descent. There had, of course, been distinguished black musical artists before her, but it was she who accomplished what no one else had. With the gifts of her talent and determination, she established beyond dispute that African-American musical performers could be more than adequate to the task of excelling in the most demanding concert and operatic venues.

Marian Anderson not only played a vital role in the acceptance of African-American musicians in the classical music world but also made a valuable contribution to the advancement of the arts, the status of women, civil rights, and global peace.

In 1939, the Daughters of the American Revolution, DAR, refused to allow Marian Anderson to sing at Constitution Hall because of her race. As a result of the ensuing public outcry, Eleanor Roosevelt resigned from the DAR and helped to arrange a concert at the Lincoln Memorial that drew an audience of 75,000, an audience far larger than Constitution Hall could ever have accommodated.

Mr. Speaker, I have brought this Special Order to the House floor this afternoon because 58 years ago today, on Easter Sunday, April 9, 1939, Marian Anderson gave that concert on the steps of the Lincoln Memorial. No other occasion could be best suited for us to pay a tribute to the centennial of the birth of this great American.

In my opinion, the one event for which Marian Anderson is most remembered in the public mind is her 1939 concert at the Lincoln Memorial, which became a landmark in the fight for civil rights. At 5 o'clock in the afternoon on that day, a crowd of 75,000 people assembled at the feet of the Great Emancipator while radio microphones waited to carry her voice to millions across the land. As the sun suddenly broke through clouds that shadowed the scene all day, Marian Anderson began singing "America the Beautiful."

The concert has been likened in impact to Dr. Martin Luther King, Jr.'s "I Have a Dream" speech delivered on the same site 24 years later, and I might add parenthetically that I had the honor to be present at that speech, an event at which Anderson also sang.

The 1939 recital certainly set a precedent for the 1963 march, not only in that it was a watershed in the ongoing battle for civil rights, but in the manner through which this particular victory was won by the central person quietly but firmly avoiding strife and taking, instead, a moral high road that all people, regardless of race, have to admire.

But while Marian Anderson is most remembered for this concert, it was only one event in a long life of breaking barriers and setting precedents. In 1955, she became the first black singer to perform at the Metropolitan Opera in New York, as I have already mentioned. In 1957, the U.S. State Department sponsored a 10-week tour of Asia, in which she sang 24 concerts in 14 countries. She also sang at President Dwight D. Eisenhower's Inauguration in 1957 and at President John F. Kennedy's in 1961.

Late in her life, she was frequently honored. She was awarded 24 honorary degrees by institutions of higher learning. In 1963, she became the first recipient of the Presidential Medal of Freedom. Congress passed a resolution in 1974 to have a special gold medal minted in her name. Marian Anderson was a delegate to the United Nations, where she received the U.N. Peace Prize in 1977. In 1984, she became the first recipient of the Eleanor Roosevelt Human Rights Award of the city of New York. She was also awarded the National Arts Medal in 1986.

It is clear that something must be done as a Nation to honor the centennial of the birth of this great American. Mr. Speaker, in closing my statement, I would like to take this opportunity to urge my colleagues from both sides of the aisle to support the passage of H.R. 864, the Marian Anderson Centennial Commemorative Coin Act, a bipartisan bill to honor the centennial of the birth of Marian Anderson.

The surcharges from the sale of coins will be distributed to the Smithsonian Institution and the Corporation for Public Broadcasting for the endowment of exhibits and educational programs related to African-American art, history, and culture. The bill has a provision that ensures that minting and issuing coins will not result in any net cost to the U.S. Government.

Marian Anderson's life is a model for all of us. I consider it a privilege to have introduced this legislation to pass on our memory of this great humanitarian to future generations in the form of her commemorative coins. I am honored to join with my colleagues today to pay tribute to the centennial of the birth of Marian Anderson.

Mr. FATTAH. Mr. Speaker, it is fitting that Congress remembers Marian Anderson on this day which marks the 58th anniversary of her Easter concert on the steps of the Lincoln Memorial. For she is no stranger to Washington.

This year also marks the 100th birthday celebration of Ms. Anderson. A native Philadelphian, born on February 27, 1897, Anderson became an internationally renowned contralto and an aspiring symbol to all who strive to achieve against tremendous odds. Anderson began her career like so many African-Americans, by singing in her church choir where funds were raised to help pay for her voice lessons. Anderson traveled the world singing arias and ending each concert with spirituals, for she was a spiritually centered individual.

She was affectionately referred to as the "Lady from Philadelphia". In 1930, she toured Europe, winning from Toscanini the tribute "the voice that comes once in a 100 years". She became an accepted citizen of the world long before she was accepted as an equal citizen in her own country.

The story of the Easter Sunday concert has been told many times in many ways. The announcement that Anderson was to be awarded the Spingarn Medal—the highest medal given by the NAACP—brought her national attention. Prominence of a different order came a few months later. Within weeks of the NAACP's announcement, Charles C. Cohen, chairman of Howard University's concert series, acting for Sol Hurok, Ms. Anderson's manager, requested the use of Washington, DC's Constitution Hall from the Daughters of the American Revolution [DAR]. The DAR refused to allow Ms. Anderson the use of the hall, admitting finally that no Negro would be allowed to perform there. This was a restriction, in fact, that had been in place for a number of years. Everyone from Eleanor Roosevelt to actor Frederic March rose their voices in pointed outrage.

As a result of this public snub of Ms. Anderson, First Lady Eleanor Roosevelt resigned her membership from the DAR. Furious with the shameful and bigoted action of the DAR, Lulu Childers, the director of music at Howard University, vowed that "she'll sing here even if we have to build a tent for her." The solution that gradually emerged became one of the early defining moments in the history of peaceful protest against racial inequality in this country. Walter White and other NAACP officials, in discussions with Hurok, decided that Anderson should sing at the Lincoln Memorial, in the open air, where no barriers could be erected. White took his plan to the Department of the Interior, from whence it went to President Roosevelt, who gave his enthusiastic approval. So on Easter Sunday, April 9 1939, Ms. Anderson sang in front of a crowd of 75,000 instead of the 4,000 that would have filled Constitution Hall. The crowd stretched down both sides of the Reflecting Pool, to the base of the Washington Monument.

Many of her own people in attendance would never have heard her sing because of the disabling Jim Crow laws that governed much of the country. These same laws forced Ms. Anderson to travel in the colored section of trains traveling South, stay at black-owned hotels or stay at friends and friends of family members during her tours, and enter concert halls from the back entrances to the very halls in which she was to perform.

Easter Sunday Ms. Anderson was introduced by the Secretary of Interior, Harold L. Ickes. Secretary Ickes said, "In this great auditorium under the sky, all of us are free. When God gave us this wonderful outdoors and the sun, the moon, and the stars, he made no distinction of race creed or color. . . . Genius, like justice, is blind . . . Genius draws no color line and has endowed Marian Anderson with such a voice as lifts any individual above his fellows."

In later years Anderson spoke infrequently and always reluctantly about the DAR affair. She was uncomfortable with controversy. The quite dignity with which she bore those now historic events, her refusal to speak any harsh words of blame or to be diverted from a belief that people will one day act more honorably, only served to enhance her reputation as a woman of great dignity and hopefulness. In her 1956 autobiography, she wrote, "I said yes, but the yes did not come easy. In principal, the idea was sound but it could not be comfortable to me as an individual. I could see that my significance as an individual was small in the affair. I had become, whether I liked it or not, a symbol representing my people. I had to appear."

Some people felt that she should have spoken up more often regarding racism and how she was treated however, she felt that your actions spoke volumes. She is quoted as having said, "Remember, wherever you are and whatever you do, someone always sees you." Regarding racism she says, "Sometimes, its like a hair across your cheek. You can't see it, you can't find it with your fingers, but you keep brushing at it because the feel of it is irritating."

Quote from her nephew, Maestro James DePreist, conductor of the Oregon Symphony: "For those who loved her singing, there was a uniqueness to the quality of that voice that was able to touch people profoundly. For those who have viewed her as a symbol against prejudice, her life was an example of the dignity of the person versus the absurdity of discrimination."

Mr. WATTS of Oklahoma. Mr. Speaker, I would like to commend the gentleman from California, Mr. BROWN, for arranging this important tribute to Marian Anderson.

Today we honor the centennial anniversary of the birth of Ms. Marian Anderson, a woman renowned throughout the world for her extraordinary contralto voice, but more importantly for being one of our country's greatest shining, guiding stars herself. She was an eloquent and effective speaker who chose to fight prejudice through a dignity and grace admired world over.

Marian Anderson led an amazing life attaining success and making history through her exceptional diligence. She was born in Philadelphia to a poor family, but they lived in a neighborhood rich in support. It was in this community that Marian Anderson got her start by performing in the Union Baptist Church choir, where her talent was noticed, so the community chipped in to raise money for her to begin voice lessons and expand on her talent. From here Marian Anderson began performing and winning numerous contests including the New York Philharmonic competition. Marian Anderson also performed in Carnegie Hall and then began her first professional tour that took her across the European Continent. She was well received, especially for her African-American spirituals.

It is hard to imagine that Ms. Anderson was more accepted in Europe than in America where she was prevented from performing at Constitution Hall due to segregation rules. But this ignorance could not equal the strength that Marian Anderson had, nor the power held by a dismayed Eleanor Roosevelt, who instead arranged for Marian Anderson to share her talent with an even larger audience. So in 1939, she gave a brilliant performance at the Lincoln Memorial on Easter Sunday, also broadcast over national radio. Later that year, she received more attention and was awarded the Spingarn Award for the highest and noblest achievement by a black American.

This recognition was just the beginning of Marian Anderson's honors. In 1955, she broke the musical color barrier with her overdue debut at the Metropolitan Opera. Then in 1958, she was named by President Dwight D. Eisenhower to delegate status at the General Assembly of the United Nations. Over the course of her life she received 24 honorary degrees by college institutions; and she received medals from a list of countries. She also sang at President John F. Kennedy's inauguration in 1961, and President Johnson gave her the American Medal of Honor. On her 75th birthday in 1974, the U.S. Congress passed a resolution to have a special gold medal minted in her name.

It is obvious to see that Marian Anderson was one of America's most accomplished musical talents, but she is also so much more. Marian Anderson was a humanitarian who had the heart to make a difference in the world as well as open the doors of American concert halls for other African-American musicians who had been denied their place for far too long. Marian Anderson challenged the concepts of prejudice and won the world to her side through her talent, dignity and virtuosity.

Mr. Speaker, Marian Anderson was and still is a true national treasure. She took brave steps in eliminating segregation through the power of song and spirituals that transcended race and cultures. I am honored to recognize such a heroic lady on the date which marks the 58th anniversary of her concert at the Lincoln Memorial. I am also proud to be a cosponsor of the Marian Anderson Centennial Commemorative Coin Act and would urge my colleagues to do the same and join me in giving one last honor to the legacy of a lady, a musician, a civil rights champion, and a promoter of world peace.

Mr. MALONEY of Connecticut. Mr. Speaker, today marks the 58th anniversary of Marian Anderson's historic concert at the Lincoln Memorial. In addition, this year is the centennial anniversary of her birth. In honor of these significant events, it's appropriate that we take a moment to pay tribute to this very special woman and a long time resident of my hometown, who is not only acclaimed for her glorious God-given voice, but for the historic contributions she made on behalf of all African-Americans.

Marian Anderson, of Danbury, CT, the first African-American singer to perform with the Metropolitan Opera, stands out as a leading example of African-American pride and achievement.

As a young woman developing her singing career, Miss Anderson faced many obstacles, and was often the victim of racism. Probably the most widely known incident occurred in 1939, when, after triumphant appearances throughout Europe and the Soviet Union, she was prevented from performing at Washington's Constitution Hall by its owners. To apologize for that mistreatment, First Lady Eleanor Roosevelt invited Miss Anderson to perform at the Lincoln Memorial on Easter Sunday, 1939.

Miss Anderson proudly sang to an audience of 75,000 people, while millions more listened over national radio. Her inspirational performance that April day is considered by historians as the first crucial victory of the modern civil rights movement.

Even after her artistry was recognized in the United States, Miss Anderson still faced racial prejudice on a daily basis. Well into her career, she was turned away at restaurants and hotels. Even America's opera houses remained closed to her until Rudolf Bing invited her to sing at the Metropolitan Opera.

Throughout all of her trials and struggles, Miss Anderson did not give up. Her undaunted spirit fought on and her determination opened doors for future black artists that had been firmly bolted shut.

The soprano Lenotyne Price, one of the earliest artists to profit from Miss Anderson's efforts, once said, "Her example of professionalism, uncompromising standards, overcoming obstacles, persistence, resiliency and undaunted spirit inspired me to believe that I could achieve goals that otherwise would have been unthought of."

Soprano Jessye Norman said, "At age 10 I heard, for the first time, the singing of Marian Anderson on a recording. I listened, thinking, this can't be just a voice, so rich and beautiful. It was a revelation. And I wept."

Later in life, Miss Anderson was named a delegate to the United Nations by President Dwight D. Eisenhower and was the recipient of the Presidential Medal of Freedom from President Carter. She died in 1993, but her successful fight to give every individual an opportunity to achieve their own greatness, helped our country become a stronger nation. Her contributions will live on forever.

I'm proud to join my colleagues for this Special Order and I'm honored to be a cosponsor of the Marian Anderson Centennial Commemorative Coin Act. Each of us must learn from the example set by Marion Anderson to eliminate hate and violence, and create a stronger, more tolerant America. Thank you Mr. Speaker.

EASING TAX BURDEN FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to introduce legislation that would ease the tax burden for all Americans and assist all of us in pursuit of the American dream.

This legislation contains three simple provisions affecting the Tax Code:

Indexation of the capital gains tax, establishment of the American dream savings accounts, and repeal of the 1993 increase in taxes on Social Security benefits.

Quite simply, this bill is designed to right several wrong things that I think presently exist in the Tax Code. And I would point out, Mr. Speaker, these three things are offset by reductions in the Department of Commerce and the Department of Energy. Surely the Department of Commerce would appreciate the fact that we are reducing taxes, and so would the Department of Energy. So the important thing about this bill is it is budget neutral.

The legislation addresses capital gains taxation. This type of tax arises when an asset is sold and the difference between the base and the sales price is taxed. The appreciation in value can reflect real or perhaps it can reflect inflationary gain. Because of the uniqueness of this tax, what happens is, people hold an asset for a long period of time, they are taxed, and basically much of that tax is due to inflation.

Put simply, gains should be indexed to account for this inflation, and that is what this bill does. I can give some statistics, which I will make part of the RECORD, Mr. Speaker, but basically, in real terms, fixing this simple capital gains indexation will increase investments by $75 billion, raise gross domestic product by $120 billion, and reduce the cost of capital by 12 percent, creating an average of 233 additional new jobs.

Best of all, a capital gains tax reduction affects nearly everyone in this country. In fact, nearly 50 percent of those Americans who claim capital gains have incomes of less than $40,000, and 60 percent of those who claim capital gains have incomes of less than $50,000.

The second part of this legislation establishes dream savings accounts to encourage personal responsibility and, frankly, savings. In short, America needs a system that encourages and betters retirement and big-event purchasing savings and does so through these dream savings accounts.

The current system does not provide any incentive at all for Americans to save for their first home or for their children's college education, nor does the current system afford American taxpayers the opportunity to use their retirement savings for catastrophic events. In fact, it can easily be argued that the current system penalizes Americans. We must change that.

The third part of my bill would repeal the tax increases on the Social Security benefits that were enacted in President Clinton's 1993 budget reconciliation bill. Prior to 1993, individuals with income in excess of a certain threshold could be taxed only at half of their Social Security benefits. Recipients with incomes below the threshold were not at all taxed on their Social Security income.

However, after President Clinton's 1993 Omnibus Budget Reconciliation Act had been implemented, higher income thresholds were achieved. Now, individuals earning above these thresholds can be taxed at 85 percent of their Social Security benefits.

□ 1645

Unfortunately this bill also includes dividends on earnings. Thereby even tax-exempt dividends count as income when calculating Social Security taxation. Simply put, the tax increase in the President's bill is unfair and wrong. It is punitive and hurtful toward our Nation's seniors and should be repealed. The last Congress sent to the President legislation to repeal the Social Security provisions, but the President stood by his original plan and it did not pass. Nevertheless, this issue is not resolved as far as I am concerned. We must address this issue, which is why I have introduced the language in this legislation to repeal the onerous 1993 tax increase on our seniors. This bill is very simple. It does these three things. It is common sense and fair. Simply altering a few necessary portions of our Tax Code, it would help all Americans and give a fair and level playing field. Best of all, every penny in reduced revenue is offset by reductions in the funds available to the Department of Commerce and the Department of Energy. This is a small but important step forward in the debate over our Nation's future. This is legislation we cannot afford to live without.

Mr. Speaker, I urge my colleagues to support this bill. It is imperative for our country's present and future generations that we address these issues today.

RECOGNIZING MARIAN ANDERSON ON CENTENNIAL OF HER BIRTH

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all thank my friend and colleague and ranking member of the Science Committee for the diversity of his portfolio, and, that is, to come to the floor to celebrate a very famous but eloquent and certainly musical American, and that is in the name of Marian Anderson.

I thank the gentleman from California [Mr. BROWN] for allowing to join him in a tribute on a very special day here in Washington. Certainly as I was coming to the floor, I took advantage of the beautiful sunshine, albeit quite chilly here in Washington DC, and it caused me to be reminded of that famous day some years ago, April 9, when the first lady of music, contralto Marian Anderson, ascended the steps of the Lincoln Memorial and began to sing not to the 75,000 that were present but to the world and to the Nation. Her dignity and her ability to communicate in song clearly is worth giving tribute to, and I appreciate this opportunity to do so.

As I look over her history and we were able to acknowledge today at the Congressional Black Caucus meeting this day and this effort, we looked at her history. Certainly she came from a very proud family. She graduated from high school. You might consider her, as W.E.B. Du Bois described many in the early days of this century, the talented tenth. She was certainly someone whose family, albeit she was born an African-American in this Nation, had great hopes and aspirations for her. They had great dreams for her as an American, as a talented young woman.

Sadly, of course, she grew up in the shadow of Jim Crow. But her spirit was undaunted by the atmosphere of what she lived, and the God-given talent that she had was one that she wanted to share with all to hear. She was initially, of course, extended an invitation to speak in a facility that later became known as white-only, that she could not sing. But good Americans, well-thinking Americans who recognized the value of diversity and the importance of a talent in an eloquent woman as Marian Anderson should be heard.

And so this tribute that I give is as well to Marian for her talent but for the good Americans who rallied around the excitement that she had to be able to convey to America that we all stand as one.

Mr. Speaker, my tribute today, as I bring it to a close, is to congratulate the life and legacy of Marian Anderson. I wish that I could conclude this by a musical salute that all could hear, but I was moved by the moment and moved by the history of that moment, having not been there or been around to have heard it, but certainly all those who have been able to tell me of it pay great tribute to how she brought the country together, recognizing the value of our great history, of African-Americans but as well the history of all the good people who allowed her to so sing.

Let me conclude by sharing some of my time with the gentleman from California [Mr. BROWN] for him to bring some final remarks and say that on this day that the proposition 209 was again reaffirmed. I would ask that we look to the good people of America to recognize that diversity is legal and that Marian Anderson represented that diversity some many years ago.

Mr. Speaker, I yield to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. I thank the gentlewoman for yielding. I want

to thank her very much for coming to the floor and adding her contribution to this tribute to Marian Anderson.

In closing this special order this afternoon, I would just like to say how honored I am to join with all of my colleagues honoring the centennial of the birth of Marian Anderson. During the long journey of her life, as has been mentioned and despite her unique achievements, Marian Anderson nevertheless encountered bigotry throughout her career. She met it all with unparalleled dignity, quietly refusing to back down from her rights, to forsake her own standard of politeness or to hold any grudges.

One can lose a lot of time hating people, she succinctly explained. As you remember, President Clinton urged in his State of the Union Address this year that Americans must continuously fight bigotry and intolerance. To follow the example set by Marian Anderson, I would like to close this special order this afternoon by quoting what she saw was the mission of her life, and I quote: "To leave behind me the kind of impression that will make it easier for those who follow."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. WATTS of Oklahoma (at the request of Mr. ARMEY), for yesterday and today, on account of family illness.

Mr. SCHIFF (at the request of Mr. ARMEY), for today and the balance of the week, on account of medical reasons.

Mr. PORTER (at the request of Mr. ARMEY), for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. BRADY, for 5 minutes, today.

Mr. GOSS, for 5 minutes each day, today and on April 10.

Mr. BONO, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on April 15 and 16.

Mr. PAUL, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH.

Mr. MCGOVERN.

Mr. HAMILTON.

Mr. PICKETT.

Mrs. MALONEY of New York.

Mr. STARK.

Ms. FURSE.

Ms. KAPTUR.

Mrs. MEEK of Florida.

Mr. POMEROY.

Mr. LIPINSKI.

(The following Members (at the request of Mr. SHIMKUS) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD.

Mr. HYDE.

Mr. YOUNG of Alaska.

Mr. RILEY.

Mr. EVERETT.

Mr. HUNTER.

Mr. FORBES.

(The following Members (at the request of Mr. SMITH of Michigan) and to include extraneous matter:)

Mr. GINGRICH.

Mr. WALSH in two instances.

Mrs. ROUKEMA.

Mr. HAMILTON.

Mr. PITTS.

Mr. SOLOMON in two instances.

Mr. GILMAN.

Mr. HOYER.

Mr. SMITH of New Jersey.

Mr. GALLEGLY.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. KING.

Mr. UPTON.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, April 10, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2656. A letter from the Executive Director, Defense Environmental Response Task Force, Department of Defense, transmitting the report on the actions of the Defense Environmental Response Task Force for fiscal year 1995, pursuant to Public Law 101-510, section 2923(c)(1) (104 Stat. 1821); to the Committee on National Security.

2657. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Streamlined Research and Development Clause Lists [DFARS Case 96-D028] received April 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2658. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Retirement of Regular Commissioned Officers at Age 62, Exception for Deputy Chief and Chief of Chaplains"; to the Committee on National Security.

2659. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notification that the final report for the plan ensuring the provision of medical care to any natural child of a member of the Armed Forces will be available no later than June, 1997; to the Committee on National Security.

2660. A letter from the Secretary of Housing and Urban Development, transmitting a report entitled "Moving Toward a Lead-Safe America: A Report to the Congress of the United States", pursuant to Public Law 102-550, section 1061(b) (106 Stat. 3927); to the Committee on Banking and Financial Services.

2661. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on whether organizations make sensitive consumer identification information available to the public, and whether such activities create undue potential for fraud and risk of loss to insured depository institutions, pursuant to Public Law 104-208 section 2422(c) (100 Stat. 3009); to the Committee on Banking and Financial Services.

2662. A letter from the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 96-7030—*Carole Kolstad* v. *American Dental Association* (March 21, 1997)); to the Committee on Education and the Workforce.

2663. A letter from the Acting Secretary of Energy, transmitting a report entitled "District Heating, Cooling, and Cogeneration: Benefits, Constraints, and Recommendations," pursuant to section 172(b) of the Energy Policy Act of 1992; to the Committee on Commerce.

2664. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's report entitled "Annual Report to Congress—Progress on Superfund Implementation in Fiscal Year 1996," pursuant to 45 U.S.C. 9651; to the Committee on Commerce.

2665. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 97-A, which relates to the Department of the Navy's proposed enhancements or upgrades from the level of sensitivity of technology or capability of defense article(s) previously sold to the Coordination Council for North American Affairs [CCNAA], currently identified as the Taipei Economic and Cultural Representative Office [TECRO] in the United States, pursuant to 22 U.S.C. 2776(b)(5)(C); to the Committee on International Relations.

2666. A letter from the Chairman of the Board, African Development Foundation,

transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

2667. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for the Inter-American Foundation, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

2668. A letter from the president and CEO, Overseas Private Investment Corporation, transmitting a draft of proposed legislation entitled the "Overseas Private Investment Corporation Amendments Act of 1997"; to the Committee on International Relations.

2669. A communication from the President of the United States, transmitting a letter notifying Congress that on March 25, 1997, a standby evacuation force of the U.S. military personnel from the United States European Command and the United States deployed to Congo and Gabon to provide enhanced security for the more than 300 American private citizens, government employees, and selected third country nationals in Kinshasa, Zaire, should their evacuation become necessary (H. Doc. No. 105-63); to the Committee on International Relations and ordered to be printed.

2670. A letter from the Director, Office of Personnel Management, transmitting notification that OPM has approved proposals for five personnel management demonstration projects for the Department of the Army, submitted by the Department of Defense, pursuant to Public Law 103-337, section 342(b) (108 Stat. 2721); to the Committee on Government Reform and Oversight.

2671. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled the "Radiation Exposure Compensation Act Amendments of 1997"; to the Committee on the Judiciary.

2672. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of the Bureau of Justice Assistance report entitled, "Fiscal Year 1995 Annual Report to Congress," pursuant to 42 U.S.C. 3789e; to the Committee on the Judiciary.

2673. A letter from the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 95-7164—*Rafic Saadeh* v. *Fawaz Farouki* (March 4, 1997)); to the Committee on the Judiciary.

2674. A letter from the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 96-5148—*United States of America* v. *Consumer Health Services of America, Inc. and Roger Schlossberg, Trustee* (March 18, 1997)); to the Committee on the Judiciary.

2675. A letter from the Clerk, U.S. Court of Appeals for the District of Columbia Circuit, transmitting an opinion of the U.S. Court of Appeals for the District of Columbia Circuit (No. 96-3060—*United States of America* v. *Leo Darryl Harrington* (March 25, 1997)); to the Committee on the Judiciary.

2676. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled "The Superfund Innovative Technology Evaluation Program, Annual Report to Congress FY 1995," pursuant to 42 U.S.C. 9604; to the Committee on Science.

2677. A letter from the Director, National Science Foundation, transmitting a draft of proposed legislation entitled the "National Science Foundation Authorization Act for Fiscal Years 1998 and 1999," pursuant to 31 U.S.C. 1110; to the Committee on Science.

2678. A letter from the Chairman, Prospective Payment Assessment Commission, transmitting the annual report on the Prospective Payment Assessment Commission, pursuant to 42 U.S.C. 1395ww(e)(6)(G)(i); to the Committee on Ways and Means.

2679. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the "Maritime Administration Authorization Act for Fiscal Years 1998 and 1999," pursuant to 31 U.S.C. 1110; jointly, to the Committees on National Security and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1092. A bill to amend title 38, United States Code, to extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the U.S. Court of Veterans Appeals and the National Cemetery System, and for other purposes (Rept. 105-47). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE (for himself, Mr. COBLE, Mr. CANADY of Florida, Mr. BONO, Mr. BRYANT, and Mr. GOODLATTE):

H.R. 1252. A bill to modify the procedures of the Federal courts in certain matters, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 1253. A bill to authorize appropriations for the Department of State and related agencies for the fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. BLUNT (for himself, Mr. CLAY, Ms. DANNER, Mrs. EMERSON, Mr. GEPHARDT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, Mr. SKELTON, and Mr. TALENT):

H.R. 1254. A bill to designate the U.S. post office building located at Bennett and Kansas Avenue in Springfield, MO, as the "John N. Griesemer Post Office Building"; to the Committee on Government Reform and Oversight.

By Ms. ESHOO (for herself, Mr. FROST, Ms. PELOSI, Mr. FARR of California, Mrs. MALONEY of New York, Mr. MILLER of California, Mr. MCGOVERN, and Ms. SLAUGHTER):

H.R. 1255. A bill to amend the Rehabilitation Act of 1973 to establish certain additional requirements relating to electronic and information technology accessibility guidelines for individuals with disabilities, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FORBES:

H.R. 1256. A bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY; to the Committee on Resources.

H.R. 1257. A bill to amend the Internal Revenue Code of 1986 to establish, and provide a checkoff for, a biomedical research fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. BILBRAY, Mr. GALLEGLY, Mr. HORN, Mr. KIM, Ms. MOLINARI, and Mr. ROHRABACHER):

H.R. 1258. A bill to require the Attorney General to conduct a pilot program under which the Attorney General will notify a State of potential employment opportunities for welfare recipients in the State created by the removal of unauthorized aliens from work sites, and to reward pilot program States with a high rate of success in placing such recipients in such employment positions; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. OLVER, Mr. PALLONE, Mr. FARR of California, Mr. SMITH of New Jersey, Mr. STARK, Ms. PELOSI, Mr. DEFAZIO, Mr. YATES, Mr. KENNEDY of Rhode Island, Mr. BROWN of California, Mr. EVANS, Mr. LANTOS, Mr. DELLUMS, Mr. DELAHUNT, Ms. WOOLSEY, and Mr. TOWNS):

H.R. 1259. A bill to amend the Marine Mammal Protection Act of 1972 to lift the trade embargoes on dolphin-safe tuna harvested in the eastern tropical Pacific Ocean, and for other purposes; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. WAXMAN, Mr. MURTHA, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ACKERMAN, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of California, Mr. CAMPBELL, Mr. CAPPS, Mr. CARDIN, Ms. CARSON, Mr. CHAMBLISS, Mrs. CLAYTON, Mr. CONDIT, Mr. COYNE, Mr. DAVIS of Virginia, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. DELLUMS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FRANK of Massachusetts, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GILMAN, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HORN, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KLUG, Mr. KOLBE, Mr. LAMPSON, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MARTINEZ, Mr. MASCARA, Mrs. MCCARTHY of New York, Mr. MCDADE, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mrs. MINK of Hawaii, Ms. MOLINARI, Mrs. MORELLA, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAMSTAD, Mr. ROTHMAN, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SCHIFF, Mr. SERRANO, Mr. SHADEGG, Mr. SHAYS, Mr. SKAGGS, Mr. SKEEN, Mrs. TAUSCHER, Mr. THOMPSON, Mrs. THURMAN, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Mr. VENTO, Mr. WISE, Mr. YATES, Mr. BONIOR, Mr. HEFLEY, and Ms. WOOLSEY):

H.R. 1260. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease; to the Committee on Commerce.

By Mr. NUSSLE (for himself and Mr. MINGE):

H.R. 1261. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Ways and Means.

By Mr. OXLEY (for himself, Mr. BILILEY, Mr. MANTON, Mr. DINGELL, and Mr. MARKEY):

H.R. 1262. A bill to authorize appropriations for the Securities and Exchange Commission for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce.

By Mr. PALLONE (for himself, Mrs. ROUKEMA, Ms. ESHOO, Ms. PELOSI, and Mr. MCDERMOTT):

H.R. 1263. A bill to amend the Public Health Service Act to provide access to health care insurance coverage for children and to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated such insurance coverage; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER:

H.R. 1264. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON:

H.R. 1265. A bill to assure appropriate disincentives to the illegal use of marijuana in those States where there is an exception for medicinal purposes to the prohibition against the use of marijuana by denying Federal benefits to persons convicted of certain drug offenses; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 1266. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain assets for purposes of determining gain, to provide for the establishment of American Dream Savings Accounts, and to repeal the increase enacted in 1993 in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 1267. A bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction for certain expenses incurred by whaling captains in support of Native Alaskan subsistence whaling; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. PORTER, Mr. WOLF, Mr. SALMON, Mr. CHRISTENSEN, Mr. HOYER, Mr. MARKEY, and Mr. CARDIN):

H. Con. Res. 59. Concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions; to the Committee on International Relations.

By Mr. MICA:

H.J. Res. 108. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. PITTS (for himself, Mr. SAM JOHNSON, Mrs. KELLY, Mr. DOOLITTLE, Mr. PAUL, Mr. HERGER, Mr. SESSIONS, Mr. SHADEGG, and Mr. QUINN):

H.J. Res. 109. Resolution expressing the sense of the House of Representatives that American families deserve tax relief; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. DEAL of Georgia, Mr. PAPPAS, Mr. CHRISTENSEN, Mr. WEXLER, Mr. FRELINGHUYSEN, Mr. NETHERCUTT, Mr. ROYCE, Mr. LEACH, Mr. THORNBERRY, Mr. BARCIA of Michigan, Mr. MCHUGH, Mr. DICKEY, Mr. PAUL, Mr. BAKER, Mr. CAMP, Mr. LATOURETTE, and Mr. PAXON.

H.R. 45: Mr. BONIOR.

H.R. 58: Mr. CANADY of Florida, Mr. PAPPAS, Mrs. JOHNSON of Connecticut, Mr. SHIMKUS, Mr. FOGLIETTA, Mr. SNOWBARGER, Mr. KENNEDY of Rhode Island, Mr. BENTSEN, Mr. CAPPS, Mr. GUTKNECHT, and Mr. GALLEGLY.

H.R. 96: Mr. GALLEGLY, Mr. CASTLE, Ms. NORTON, Mrs. THURMAN, and Mrs. NORTHUP.

H.R. 123: Mrs. FOWLER.

H.R. 145: Mr. SANDERS, Mr. KENNEDY of Rhode Island, Mr. DAVIS of Illinois, Mr. KUCINICH, Mr. MCGOVERN, Mr. ADAM SMITH of Washington, Mr. FOGLIETTA, Mr. HEFNER, Mrs. MINK of Hawaii, Mr. KILDEE, Mrs. MEEK of Florida, Mr. GORDON, and Mr. FORD.

H.R. 148: Mr. FATTAH.

H.R. 165: Mr. GONZALEZ.

H.R. 168: Mr. TALENT.

H.R. 210: Mr. LEWIS of Georgia.

H.R. 218: Mr. FORBES and Mrs. THURMAN.

H.R. 324: Mr. BLAGOJEVICH.

H.R. 335: Mr. ENGLISH of Pennsylvania, Mr. MCNULTY, and Mr. DAVIS of Virginia.

H.R. 338: Mr. FRELINGHUYSEN.

H.R. 339: Mr. RILEY.

H.R. 345: Mr. HUTCHINSON.

H.R. 453: Mr. MARTINEZ, Mr. LEWIS of Georgia, Mr. BORSKI, Mrs. MORELLA, Ms. PELOSI, and Mr. GOSS.

H.R. 455: Mr. RUSH.

H.R. 456: Mr. MARTINEZ and Mr. RUSH.

H.R. 471: Mr. SHAYS and Mr. CAMPBELL.

H.R. 475: Mr. GRAHAM, Mr. MCHUGH, and Mr. GILMAN.

H.R. 476: Mr. KIND of Wisconsin, Ms. KILPATRICK, Mr. WAXMAN, Mr. MARTINEZ, and Mr. WATT of North Carolina.

H.R. 538: Mr. CAPPS and Mr. FALEOMAVAEGA.

H.R. 551: Mrs. LOWEY.

H.R. 552: Mr. CONYERS and Mr. SHAYS.

H.R. 600: Mr. MOAKLEY.

H.R. 622: Mr. DUNCAN.

H.R. 623: Mr. ENGLISH of Pennsylvania, Mr. WALSH, Mr. MASCARA, Mr. WISE, and Mrs. MALONEY of New York.

H.R. 633: Mr. KANJORSKI.

H.R. 638: Mr. PITTS.

H.R. 640: Mr. PAUL.

H.R. 641: Mr. HOSTETTLER.

H.R. 650: Mr. CRANE, Mr. LIPINSKI, Ms. KAPTUR, Mr. HASTERT, and Mr. GONZALEZ.

H.R. 690: Mr. PAUL.

H.R. 722: Mr. DUNCAN, Mr. BONILLA, Mr. BROWN of Ohio, Mr. PETERSON of Pennsylvania, Mr. BRYANT, Mr. EHRLICH, Mr. BASS, Mr. HALL of Texas, and Mr. LUCAS of Oklahoma.

H.R. 723: Mr. BONILLA, Mr. CRAMER, Mr. HINOJOSA, Mr. MINGE, Mr. POMEROY, and Mr. TIAHRT.

H.R. 774: Mrs. MORELLA, Mr. DEFAZIO, Mr. CLYBURN, Mr. JEFFERSON, Mr. DELLUMS, and Mr. FALEOMAVAEGA.

H.R. 810: Mr. MARTINEZ, Mr. FARR of California, Mr. MEEHAN, and Ms. SANCHEZ.

H.R. 811: Mr. COBURN, Mr. SANDERS, and Mr. SNOWBARGER.

H.R. 849: Mr. PAPPAS and Mr. HASTERT.

H.R. 879: Mr. PAYNE, Ms. FURSE, Mr. DELLUMS, Mr. MARTINEZ, and Mrs. MINK of Hawaii.

H.R. 880: Mr. MCHUGH, Mr. BUYER, Mr. CLEMENT, Mr. NEY, Mr. DEAL of Georgia, Mr. HAMILTON, Mr. SNOWBARGER, Mr. CHRISTENSEN, Mr. ISTOOK, Mr. SKELTON, and Mr. FROST.

H.R. 885: Mr. WYNN and Mr. RAHALL.

H.R. 886: Mr. WYNN and Mr. RAHALL.

H.R. 887: Mr. WYNN and Mr. RAHALL.

H.R. 888: Mr. WYNN and Mr. RAHALL.

H.R. 901: Mr. COOK, Mr. LIVINGSTON, Mr. HYDE, Mr. EVERETT, Mr. THORNBERRY, Mr. COOKSEY, Mr. MICA, Mr. BISHOP, and Mrs. NORTHUP.

H.R. 902: Mr. GREENWOOD, Mr. EVERETT, Mr. LEWIS of California, Mr. RADANOVICH, Mr. SHIMKUS, Mrs. FOWLER, and Mr. MICA.

H.R. 911: Mr. STEARNS, Mr. DAN SCHAEFER of Colorado, Ms. GRANGER, Mr. SKAGGS, Mr. HULSHOF, and Mr. COMBEST.

H.R. 920: Ms. STABENOW.

H.R. 956: Mr. SOLOMON and Mr. BARTON of Texas.

H.R. 964: Mr. ENGLISH of Pennsylvania, Mr. COOK, Ms. KILPATRICK, Mr. TAYLOR of North Carolina, Mrs. KELLY, Mr. SESSIONS, Mrs. NORTHUP, Mrs. MYRICK, Mr. COBURN, Mr. BARTON of Texas, Mr. BOEHNER, and Mr. EHRLICH.

H.R. 965: Mr. CRANE, Mr. SOLOMON, and Mr. CANNON.

H.R. 972: Mr. PAUL.

H.R. 978: Mr. MICA, Mr. YOUNG of Alaska, Mr. STRICKLAND, Mr. KENNEDY of Rhode Island, Mr. CRAMER, Mr. JACKSON, Mr. ENSIGN, Mr. NEY, Mr. COBURN, Mr. BLAGOJEVICH, Mr. BALDACCI, and Mr. DEAL of Georgia.

H.R. 991: Mr. MENENDEZ and Mr. LOBIONDO.

H.R. 1002: Mr. KLECZKA, Mr. COYNE, Mrs. THURMAN, Mrs. MINK of Hawaii, Mr. MATSUI, and Mrs. ROUKEMA.

H.R. 1026: Mr. MALONEY of Connecticut, Mrs. JOHNSON of Connecticut, Mr. CANADY of Florida, Mr. ENGLISH of Pennsylvania, Mr. CALLAHAN, Mr. BLILEY, and Mr. GRAHAM.

H.R. 1054: Mr. MATSUI, Mr. OXLEY, Mr. GOODLATTE, Mr. CAPPS, Mr. HULSHOF, and Mr. BOUCHER.

H.R. 1077: Mr. MANZULLO, Mr. FRANK of Massachusetts, Mr. PETERSON of Pennsylvania, and Mr. WELDON of Pennsylvania.

H.R. 1080: Mr. FRANKS of New Jersey and Mr. ROTHMAN.

H.R. 1090: Mrs. ROUKEMA.

H.R. 1092: Mrs. THURMAN.

H.R. 1117: Mr. PRICE of North Carolina, Mrs. MALONEY of New York, and Mr. RAMSTAD.

H.R. 1126: Mr. REYES.

H.R. 1130: Mr. FALEOMAVAEGA.

H.R. 1153: Mr. GRAHAM.

H.R. 1159: Mr. PAYNE, Mr. THOMPSON, Mr. REYES, and Mrs. MCCARTHY of New York.

H.R. 1203: Mr. SNOWBARGER, Mr. KINGSTON, Mr. MCCOLLUM, and Mr. STEARNS.

H.R. 1226: Mr. BUNNING of Kentucky and Mrs. LINDA SMITH of Washington.

H.R. 1241: Mr. BENTSEN.

H.J. Res. 26: Mr. SHAYS and Mr. COLLINS.

H.J. Res. 54: Mr. MICA.

H. Con. Res. 10: Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. RUSH, Mr. CAMP, Ms. SLAUGHTER, and Mr. BEREUTER.

H. Con. Res. 12: Mrs. LOWEY and Mr. LOBIONDO.

H. Con. Res. 13: Mr. WICKER, Mr. YATES, Ms. STABENOW, Mr. BROWN of Ohio, Mr. FORBES, Mr. PALLONE, Mr. STUMP, Mr. DIXON, Mr. BARR of Georgia, Mr. PASCRELL, Mr. COMBEST, Mr. BOYD, Mr. SNYDER, Mr. GIBBONS, Mr. DAVIS of Florida, Mr. ROTHMAN, Mr. SHAW, and Mr. LATOURETTE.

H. Con. Res. 44: Mr. LANTOS, Mrs. MALONEY of New York, Mr. EHLERS, and Mr. ABERCROMBIE.

H. Con. Res. 52: Mr. PETERSON of Minnesota, Mrs. CARSON, Mr. SCHIFF, Mr. MASCARA, Mr. LEACH, Mr. HAMILTON, Mr. FRANK of Massachusetts, Mr. BEREUTER, Ms. KAPTUR, and Mr. FOX of Pennsylvania.

H. Con. Res. 53: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. ORTIZ.

H. Res. 21: Mr. BACHUS.

H. Res. 22: Mr. BORSKI, Mr. WEXLER, Mr. MANZULLO, Mr. ACKERMAN, Mr. LUTHER, Mr. GEJDENSON, Mr. BOUCHER, and Ms. DUNN of Washington.

H. Res. 83: Mr. LEACH and Mr. FATTAH.

SENATE—*Wednesday, April 9, 1997*

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

PRAYER

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

Gracious Father, thank You for this time of prayer in which we can wake up to reality, see things as they really are, and be totally honest with You. Grant us a healthy blend of realism and vision. We tire of the fake and the false. We become fatigued fighting pretense that polishes problems and evades your judgment. The spin runs thin; the damage control delays exposure of truth. Distinctions between the real and the illusion become blurred.

Lord, it is in this kind of world that You have called us to serve and give leadership. Bless the Senators as they seek and then speak Your truth. May the quality of the life of this Senate be distinguished by an integrity in which words are used to motivate and not manipulate, where debate is an arena for communication and not competition. You are Sovereign of this land, and we accept our accountability to You for how we relate to one another in the relationships we share as we work together. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. CAMPBELL. Mr. President, on behalf of the leader, today the Senate will be in a period of morning business until the hour of 1 p.m. to accommodate a number of Senators who have requested time to speak. By consent, at 1 p.m. the Senate will begin consideration of S. 104, the Nuclear Policy Act. The leader hopes the Senate will be able to make substantial progress on this important legislation during today's session. Rollcall votes are therefore possible throughout the day, and the Senate may be in session into the evening if necessary. As always, all Senators will be notified as to when any votes are scheduled. He also reminds all Members that we are now beginning a lengthy period of legislative session prior to the next scheduled recess, and he also asks for the cooperation of all of our colleagues as we attempt to move forward and complete action on a number of important issues during this period.

Mr. President, I also ask for about 10 minutes for a statement on a bill I am introducing, if I may.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. ROBERTS). Who seeks time?

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

MEASURE PLACED ON CALENDAR

Mr. THOMAS. Mr. President, a little housekeeping. First, I understand that there is a bill due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will report.

The legislative clerk read as follows:

A bill (S. 522) to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes.

Mr. THOMAS. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The measure will be placed on the calendar under rule XIV.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS and Mr. KEMPTHORNE pertaining to the introduction of S. 532 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. 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 Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY and Mr. GRAMS pertaining to the introduction of S. 529 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

Mr. GRAMS addressed the Chair.

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

Mr. GRAMS. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

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

TRIBUTE TO GEORGE DURENBERGER

Mr. GRAMS. Mr. President, on March 20, my dear friend and former colleague, Senator Dave Durenberger, lost his father, George Durenberger, at the age of 90.

But, because the Senate was just beginning its recess at that time, I did not have the opportunity to pay respect to my friend and the much-celebrated life of his father. It is for this purpose that I rise today.

It has been said that, "the worst sin against our fellow creatures is not to hate them, but to be indifferent to them; that is the essence of inhumanity." George Durenberger, the parent, the teacher, the coach, must have been acutely aware of this because there was not indifference in him. He saw worth in every person he met and rewarded them with a first chance, a second, and a third.

In short, George Durenberger never gave up on anyone. Beyond all his other contributions, George Durenberger will be most remembered for his abiding faith in people.

According to newspaper accounts, George Durenberger was one of the "best known and most well-liked men in Central Minnesota." By the same accounts, "Big George" as he was often called, was "a legend."

Coming to St. John's Abbey and University in Collegeville, MN in 1924 as a student, George Durenberger obtained hero status as the star offensive center on the football team, the first three time All-Minnesota Intercollegiate Athletic Conference award winner, and also the captain of not only the football team but the basketball team as well.

Upon graduation in 1928, Durenberger became a professor and coach at St. John's and, over the course of 44 years, served as head coach of the football, basketball, and baseball teams—and sometimes all at once.

Durenberger served as athletic director for both St. John's University and St. John's preparatory school athletics for all but 2 of his 44 years at St. John's.

Many Minnesotans still recall that it was George Durenberger who started

the round robin system of intercollegiate competition in the Minnesota Intercollegiate Athletic Conference. And, some still remember the national recognition he gained through his ace athletic program to condition the 87th Airborne Detachment for World War II.

Perhaps, these accomplishments figured into St. John's decision to name the college's athletic field complex, the "George Durenberger Field." But, I believe that what contributed most to his Herculean stature can be best expressed in George Durenberger's own words:

> A coach should be judged not only on his ability to produce winning teams, but also on whether or not he has made a positive contribution to the moral, mental, social and emotional growth of his students.

George Durenberger was the epitome of a teacher. He knew and loved people. He saw the good in them—even when they could not see it in themselves.

"The young men who came to St. John's in the early forties from the small towns of Minnesota and North Dakota were very much in need of a role model," recalls former Minnesota Supreme Court Justice John Simonett. "Then we met 'Big George'. And we looked up to him—both literally and figuratively."

George Durenberger lifted spirits, recalled another St. John's alumnus, "I always left George feeling better about myself." George Durenberger "was the first person I met as a student at St. John's in 1924," remembered Fred Hughes, a St. Cloud attorney and former University of Minnesota Regent, "and to this day, he remains the best."

And, consider what the Hill newspaper's Al Eisele, who attended St. John's, had to say. Mr. Eisele said, "George Durenberger was as much a part of the modern history of St. John's University as the Benedictine monks who founded it 150 years ago."

Durenberger, "a physically imposing man with a booming voice and outgoing personality," as described by Eisele, "helped shape the lives of thousands of young men." As athletic director, Durenberger was such a forceful man, noted Eisele, that he even got the monks to exercise.

In closing, Eisele remarked that Durenberger and his wife Isabelle were "surrogate parents to many * * * and an inspiration to all."

George Durenberger never left St. John's until he died. He loved the institution and all the people and memories that came with it. However, this love was not connected to stubborn consistency but to confection. George Durenberger, said one friend, "was driven by a vision of a 'better city'," something akin to the city referred to in the book of Hebrews.

Another book in Scriptures, Proverbs, states, "Train up a child in the way he should go: and when he is old, he will not depart from it." According to George Durenberger's eldest son, my friend and former colleague, "All my desire for public service and for making the world a better place than I found it, came from him." That was Dave Durenberger.

In this way, and in so many others, George Durenberger made a very profound and lasting contribution to the world. All he withheld from the world was indifference.

Mr. President, I offer George Durenberger's wife, Isabelle; his daughters, Constance and Mary; his sons, George Mark and Thomas; his nine grandchildren and two great grandchildren; and most especially I offer his eldest son, my dear friend, David Durenberger, my most heartfelt sympathy.

Thank you very much, Mr. President.

I yield back the remaining part of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MEDICARE REFORM

Mr. WYDEN. Mr. President, I have come to the floor each day this week to talk about what I think is the critical need for the Senate to develop a bipartisan plan to reform Medicare. Medicare is a lifeline for millions and millions of American families, and I think it is understood by every Member of this body that this is a program that faces financial crisis as we look to the next century.

Today, as part of the effort to build support for a bipartisan Medicare reform effort I will look specifically at the Medicare reimbursement formula. I think it is important to take this subject up because I believe today's Medicare reimbursement system in many instances overcharges taxpayers on costs and shortchanges older people who need and deserve good quality care.

Now, Mr. President, as we all know, there are essentially two major types of health care in America. There is traditional health care, what is known as fee-for-service. It means just what it sounds like. Providers get paid on the basis of the number of services that they render. This, unfortunately, can encourage waste. If, for example, an older person in traditional health care receives 10 medical tests and 4 would have been sufficient, under traditional health care the provider gets paid for 10. The other type of health care is what is known as managed care or health maintenance organizations. This is essentially a prepaid kind of arrangement. It creates incentives to hold down costs. But as we know, in some instances, tragically, it has also been used as a tool to hold back on needed health care that older people depend on.

The Federal Government, looking to the great demographic changes, the demographic earthquake that our country will face in the next century, has sought to try to change this system of reimbursement and, in particular, try to encourage the availability of good quality—I want to emphasize that, good quality—managed care or health maintenance organizations.

They set up a plan for reimbursing these organizations known as the average adjusted per capita cost, or AAPCC. Now, I am the first to admit that discussion of this topic is pretty much a sleep-inducing, eye-glazing issue, but certainly for folks in rural Wyoming, rural Oregon and across this country, the low-cost areas, it has great implications, but also it has great implications for the system as a whole.

I believe that the Federal Government has botched the job of handling this reimbursement system, and it is time to make some fundamental changes. Under this reimbursement system, Medicare pays health maintenance organizations 95 percent of the estimated cost of treating a patient under fee-for-service plans in a particular county. What this very often means is that in an area where there has not been an effort to inject competition, where there has not been an effort to drive out waste, you have wasteful, inefficient fee-for-service health care being offered, and it is being used, essentially, as a path to guide reimbursement for the HMO's, the health maintenance organizations.

I brought a couple of charts to the floor today. The first is one that shows that many, many of our counties across this country that have tried to hold down costs are reimbursed for health maintenance organizations, or the competitive part of the Medicare system, in a way that is below the national average. Certainly, Mr. President, you and others like myself who represent rural areas see how critical this issue is because our providers have difficulty providing the defined benefits under Medicare, let alone some of the extras such as reduced drugs, eyeglasses and hearing aids that are available in many of the high-cost areas.

For example, as my next chart illustrates, in 1997, one of the very high-cost reimbursement areas was in Florida, in Dade City, FL, with $748 a month received there, whereas in Arthur, NE, they receive $221 per month. So the question, essentially, is to our colleagues, again, on a bipartisan basis, our colleagues from Nebraska, Senator KERREY and Senator HAGEL: Is it true that a typical 72-year-old Nebraskan is

that much healthier than a typical New Yorker of the same age? Well, Medicare thinks so. That is how the Federal Government does business. The Federal Government conducts its affairs that way. I think it is wrong. It is that way not just for folks in Nebraska but many other parts of the country like ours that, again, we share on a bipartisan basis, and as a result our seniors get a much thinner Medicare benefit package than they would if they were in an area that was much more costly.

For example, in my home community of Portland, OR, we have the highest concentration of HMO's in the country, the highest level of penetration of HMO's in the United States, just about 60 percent, and we are reimbursed at a level significantly below the national average of $467. We get reimbursed at a $387-per-month level. What happens is a senior who lives in Dade City, FL, or in southern California or parts of New York State calls seniors I represent in Oregon and asks them how Medicare is going, and seniors in the high-cost areas say, "It's going great because we can get prescription drugs, eye glasses and hearing aids all at essentially little or no cost," and seniors in Oregon get none of those things, and, in fact, many of their providers in rural parts of our State have difficulty providing basic services.

So the question then becomes, what are some of the fundamental ways in which to change this system which so often rewards waste, penalizes the frugal and, in effect, creates an incentive for various parts of the country to do business as usual, even though the General Accounting Office and other bodies are saying that business as usual will be bad news for both seniors and for taxpayers. Several practical suggestions are at hand, Mr. President, and suggestions that I believe ought to be adopted on a bipartisan basis. I think for the long term, it is time to separate out, to literally cut off the link between HMO's, the managed care, and fee-for-service, because I think what we are having today is a situation that literally creates incentives for wasteful health care.

Second, it seems to me there ought to be a new minimum payment floor that brings up all the counties that have been low cost, and especially those in rural areas, and certainly the President of the Senate, just as I see in rural Oregon, understands the importance of that.

Third, it seems to me that the Senate, on a bipartisan basis, ought to begin a gradual effort to move to a national reimbursement level, a blended kind of level, and do it gradually so that areas that have been more inefficient are not going to face all of the changes overnight, but are going to understand very clearly that with an effort to move to a blended or national reimbursement rate, Congress is not going to tolerate what we have today, which is a system that rewards waste.

Finally, Mr. President, it seems to me that the Federal Government should be trying to promote competition, serious competition, as the private sector does, in areas of high-cost managed care or significant penetration of health maintenance organizations. There is no question in my mind that some HMO's are overpaid. We do need to produce competition in those areas. I believe that that can be carefully targeted. That, in my view, is the guts of reimbursement reform, Mr. President.

I would like to conclude my remarks today by saying that going to the next level of Medicare reform after we take care of the reimbursement issue is a logical step because it flows from what needs to be done with the reimbursement formula. By getting good data and more logical data about the various counties, the Health Care Financing Administration will be in a position to make information available to older people and their families across this country about how to make better choices with respect to their health care. Today, what we have is a situation where many older people get no choices at all. We see that in many rural parts of our country because of the reimbursement formula. The reimbursement formula is so low that many plans won't come in, so seniors in those areas get few choices. In the high-cost areas, the Federal Government has put out a mishmash of information which makes it impossible to choose between the various services that are available to them, and that is absolutely key because in those high-cost areas we have exactly the places where it is most important to get competition.

Yesterday, I brought to the floor—I am going to blow it up in the days ahead so that it's possible for the Senate to see it in more detail—an example of what it is like for an older person in Los Angeles to try to navigate through the various health choices available to her. In fact, it takes one full wall, in a picture that the General Accounting Office took, just to put the various pieces of information that that senior would have to wade through. So I want to see us now have the Federal Government look to what the private sector is doing to empower seniors and their families to get understandable, clear information about Medicare so that they can make appropriate choices. This involves details on the way different Medicare choices and plans work, data on the experience of seniors with similar health and income backgrounds, the methods and the decision steps used by plans to pay participating practitioners and health care facilities and providers. And, Mr. President, certainly, Members of this body should understand that this is doable because this is largely the kind of information that is available to Members of the Senate and other Federal employees who participate in the Federal employee health plan.

So in ensuring that seniors can receive a full list of plans available to them, enrollment fairs are an approach that has been looked at in the past, and there may be other ways to do that, such as publishing appropriate performance data on plans. These kinds of steps are approaches that the Federal Government has pursued and have related to Senators and members of the Federal service. It seems to me that there is no reason to further delay making this kind of information available to those who depend on Medicare. Older people ought to be in a position to enroll and disenroll from a plan at any time.

Certainly, this kind of approach will encourage competition. Perhaps at some point there ought to be incentives to try to keep people in plans that are cost effective, and I think that the Federal Government can look to this kind of approach. But, certainly, significant rights of older people to enroll and disenroll in plans is critical.

So these kinds of rights, like appeal rights when you have been denied benefits, a good grievance procedure—in effect, a patients' bill of rights—is what is fundamental to making sure that older people are in a position to get the kind of information they need in order to make choices about their health care and, at the same time, inject competition into this system.

We have made many of these decisions already as it relates to Federal employees and Senators. We have made them as it relates to the private sector and, in fact, we have even made them in areas that have parallels to this program—for example, in the Medigap Program. I and others were involved in this to try to make sure that seniors who purchased supplemental coverage would be in a position to make sure they could get full value and have a place to turn to for their questions. We can take a lesson from the Medigap Program, and the Federal Government ought to make available troubleshooters to answer questions from older people as we move to competition.

So, Mr. President, let me conclude by saying that I think every Member of this body understands that business as usual with respect to Medicare is unacceptable. I will tell you, if you don't like the program, if you really dislike Medicare, keep it the way it is, because the way it is is going to be a path that will cause, in my view, great calamity for families and seniors. If you believe Medicare is a program that has made an enormous difference in the lives of older people, I think that is the best

argument for a bipartisan Medicare reform effort, a bipartisan Medicare reform effort that would ensure that seniors got guaranteed, secure benefits, not some check or some sort of voucher that just said, well, maybe this will be enough for your care and maybe it won't.

Seniors deserve guaranteed, secure benefits. Many of my colleagues on the other side of the aisle have been absolutely right in saying that much of Medicare across this country is an outdated tin lizzy kind of program, a program that the private sector consigned to the attic years ago. So let us try to bring the parties together around the proposition that there ought to be defined, secure, guaranteed benefits, around the proposition that it is time to bring the revolution in the private sector to Medicare, and do it in a way that protects patients' rights—no gag clauses or limitations on what older people can know about plans, grievance procedures, appeal rights. Those are the kinds of issues I think that both parties can agree on.

I intend to come to the floor day after day to bring the issues of Medicare reform to the attention of the Senate and to the attention of the public, because I believe this is going to be the issue that is going to dominate the debate about our priorities, particularly our domestic priorities, for the next 15 to 20 years.

I believe that every Member of this body in the next century is going to be asked: What did you do in 1997 to get Medicare on track?

I believe there are opportunities now, as we move to the budget, as we move to efforts to have a bipartisan balanced budget, to start the changes that will put Medicare on track for older people and taxpayers.

Mr. President, to reiterate, the heart of the Medicare Program is the 38 million beneficiaries now dependent on this health care system as an essential social lifeline.

Any changes we make to Medicare must, first and foremost, consider the likely effects those reforms will have on these beneficiaries, many of whom are frail, infirm, and low-income.

As I've said every day on the floor of the Senate this week, I'm going to be talking today about the choices and access those beneficiaries ought to have, but who in too many parts of the country have no choices and poor access to health care.

I'm also going to be talking about the window of opportunity we have in this Congress to enact significant changes in the program to cure the half-trillion-dollar shortfall we can expect in this program by the end of the coming decade, and to bring new choices, new access and new efficiencies necessary to save Medicare for not just the next 5 years, but into 2010, 2020, and 2030.

As I said yesterday, Medicare is a 1965-model tin-Lizzy health care program showing little resemblance to the rest of American health care. Various out-dated, out-moded and bureaucratic features of Medicare practically encourage practitioners in the greater part of the Medicare system to drive up unnecessary care and resulting overbilling—actions which over-charge the Government on costs, but short-change beneficiaries on good health care.

Beginning in the last decade, the Government's partial solution to this was to institute coordinated care in Medicare. We encouraged health insurers to begin offering plans that managed service Medicare beneficiaries received, and we offered encouragement to beneficiaries to participate in the form of lower out-of-pocket costs and, we anticipated, a broader package of goods and services.

And we would determine how each plan, in each city, would be paid for each beneficiary in the plan according to an arcane formula called the average adjusted per capita cost—or the AAPCC.

Now, before your eyes glaze over, let me give you a very simplistic idea of how the local AAPCC payment rate is determined, and how this formulation really penalizes beneficiaries living in places where medical costs are relatively low.

The AAPCC is any given county is formulated on the cost of providing medicine, per beneficiary, in the most costly portion of Medicare—the traditional sector known as fee-for-service. This is the portion of the program where beneficiary can elect to see just about any doctor they want, whenever they want, and the individual care providers in those situations can be reimbursed for just about any services they deem necessary for that beneficiary.

No questions asked. No oversight.

This may sound like a pretty good deal for the beneficiaries. But it doesn't always mean they get the care they need or require. For example, there's nothing to stop an individual provider in fee-for-service for ordering up 10 or 12 tests for a beneficiary, when only 3 or 4 really are required.

This is one of the reasons why fee-for-service Medicare is growing at a much more rapid rate than the rest of the program—and it's one of the reasons we find ourselves in such a deep financial hole.

It is also clear that the rapid growth of fee-for-service Medicare seems endemic to certain large metropolitan regions of the county.

As my colleagues may be able to see, the areas in blue and white represent portions of the country where the AAPCC rate is below the national average.

The areas in red and orange represents areas where the payments are above the average.

And just for the record, the variation is huge. The 1997 high-reimbursement county is Richmond County, up in New York, at $767 per month, per beneficiary, while the lowest paid county was over here in Arthur County, Nebraska, at $221 per month.

Now, I'd ask my colleagues BOB KERREY and CHUCK HAGEL whether they think a typical 72-year-old Nebraskan is that much healthier than a typical New Yorker of the same age?

Medicare seems to think so, and I think they're wrong.

And unfortunately for folks in Nebraska and other low pay States—my home State of Oregon is certainly one of them—the difference is that they get a much thinner Medicare benefit package in coordinated care plans, if they have access to such plans at all because their monthly reimbursement rate is so abysmally low.

Let's talk about some examples of how this hurts beneficiaries in cost-efficient counties where the reimbursement rate is particularly screwy.

In Mankato, MN, where the average payment is $300 per month, beneficiaries in coordinated plans get their basic managed care coverage under Medicare rules—but nothing else. No discounts on prescription drug purchases, no additional preventative care, no hearing aid discounts, no coverage for eyeglasses.

In Portland, OR, my home town, the rate is a little better at $387 per month, but that's still well below the $467 national average. That means the best additional benefit received by these folks, who have the highest managed care penetration rate in the country at about 60 percent, is a 30 percent discount on prescriptions up to a $50 maximum.

Now, let's go up to the high end of this wacky AAPCC payment system. In Miami, FL, where the payment rate is all the way up to $748 per month, seniors in these programs get unlimited prescription drug reimbursements, a $700 credit for hearing aids, and dental coverage—all add-ons that are virtually unheard of in most of the rest of the country.

Mr. President, I wish I could say that this is the kind of cost-accounting that's going to add stability and integrity to the Medicare Program into the next century. Unfortunately, all this payment formula accomplishes is: First, huge overpayments in some counties, with resulting extravagant profits to insurance companies, and second, payments to other counties which are obviously too low, and which result in either no coordinated care offerings to beneficiaries in those communities or bare-bones plans that for millions of beneficiaries to incur higher out-of-pocket costs purely as a matter of geographic accident.

I believe we can transform Medicare from an aging dinosaur insurance program into a comprehensive seniors

health care system while maintaining our historic commitment to a basic package of benefits for every beneficiary, no matter their health or income status.

But that transformation necessarily will involve providing seniors with many more choices with regard to their health plan selection.

The current formula used for paying Medicare in rural counties and in other places where communities have worked hard to reduce general health care costs is precisely antagonistic to that purpose.

This system denies folks choice because it necessarily results in poor quality health plans, high out-of-pockets expenses, or no managed care choices—or a combination of all three—for vast numbers of beneficiaries.

And again, an accident of geography seems to be the deciding factor in the current state of affairs.

I believe Medicare reform has to include remedies for these problems.

This is not just a matter of increasing the benefit package for folks in low pay counties. More fundamentally, this is an issue of providing more choices, to encouraging the entry of more plans, into large areas of this country where the current AAPCC formula creates reimbursement rates which are so low—which are so nonsensical—as to completely discourage anything but fee-for-service Medicare in those communities.

I believe reimbursement reform include several important features:

A new minimum payment floor that brings all counties up to 80 percent of the national average, immediately.

A new annualized reimbursement increase formula that shifts adjustments away from localized fee-for-service medicine costs, and toward actual cost increases in coordinated care.

A systematic imposition of financial controls reimbursement growth in high-reimbursement counties in order to squeeze out what have to be monumental over-payments to plans in those communities, and huge losses to the Medicare Program.

Mr. President, reforming Medicare isn't just about reforming payment systems, however.

It's also about helping beneficiaries to become smarter shoppers in a new Medicare environment that we hope will offer many of them many more choices and options for care.

Therefore, it is critical that we change the program in way that will empower seniors to make the appropriate choices.

At the bottom, this means developing and executing a much better system of informing beneficiaries about their rights in managed care, and about the most important provisions of the health plans available to them. This information must be given to seniors as "news they can use"—data that is in clear and accurate layman's language, and which conforms to standardized reporting practices so that consumers can compare one plan against another in a traditional kitchen-table-assessment.

Indeed, these tools if we had them would be useful, today, with 80,000 beneficiaries per month choosing to leave fee-for-service Medicare for Medicare managed care organizations.

According to Stanley Jones, chairman of the National Institute of Medicine's committee on choice and managed care:

> Many elderly are making these new choices without enough information to judge which option is best for them, what the plan they choose will actually cover, or how the plan will operate.

Jones said that many seniors misunderstand the basic structure of HMO payment and care practices. He criticized Medicare managers for providing information to beneficiaries about differences in available health plans that "appears primitive" compared with what's available from private purchasers.

Mr. President, last year I asked the General Accounting Office to look into this problem, and the GAO auditors came to similar conclusions:

> Though Medicare is the nation's largest purchaser of managed care services, it lags other large purchasers in helping beneficiaries choose among plans. The Health Care Financing Administration (HCFA) has responsibility for protecting beneficiaries' rights and obtaining and disseminating information from Medicare HMOs to beneficiaries. HCFA has not yet, however, provided information to beneficiaries on individual HMOs. It has announced several efforts to develop HMO health care quality indicators. HCFA has, however, the capability to provide Medicare beneficiaries useful, comparative information now, using the administrative data it already collects.

The kind of data HCFA collects, now, of use to beneficiaries includes performance indicators such as: First, annual disenrollment rates, second, cancellation rates, third, so-called rapid disenrollment rates—the percentage of enrollees who disenroll within 12 months of signing up, fourth, rate of return to fee-for-service Medicare from the plan, and fifth, disenrollments tied specifically to sales agent abuses involving, among other things, marketers who mislead enrollees about what a plan may cover.

I think we can go beyond these quality indicators. The Federal Employees Health Benefits Program [FEHBP], for example, includes a graded system of reports on the quality of key services in federal employee health plans. There is no reason why Medicare beneficiaries, who must make these decisions on their own without benefit of employers or corporate benefit managers, shouldn't have at least the kind of qualitative analysis available to members of Congress who are covered by FEHBP plans.

Mr. President, I am heartened by the announcement earlier this year by HCFA Administrator Bruce Vladeck that the program would begin offering beneficiaries some qualitative information on managed care plans through the Internet. I think that's great for seniors that use the Internet in their homes or have access to that technology somewhere else.

I think it's clear, however, that we need to step up efforts going beyond the limited information that eventually would be made available at a HCFA website.

Here's the bare minimum of information that seniors need in a revamped Medicare program which empowers them to make appropriate choices:

Details on the way different Medicare choices and plans work.

Data on the experience of seniors of similar health and income background in those plans.

The methods and the decision steps used by plans to pay participating practitioners and health care facilities and service providers.

And here are the steps we need to take to insure seniors receive that information and the other tools they need to prevail in an increasingly more complex and choice-intensive Medicare marketplace:

First, Medicare managers must ensure that every senior, in every county, receive a full list of plans available to him, with a detailed description of what each plan offers. These submissions must be written in a way that allows a consumer to make easy comparisons between plans.

HCFA should require annual "enrollment fairs," giving seniors a chance to review all plan materials at least once a year in order to determine if alternative Medicare offerings might be more suitable to the individual enrollee.

Second, Medicare must collect, evaluate and publish appropriate performance data on every plan. Using independent quality review organizations like the National Council of Quality Assessment, Medicare must devise and publish qualitative analysis—consumer report cards—on each Medicare plan, further enabling seniors to make appropriate choices among offerings.

Third, consumers must be allowed to enroll and disenroll from plans at any time during their first 12 months in a plan. After the first year of enrollment, disenrollment with guaranteed enrollment in a new plan would be limited to a first opportunity after six months in the second year.

We would make it somewhat tougher to disenroll after the first year because we would expect plans to make investments of preventative health services for new enrollees in the initial few months of their enrollment.

Fourth, health plan enrollees need a patient bill of rights that by Federal

statute protects certain baseline issues fundamental to their good health. At the top of this list would be a Federal statute absolutely protecting the free and unfettered communication between patient and doctor on that enrollee's health condition and any appropriate services and procedures necessary to treat the patient.

Fifth, give Medicare beneficiaries a certain and sure grievance and appeals process, and the information they need to use it. Medicare must streamline the current process, allowing beneficiaries to by-pass certain bureaucratic roadblocks in the present system—most especially those that force time-delaying procedural exercises when the outcomes already are known. On an initial enrollment, and at any time a beneficiary changes plans, an explanation of new or amended appeals procedures must be part of the enrollment exercise.

And as with Medigap insurance, HCFA should hire and train ombudsmen and trouble-shooters tell help beneficiaries both understand provisions in plans, generally, and appeals and grievance procedures specifically.

Sixth, every Medicare risk provider should offer at least one plan in his portfolio that includes a point-of-service provision, so that those seniors who would try plans if they could keep going to a particular practitioner would be allowed to do so.

Mr. President, I have spent quite a number of years talking with seniors about their health care. Before I was elected to the House of Representatives in 1980, I was cochairman of the Oregon Gray Panthers. I know that seniors are deeply suspicious of any changes to Medicare, in particular, and many of them view the current debate over the shape and direction of the program with a good deal of alarm.

But many more who I've talked to recognize the need for changes and, indeed, want to see this debate begin.

And on the basis of those conversations I am convinced that seniors will feel a lot better about anything we do if we give them more decision-making power to fashion the health care they receive through the program.

Fundamental to that is making sure they have the information and tools to make the right decision, at the front end, and to protect themselves in the case of disputed decisions while they are enrolled in plans. These changes would go a long way toward providing seniors with that kind of empowerment, and in the long run strengthening and improving Medicare as a critical government program.

Mr. President, I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. FAIRCLOTH] is recognized.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent to be recognized for 10 minutes in morning business.

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

PITIFUL STATE OF OUR LEGAL SYSTEM

Mr. FAIRCLOTH. Mr. President, I take the floor today to discuss an issue that is serious and becoming more serious every year, and that is the pitiful state of our legal system. It is becoming harder and harder and harder to convict anybody of anything. You can catch them on tape, film them committing the crime, and then you will probably lose it; they will be found not guilty. No amount of evidence seems to be sufficient anymore. I think we have reached this sorry and pitiful state because we have basically let the system be controlled by lawyers. When you control the legal system by lawyers, you are simply asking a thermostat to set itself. Defense lawyers are twisting and bending common sense to let the guilty go free, and they are aided by judges—in many cases, hand-picked by the trial lawyers. The lawyers pick the judges.

At every turn, you have lawyers controlling a system that makes no common sense, except to serve one purpose, which is for their benefit.

The most recent example I can think of is the glaring stupidity involving the Oklahoma bombing case. First, it has taken 2 years to bring it to court when the man was caught the day after he did it. Now, many taxpayers are appalled by the very fact that they are paying for McVeigh's defense—they are paying for it. They think that is reprehensible. But they don't realize how much they are paying. If they did, they would rise up and revolt. It is not just the defense of McVeigh; it is gold-plated from one end to the other. He has 14—14—expensive lawyers defending him that the working people of this country are paying for—14 of them. His chief lawyer, Mr. Jones, says that it will cost $50 million to defend him. That is his estimate. Now, anybody that has ever had a lawyer knows they never come in with a low estimate. They are estimating $50 million to defend him. This is absolutely offensive to every taxpayer in this country, and it should be. But this is a typical example of a legal system that is out of control.

Now, to defend Mr. McVeigh because he blew up the building in Oklahoma City, his lawyers have traveled literally all over the world. They have been from Kansas, where he rented the truck, to Jericho. I don't know why he would have been there. They have been to the Philippines. These lawyers are traveling at taxpayers' expense. They have been all over Italy. They have covered every country in Europe and gone to the West Bank. Nobody knows what they are searching for—maybe for the real killer, or maybe just enjoying travel at taxpayers' expense. While they have the killer, they are always looking for another one. The taxpayers have paid for a TV and VCR for Mr. McVeigh so he can review the evidence.

Mr. President, to add insult to injury and outrage to outrage, they moved the trial. So now we, the working people of this country, are paying $50,000 a week—$50,000 a week—for the living expenses of his lawyers. When you start talking about the working people, $50,000 every week for the living expenses of his lawyers—they spent $0.5 million to remodel the courtroom in Denver for his trial. They couldn't try him at home. They had to move it to Denver and we spent $0.5 million getting the courtroom ready for him.

The victims of his crime have had to travel hundreds of miles from Oklahoma to Denver in hopes that they see that he gets justice. They are paying for the defense of the man that killed their children. They are also having to pay for their own room, board and lodging in Denver. Plus they are paying $50,000 for his lawyers' lodging and board in Denver. There is no end to it.

How many times do the victims of this crime, or any crime, have to be made victims again by the very judicial system that they are paying for? We will be paying for McVeigh's trial long from now in the form of interest on the debt and the money we borrow to give him $50 million for his lawyers.

It would be my thought that if McVeigh didn't have the money for his gold-plated defense, he should not have blown up the building in the first place.

Mr. President, I suggest that there are a number of things we could do, and we need to start fixing a system that is broke. And it is broken bad. We need to change the law that allows criminals to get the best defense that taxpayers can pay for. That is exactly what they are getting. I am going to propose legislation putting a cap on the Federal Defender Program.

I would like to cap what McVeigh is getting right now. But that will be appealed for years and years. As long as we pay the lawyers, they will keep appealing for Mr. McVeigh. So he will be out there far into the future with the people's money. The $50 million figure will run into $75 million before we get through hearing about him. We need a comprehensive overhaul of the legal system, and it needs to be done by nonlawyers. We need to overhaul the legal system and not let a single lawyer be involved in the overhaul. We need a national commission composed of nonlawyers to review the judicial system and provide some commonsense solutions to the problem, and it needs to be made up of homemakers, regular people, business people, truck drivers, and people who would bring some practicality to it and not lawyers who would continue to feather their own nest.

I think we need a victim's rights amendment to our Constitution. Over the last 40 years liberal judges have turned our Constitution into the "Criminal Protection Act." The purpose of the last 40 years is to make sure that every criminal is coddled, pampered, and looked after in a very proper manner. It is time for it to stop, and the Constitution has to protect victims as well.

Mr. President, I know that many Senators share what I am talking about and are frustrated by what we see. I think we need to start on legal reform, and I think we do need to do it soon.

The first thing that will be said is, "If you start it, the President will veto it." Well, let him veto it. I think the American people need to know where the President stands. So if he wants to veto it, let him do it. If the President says that the regular people of this country—or if he chooses sides with Ivy League lawyers that never got a murder case that they couldn't appeal, it is time to bring the practicality and the common sense of the American people into the legal system and take it out of the hands of the lawyers. The very idea of $50 million to defend McVeigh—$50 million, 14 lawyers. Anybody who would tell me that that isn't an absolutely out-of-control system simply has lost all common sense themselves.

It is time we put an end to it. I intend to introduce legislation that will do so.

Mr. President, I thank you. I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would like to start by using my own 5 minutes and at the end of that time go into leader time. If the Presiding Officer will indicate to me when I have consumed the 5 minutes, I will be grateful for that.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. CONRAD. I thank the Chair.

THE DISASTER IN NORTH DAKOTA

Mr. CONRAD. Mr. President, I rise again today to report to my colleagues on the developing disaster in the State of North Dakota. As I reported to my colleagues yesterday, we were hit last weekend with the most powerful winter storm in over 50 years. We are a State that is accustomed to tough storms. But, frankly, we have never seen one quite like this. Mr. President, this storm came on top of the worst flooding threat in 150 years. So we have a double whammy of a powerful winter storm, dumping record amounts of snowfall, in addition to an underlying threat of massive flooding, because before this storm hit North Dakota, we were faced with a record snowfall in the State of North Dakota, over 100 inches of snow, before we got dumped on with another anywhere from 17 to 24 inches in the eastern part of our State.

As the paper of my hometown reported, "A Doozy of a Record"—record snowfall they are talking about. It is maybe hard to see on the chart here. But what they are showing is a major shopping center. These are cars, or I guess more accurately they are the tops of cars. That is how deep the snow was in my hometown.

That is not the only place that has been hit. It is across the State of North Dakota. This is from the largest city in our State, Fargo, ND. The headline there is "The Worst of Two Seasons." They are talking about the blizzard on top of the flood.

Mr. President, this is a truly staggering set of circumstances that the people of my State are having to cope with. Just this morning I was called by the head of the Corps of Engineers for our district, who informed me that although all of the predictions were dire, they have now become even worse.

As of this morning the National Weather Service is telling us that the forecasted crest, instead of being 37½ feet in the city of Fargo, our major town in North Dakota, it has now been raised to 39 to 39½. Already we are faced with the worst flood in 150 years. We were told this morning that this is the 500-year flood level. Of course, the dikes were built to accommodate the earlier projections at 37½ feet. So the dikes were built to 39½ feet. Now we are told the forecasted crest is 39 to 39½ feet.

Mr. President, this could be a calamitous situation. They are telling us that the crest will be reached late tomorrow or perhaps early Friday.

I have talked to the Corps of Engineers. They are working feverishly to add to the dikes that have already been constructed not only in Fargo but right up the Red River Valley—in Harwood and Grand Forks, ND—to try in a race against the clock to build these dikes high enough to protect the people and the property that is around this river.

Mr. President, this is the most heavily populated part of my State. The disaster that is unfolding is truly staggering in proportion.

Early Saturday 80,000 people were without power, with wind chills of 40 below zero. Can you imagine being an elderly person in a home being faced with the most powerful winter storm in 50 years without heat? That is what is happening in my State. Although great progress is being made because of a really heroic effort by people to respond, still today 20,000 people are without power and without heat, most of them since Saturday.

Today temperatures outside are hovering near zero in North Dakota, and even more threatening, temperatures inside these homes that are without heat ranging between 30 and 40 degrees. Not only is the human condition being put under great stress but also livestock has been put under grave stress in our State. Thousands of cattle are dead.

I was told yesterday of a ranching family that brought 10 of their calves into their home to try to give them protection, and allow them to live. All 10 of them died. The cattle were dying because the wind was so ferocious that it blew the snow up into their nostrils and they suffocated. They can't get to many cattle to feed them because of the snowdrifts that are everywhere.

Mr. President, I thought I would share with my colleagues just some of the individual stories that tell the depths of this tragedy.

A young man froze to death in his pickup when it became stranded only 1 mile from the small town of Lankin, ND.

One family that is stranded in its farmhouse due to overland flooding is burning its fence posts to keep warm. The water around their house was iced over, so neither emergency vehicles nor boats were able to rescue them. Another family was forced to snag logs that drifted by in flood waters to heat their home.

The Turtle Mountain band of Chippewas has snowdrifts of up to 15 feet. Can you imagine a snowdrift of 15 feet that is blocking transportation? In fact, emergency crews needed 4 hours to get to a man who had a heart attack.

A man from Wilton, ND, went on the radio in search of hip-length waders so that he could wade out to rescue 120 sheep that are caught up in the flood waters.

An elderly couple was trapped inside their home due to a 6-inch layer of ice that had formed over their doors and windows; trapped in their own home because ice had formed around the doors and windows and they could not get out. An emergency rescue team was sent in to rescue them.

The PRESIDING OFFICER. The Senator's 5 minutes are up.

Mr. CONRAD. I thank the Chair for informing me. If we could now go on with leader time, I would appreciate that.

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. CONRAD. Mr. President, a family in northeastern North Dakota—two parents and their 7-year-old—has been without power since Saturday with snowdrifts trapping them in their home. They had to sleep huddled in the hallway to keep warm.

Seventy-five people have been stuck in the basement of the Hebron city hall because their cars were pulled off of the major highway going by as that road became impassable. Those 75 people have been stuck there since Saturday.

Officials in Cass County, the most populous county of our State, are having difficulty responding to emergency calls because the water surrounding many homes is frozen. So they can't get there by wheel vehicles and they can't get there by boat. There is no way to get to people in order to extricate them.

Mr. President, there has been a tremendous response, not only by volunteers in our State but also by the agencies attempting to cope with this disaster.

I want today to thank the President for responding so quickly in declaring our State a Presidentially declared disaster. This is our second Presidentially declared disaster of this year. We are only in the fourth month of this year. We already had a Presidentially declared disaster because of the record amounts of snowfall. Now on top of that we are anticipating a record flood.

These are truly difficult times for our State. Many homes are still without power. We need generators and fuel to heat homes, make certain that essential services are up and operating. My State needs special heavy equipment to clear snow and ice from roads to allow for emergency access.

This is a snowfall that is unlike any we have seen because it happened with a freezing rain and then snowfall, and so the snowpack that is there is like concrete. That is what the people who are out there trying to fight this mess are telling us. They have never seen a snowpack like this. We had rain on top of snow, it froze, and it is like concrete trying to break through these incredible snowdrifts.

I also want to recognize FEMA and the capable administrator there, James Lee Witt, who is coming to my State tomorrow. FEMA has responded marvelously to the needs in North Dakota. I also wish to thank the Corps of Engineers that is involved in a really heroic effort. Some of these people have been working around the clock with no sleep for days attempting to build these dikes higher as the flood crest forecasts keep increasing.

I just want to say on behalf of the people of my State how much we appreciate the extraordinary response of the Corps of Engineers and of the Federal Emergency Management Agency.

I would also like to thank the president of Manitoba Hydro, Bob Brennan. We were alerted by the Governor; they were having trouble getting people across our border. We got the Immigration and Naturalization Service to provide an immediate 2-week waiver on all of their requirements at the border. We talked to Manitoba Hydro and they committed to sending 100 people to our State to help rebuild the transmission facilities. Now, that is real neighborliness, and we appreciate very much that our neighbor to the north has responded in this most generous way of sending 100 people to help us rebuild the transmission facilities in our State.

I would also like to thank the Internal Revenue Service. This is something we rarely do. They have indicated that they would practice forbearance on our individual income tax payers in the State of North Dakota by allowing them to file by May 30 without late payment penalties. They will be asked to pay interest on the money during the period that they would have paid, but they are being given until May 30. If they file and if they pay by that date, they will not be hit by any late-payment penalties. I am told that they are applying this same standard to every State and every county that receives a Presidentially declared disaster in the face of what is happening in many parts of the country.

We struggle to find good news in all of this, hopeful news. But I can tell you there is good news and there is hopeful news, and that is the spirit of the people. In North Dakota, we say we have a yes, we can attitude, and that is exactly what we have seen in coping with these disasters. As one emergency official said to me, Senator, I have seen blizzards; I have seen floods; I have seen power outages, but I have never seen all three together at the same time.

That is what we are coping with in North Dakota. I must say that can-do spirit has served us well. Not only do North Dakotans show that spirit, but I must say these Federal agencies that have come to help are also showing that spirit, and we deeply appreciate it.

I thank the Chair and yield back the remainder of my time.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. I thank the Chair.

DISASTER RELIEF FOR MINNESOTA

Mr. WELLSTONE. Mr. President, the President has now declared a major disaster in my home State, Minnesota, and ordered Federal aid to supplement State and local recovery efforts in areas hard hit by severe flooding, severe winter storms, snow melt, high winds, rain and ice. And this all continues. The declaration will make funds available for grants, disaster housing and low-interest loans to cover uninsured damaged property and other aid to help residents, businesses and local governments cope with ongoing storm and flood damage.

I am pleased by the swift action taken by the emergency management division of the Department of Public Safety in Minnesota. Jim Franklin and his hard-working staff, very hard-working staff are to be commended for their efforts. I am very pleased with the action taken by the Federal Government as well.

I think James Lee Witt is one of the greatest employments ever made by any President. He has been so responsive to all of us in this country when citizens in our States are faced with these very difficult and painful crises. I do not think crisis is an exaggeration.

I am also really pleased with the way in which SBA, the Small Business Administration, has been so responsive.

Today, I will be requesting $50 million in additional energy assistance, the LIHEAP program, to help families who will soon be returning to their homes only to find their heating systems have been damaged. These are individuals with low income, many of them elderly, many of them families with children, who, because of the severe cold we have had all winter, have already had a very difficult time paying their heating bills. This aid is desperately needed. Many waterways in our State are already at record water levels. The Minnesota River is threatening to totally overrun many cities along its border. Record flood conditions are being predicted along the Red River, which is expected to crest within the next few days.

Along the Red River there are still ice and snowpacks which will be melting in the coming days and weeks, further threatening communities already under siege in northwestern Minnesota, and flood conditions continue to build along the Mississippi River as well, cresting any day now.

Some communities have already been hit and are under water and ice. In the town of Ada, nearly all the 1,000 residents have been forced to evacuate, including residents of a nursing home who had to be rescued by the National Guard. And, thank you, National Guard, for all of your fine work. Many of these people had little or no time to pack their belongings before fleeing. And when they return, little will likely be salvageable.

In Appleton, ice floe broke through the levee, and the river now has surged 21.5 feet in one-half hour, forcing a massive volunteer effort to halt the flow of surging water and further prevent housing damage. The Pomme de Terre River—let me repeat that—has surged 21.5 feet in just one-half hour.

The record flooding and cold temperatures have had a major impact on Minnesota. There have been widespread power outages throughout parts of the State, and with the flooding and the cold, emergency repair crews are unable to get to the affected areas. Many farmers are having trouble farming,

and it is going to be a very, very difficult spring planting season.

I am very pleased, again, that FEMA Director James Lee Witt has done so much and will be coming to Minnesota to see firsthand the devastation. I believe he will be coming to South Dakota and North Dakota as well. As a Senator from Minnesota, I express my sympathy to Senators from the Dakotas. Of course, we will all work together.

I have been touched by the sense of community among many people in Minnesota. Many folks do not care who they are working next to as long as they are working for their communities. People are working tirelessly, around the clock, to hold back the river. Neighbors are standing shoulder to shoulder, sandbagging. Volunteers are tirelessly serving sandwiches and hot coffee at fire stations.

When I was in Montevideo last week, it was just amazing. People who live on the high ground, they don't ever have to worry about the flood; they are out there, I mean really working to the point of exhaustion, sandbagging for others. High school students, I say to the pages, have volunteered their time, and they are doing a great job. That is the good news. The good news is the goodness of people in Minnesota. The good news is all the ways in which people are working together—I might add, to my colleagues, Democrats, Republicans, and others. The good news is the voluntarism of young people. The bad news is that in all too many communities, it really looks like a war zone.

The weeks and months ahead will include many more hours of hard work, cleanup, removal of sandbags, restoration of buildings, and ensuring that water supplies are not contaminated. People need not only the support of their neighbors, they need the support that only the Federal Government can provide.

It is interesting. Colleagues, Republicans and Democrats from other States, during the years I have been here in the Senate, have come to the floor and spoken about what citizens in their States have been confronted with. I think all of us are sympathetic and all of us try to provide the support.

I thank President Clinton for his very prompt response. I thank my colleagues in advance for the support I know they will give. I thank colleagues who have come up to me in the last couple of days and have asked me, how are people doing? What can we do to help? I am really proud—it is not a politician speaking—I am just really proud of people in Minnesota. I wish people did not have to go through this. I am emotional about it. I am really emotional about it. I just wish this was not happening, but it is, and it is so important that all of us at the Federal level try to provide assistance to people in communities not just in Minnesota but around the country when they are faced with these kinds of disasters. This really is a disaster.

I look forward to getting back home as soon as possible this weekend. I look forward to James Lee Witt and others coming to visit Minnesota, North and South Dakota, and other States that are going to need the help. People really need the help. People really need the help, and we have to make sure we provide it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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 FTC CASE AGAINST JOE CAMEL

Mr. LAUTENBERG. Mr. President, yesterday I introduced the Tobacco Disclosure and Warning Act. This bill will require tobacco companies to disclose the ingredients, including the carcinogens, that exist in cigarettes. Cigarettes are the only consumable product in America today, the only one, whose ingredients are not disclosed. All kinds of food products list all of the ingredients very specifically. I think it is wrong. The public should know what is in the cigarettes. We work hard and invest a lot of resources to stop our kids from doing things like eating lead-based paint or drinking water with lead. We should not let them smoke it.

This bill would also require large, blunt and centrally placed health warnings on cigarette packs of the types used in other countries. I look at this one, which is done in Canada. Very clearly, on the black portion here, it says, "Smoking can kill you." It is also printed in French to make sure that people understand the threat to their health when they take up smoking.

I want to particularly focus on the issue, now, of tobacco advertising and direct it toward the industry's use of Joe Camel. As you know, the Federal Trade Commission has jurisdiction over the fairness and truthfulness of advertising. Today, I am sending a letter to the Chairman of the FTC, Robert Pitofsky, encouraging the Commission to bring a case against R.J. Reynolds for unfair advertising because of its portrayal of Joe Camel in its advertising campaign. I am joined by Senators DURBIN, KENNEDY, HARKIN, WELLSTONE, WYDEN and MURRAY.

I ask unanimous consent the letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 9, 1997.

Hon. ROBERT PITOFSKY,
Chairman, Federal Trade Commission, Washington, DC.

DEAR CHAIRMAN PITOFSKY: We are writing to you today to encourage you to reopen an unfair advertising case against the R.J. Reynolds Tobacco Company for marketing cigarettes to children. The company's Joe Camel campaign is an outrageous attempt to attract children to their product—a product that is illegal for children to purchase.

Numerous new facts have been uncovered about the tobacco industry's marketing efforts since the Commission's 1994 decision not to bring such a case against R.J. Reynolds. The most recent development was the Liggett Group's admission that the tobacco industry does in fact target children in its marketing efforts.

In addition, the Food and Drug Administration has collected R.J. Reynolds documents that evidence a company policy to appeal to "presmokers" and "learners" ages 14 to 18. A 1993 company study indicated that 86% of children age 10 to 17 recognized the image of Joe Camel, and 95% of those children knew that Joe Camel sold cigarettes. Since Joe Camel was introduced, Camel brand's youth market share has jumped from less than 3 percent to as high as 16 percent.

For these reasons, we believe it is time for the FTC to step in to protect our nation's children from a product that kills one-third of its users. While tobacco companies have a right to advertise their product to adults, the peddling of illegal drugs to children cannot be tolerated.

Sincerely,

FRANK R. LAUTENBERG.
RICHARD J. DURBIN.
PAUL WELLSTONE.
EDWARD M. KENNEDY.
RON WYDEN.
TOM HARKIN.
PATTY MURRAY.

Mr. LAUTENBERG. Mr. President, the letter simply asks the Chairman of the FTC to revisit this case, because we believe that R.J. Reynolds is intentionally advertising a product to children which is illegal to sell to them. In 1994, the FTC voted 3 to 2 against bringing such a case against R.J. Reynolds. At that time, the Commission cited a lack of evidence. But since then, dramatic new evidence, new material has become public. Last year, 67 Members of the House wrote a letter asking the FTC to reopen the investigation. The FTC staff has recommended that the Chairman do just that, and he will be making a decision over the coming weeks.

Mr. President, Joe Camel is a prime example of advertising that ought to be stopped. If Joe Camel were real and smoked as much as he does in his ads, he would be a dead camel. He would have bit the dust from emphysema, lung cancer, and heart disease.

The R.J. Reynolds company promotes the line of cigarettes with a cartoon character that is named "Joe Camel." This character is seen in the advertisements promoting a "cool" and "smooth" image. He is often seen holding a cigarette out to the viewer of the ad. A picture I noticed most recently is

he is in a beach chair someplace where the sand is nice and white and fresh, and he is sitting there.

Why would a tobacco company use a cartoon character to market its product? It does not seem like a cartoon is the best way to appeal to adult smokers. R.J. Reynolds claims it is marketing to adults with Joe Camel. It is hard to believe.

An article published in the Journal of the American Medical Association revealed that 6-year-olds—6-year-olds—were as familiar with Joe Camel as they were with Mickey Mouse. The Disney company has spent decades and a great deal of effort promoting Mickey Mouse, and if R.J. Reynolds is not marketing to kids, then it has pulled off perhaps the most successful accidental promotional job in mass media history.

I want to be clear, I do not think that children are being drawn to Joe Camel by accident. The truth is that R.J. Reynolds is marketing its deadly product to children.

In preparation for its rule designed to decrease teenage smoking, the Food and Drug Administration collected documents that show that R.J. Reynolds targeted what it calls presmokers, identified as children as young as 14. A 1993 R.J. Reynolds document boasted that 86 percent of children age 10 to 17 recognize the image of Joe Camel and 95 percent of them knew Joe Camel sold cigarettes.

The most telling statistic is that since Joe Camel was introduced, Camel's share of the youth cigarette market has jumped from 3 percent to as high as 16 percent. Despite this criticism, R.J. Reynolds recently decided to engage in even more egregious behavior. It is now targeting kids based not only on age but race as well.

Mr. President, despite the rising rates of teenage smoking overall, African-American children have bucked the trend. How has the tobacco industry responded? It seems that R.J. Reynolds has decided that since its current marketing tactics are not working, it ought to target specific groups of children, particularly African-American children. Not only have they targeted those children, but it is promoting a line of camels even more deadly than its standard cigarettes.

Recently, R.J. Reynolds introduced a product called Camel Menthols. Menthols are a particularly dangerous type of cigarette. The menthol cools the smoke so that it can be ingested deeper into the lungs. Unfortunately, menthols are very popular in the African-American adult community. Critics are now charging that this line of Camel Menthols is designed specifically to appeal to African-American teens. In fact, it has been shown that R.J. Reynolds has revamped the Joe Camel image for Camel Menthols ads to make the character more appealing to African-American teenagers.

I consider R.J. Reynolds' corporate behavior inappropriate, and I hope that the FTC will take steps to end this advertising aimed at our kids, or any advertising aimed at our kids, because no parent, no guardian in good conscience could say to a child, "Listen, here's some lead, here's some benzene, here's some arsenic, here's some chromium. If you feel like having a little bit of it, take it." Your conscience would never permit it, and the law would probably incarcerate you for endangering the health of a child. But here we have this advertising of a product that carries all of these elements in them.

I have asked in this bill that was introduced yesterday to make sure all 43 carcinogens that are used in tobacco products are clearly identified and that people are conscious of the fact that smoking may taste good, but once they try it, they live with it for as short a period as their life will be.

THE LIFE OF TIM HAGAN

Mr. BOND. Mr. President, today in my hometown of Mexico, MO, a very dear lifelong friend, Tim Hagan, will be buried. Lowell Lambert "Tim" Hagan, III, owner of Hagan Clothing Co., died Sunday after a long battle with cancer, and will be sadly missed by his family and all of us who were privileged to be counted among his friends.

Tim was a tremendous businessman and community leader. Born and raised in Mexico, MO, Tim developed a lifelong reputation as "doer". He successfully ran the family clothing business, and was involved in numerous community organizations, including the Rotary Club, the Mexico Chamber of Commerce, and the Mexico Country Club. Out of compassion for those less fortunate, he was the former president of the Audrain County Cerebral Palsy Society, and for 6 years was chairman of the Missouri National Multiple Sclerosis Hope Chest Campaign.

Because of his understanding of the daily challenges small business owners face, Tim was chosen to be part of the Missouri delegation for the White House Conference on Small Business in 1995. That conference was one of the most successful in history, in that some of the ideas generated by Tim and others to create small business jobs and opportunities have been acted on by Congress and many others are now being discussed.

Tim also felt that the education of our children and youth was particularly important to securing a good future, and was instrumental in bringing the Technical College to Mexico. That contribution will benefit the youth of Audrain County for years to come. His presence and spirit in the community will also continue to be felt for many years in that his own son, John, will continue to run the fourth generation family business.

Tim shared with his friends a love of his Irish ancestry, though his love was more frequently and forcefully expressed as a lifelong Democrat. Even in the last days of his illness, he and I engaged in many spirited, but good natured political debates.

Our culture is quick to glorify the here and now, the "flash in the pan" celebrities, the "cause" of the day. By that measure, Tim Hagan stood apart. While he was known in the community as a "feisty Irishman" with unfailing energy, he was also a builder. He spent his entire life making life better for his family, his employees, his church, and his community. His love for others knew no racial or social boundaries. We will miss him terribly.

I ask unanimous consent that an editorial by Joe A. May in yesterday's Mexico Ledger be printed in the RECORD.

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

[From the Mexico Ledger, Apr. 8, 1997]

MEMORIES OF A COURAGEOUS MAN

One measure of a man's life is how much he's missed once he is gone. The death of Tim Hagan Sunday has left a void in this community as immense as the spirit with which he moved through this world.

Tim excelled as a husband, father and businessman, but somehow that was expected. Those who had the pleasure of his acquaintance knew he was incapable of offering anything less than the best.

Through his work and volunteerism Tim touched many lives and those of us who knew him will always treasure our favorite memories.

Some may remember the third-generation clothier's innate touch of class.

Some will remember the Mexico native's dedication to civic projects that have improved our city.

Some will remember the gregarious Irishman and his unflagging enthusiasm for the sports teams of his alma mater, Notre Dame.

Some will remember the dedicated golfer and his exploits on the greens or his stories of the game that time and blarney could always improve.

As for me, I will remember Tim's friendship, his humor, his generosity, his gift for lightening the burdens of others.

But all of us can share the memory of Tim's determination. He had battled cancer since 1990. The faith, conviction and love for family he demonstrated during that fight should serve as an inspiration. Even on the most trying of days, his attitude remained positive, his smile present.

His courage to the end provided the best testimony to the man, his spirit and the life he spent among us.

He died as he lived—a feisty Irishman.

Goodbye, my friend. I will miss you.

RETIREMENT OF DR. JOHN B. BEGLEY

Mr. FORD. Mr. President, I come to the Senate floor today to pay tribute to a man who simply could not have worked any harder on behalf of the Kentucky college he has represented for the past 20 years.

A native of Harrodsburg, KY, Dr. John Begley returned to Kentucky in 1977 as head of Lindsey Wilson College in Columbia. It's hard to believe that the school John leaves today is the same one he came to 20 years ago.

Back then, Lindsey was just another struggling junior college. Today, it's the fastest growing liberal arts college in Kentucky. Back then, enrollment hovered around 222 students. Today, 1,372 students look to Lindsey for the tools to shape their futures. Back then, the school operated on a $600,000 a year budget and took in no more than $50,000 a year in donations. Today, Lindsey has a $14 million budget, pulls in $1.3 million annually in donations and raised $18 million in a 5-year capital campaign.

But perhaps most remarkable is that under John's leadership, the college has in no way sacrificed quality. Instead, they have strived for, and by all accounts achieved excellence.

In addition to 15 baccalaureate majors, the college instituted a masters in counseling and human development. Within just 2 years, the accrediting arm of the American Counseling Association ranked the masters program as one of the top 12 counseling programs in the Nation.

In an area of the State struggling for economic advancement, John made sure the college met the unique needs of Appalachian families. That meant making sure the college was readily accessible to area residents looking for the resources they needed to better their lives. With eight satellite branches, south central Kentuckians of all ages and from all walks of life can take advantage of the educational and job training opportunities at Lindsey.

In addition to academic excellence and steady financial growth, John always looked toward improving the quality of student life. One way he did that was through athletics. With 14 athletic teams and a men's soccer team that has won back to back NAIA national championships—the first Kentucky college to do so in 45 years—the college has struck an important balance between excellence in academics and student life.

Clearly, John's successes came with the help of hundreds of hard working colleagues, a community receptive to the college's needs, and a student body that took pride in their college's successes. But there can be no doubt that John's leadership pulled those forces together and created something really wonderful—something all Kentuckians can look on with pride.

Mr. President, I know I am not alone in wanting to thank John for leaving the college not only with a firm foundation from which to keep building, but a standard of excellence that will serve generations of students and faculty for years to come.

THE MINNESOTA FLOODS OF 1997

Mr. GRAMS. Mr. President, I just want to take a few minutes today to discuss the devastating floods that are paralyzing much of my home State of Minnesota. Most of the Nation knows we are experiencing some of the worst flooding in our history this week, and due to the severe snowfall of this past winter, damage is expected to surpass that of the disastrous 1993 floods.

Not only are Minnesotans fighting against the rising floodwaters, but they are doing it in the wake of a blizzard that brought snow, ice, and bitterly cold temperatures to our State this weekend, as well. It has truly been an ordeal—my heart goes out to those who are working desperately to save their homes and land, and my thanks go to the thousands of Minnesotans who have stepped forward this week to help their friends, families, and neighbors. It is reassuring to know that our communities share a collective heart, and can be counted upon to come together during tough times.

Now that President Clinton has approved our request that Minnesota be declared a disaster area, Federal money for flood victims is available in 21 Minnesota counties. That will enable cleanup efforts to get underway, and help families and individuals whose homes and property have been damaged or destroyed.

As of this past Monday, Minnesota Governor, Arne Carlson, had activated more than 1,000 of the state's 11,000 National Guard troops to assist with sandbagging, emergency evacuation, and other flood-related duties. The Guard has been tireless in their desire to help and we thank them for that as well.

The disastrous floods have severely disrupted the lives of many, many Minnesotans, whose primary concern now is to ensure that their families and communities are safe, with adequate food and shelter. That being the case, I have requested that Commissioner Richardson of the Internal Revenue Service extend the tax filing deadline for those taxpayers living within the disaster area. Considering the many challenges Minnesotans will face in the next few weeks, cleaning up and rebuilding their lives and communities, extending the April 15 deadline is crucial. I hope Commissioner Richardson will act immediately to grant the extension.

Mr. President, we are used to harsh winters in Minnesota, but even we Minnesotans have never seen anything like this. Earlier this winter, heavy snows resulted in a Presidential disaster declaration for snow removal in 55 Minnesota counties. That rapidly melting snow has now caused extensive flooding on virtually every river and tributary in the State. This past weekend, the situation was compounded when Minnesota was hit by a combination ice storm and blizzard. Freezing rain and snow downed countless utility lines in northwestern Minnesota, leaving more than 50,000 residents without power. Some power has been restored, but it is estimated that other areas may be without power for another 7 days before repairs can be completed. The weekend storm, along with the severe snows of this past winter, will make flooding this spring some of the worst in our history.

For communities along the Minnesota and Mississippi Rivers east and south of Montevideo and south of Anoka, which includes the Twin Cities metro area, the worst flooding is on the way and record and near-record crests are expected there. The same is true along the north-flowing Red River along the Minnesota-North Dakota border. In Ada, in the State's northwestern corner, three-quarters of the town's 1,700 residents have been evacuated from their homes.

The flooding has been an exhausting nightmare for those who are in it, and agonizing for the rest of the Nation to watch. Yet, we have been inspired once again by the people of Minnesota, who have rallied together for their communities as they always do when tragedy strikes.

Young and old are working side by side to save their communities, filling and hauling sandbags, feeding those who have lost their homes and finding them shelter, and making sure the volunteers are well cared for. I read the comments of Marvin Patten of Granite Falls, who does not have flood insurance and whose living room is flooded under 18 inches of water. He said, "At first I sat and cried, but after a few days you realize that we will manage."

Shortly after the mayor of Granite Falls pleaded for sandbagging volunteers, he told a reporter that "everybody in town showed up. Just like that. Amazing. I am stupefied." Now, as I read comments like those and speak with Minnesotans who live in the flooded areas, I cannot help but think it is during critical times such as these that we finally understand the importance of community, of neighbor helping neighbor. Those are the qualities that make us Minnesotans.

I want to take this opportunity to thank God for the mercy he has granted and the blessings he has bestowed upon our families and communities. It is within His strength that we find our own.

Mr. President, I heard the remarks of my colleague from Minnesota earlier this afternoon, and I appreciate his words and his efforts on behalf of the people of our State.

We stand together with our colleagues from North and South Dakota, who are facing devastation in their States equal to our own. When disaster strikes, we are not Republicans or Democrats. We are representatives of

the people, and we will do whatever we must to protect our citizens when their lives, homes, and property are threatened.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 8, 1997, the Federal debt stood at $5,384,125,088,631.94. (Five trillion, three hundred eighty-four billion, one hundred twenty-five million, eighty-eight thousand, six hundred thirty-one dollars and ninety-four cents)

One year ago, April 8, 1996, the Federal debt stood at $5,134,564,000,000. (Five trillion, one hundred thirty-four billion, five hundred sixty-four million)

Five years ago, April 8, 1992, the Federal debt stood at $3,893,440,000,000. (Three trillion, eight hundred ninety-three billion, four hundred forty million)

Ten years ago, April 8, 1987, the Federal debt stood at $2,288,725,000,000. (Two trillion, two hundred eighty-eight billion, seven hundred twenty-five million)

Fifteen years ago, April 8, 1982, the Federal debt stood at $1,061,093,000,000 (One trillion, sixty-one billion, ninety-three million) which reflects a debt increase of more than $4 trillion ($4,323,032,088,631.94) (Four trillion, three hundred twenty-three billion, thirty-two million, eighty-eight thousand, six hundred thirty-one dollars and ninety-four cents) during the past 15 years.

COMMENDING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. THOMPSON. Mr. President, today I want to recognize the achievement and success of the University of Tennessee's Women's Basketball Team in winning the 1997 NCAA Division I Women's Basketball Championship.

Under the outstanding leadership of coach Pat Summitt, the Lady Volunteers have taken home the championship trophy 2 years in a row. These are the first back-to-back championships in 13 years, and we couldn't be any prouder back home in Tennessee.

Throughout the season, the Lady Volunteers had their share both of tough games and exciting wins. But they proved their talent and skill in the end with their victory in the NCAA tournament.

Women's basketball has become a tradition in Tennessee, and those of us who are fans have grown accustomed to great performances on the court. Over the years, the University of Tennessee's Women's Basketball program has attracted some of the most outstanding scholar-athletes in the nation, and in doing so it provides one of the most notable examples of sports excellence and academic superiority to be found anywhere.

Coach Pat Summitt and her tremendous staff deserve special credit. With this victory, Pat takes the fifth NCAA title of her career, placing her behind only the great coach John Wooden in the championship tally. Pat has achieved a real milestone in winning 5 trophies in just 11 seasons. She's been in charge of the team for 22 years now, starting when she was a graduate student, and only 1 year older than some of her players. Today, the program she worked to build and maintain has helped set the standard for many other successful athletic efforts in other universities, and women's college basketball is a national phenomenon.

In a word, Pat is a trailblazer. She has helped raise the profile of the exciting sport of women's college basketball, and she's created a lot of new fans.

This championship season at UT will be remembered for a lot of things, but most notably I believe we'll look back at the heart and the determination that led these women through to victory. The people of Tennessee, fans and UT alumni who live across the country and around the world are proud of this exceptional achievement.

When the UT Women cut down the nets in Cincinnati, they took home the memory of a hard-fought victory across a dramatic 5-month season. In a team loaded up with talent, the members came together for the effort it took to bring home the trophy. With a record of 29 wins and 10 losses, the Tennessee Lady Vols came through in the clinch. They surprised those who counted them out. In the end, they won the final game 68–59, leading for the entire first half in the game against Old Dominion and keeping up the pressure in the second half.

All the loyal fans of the University of Tennessee and all those who enjoy women's basketball have had the privilege of enjoying this fantastic season in a string of fantastic seasons. And with the young team and the new recruits, there's sure to be more excitement on the way in the coming years. What a great achievement this is by an outstanding group of athletes and coaches. Congratulations to the University of Tennessee Lady Vols—the 1997 NCAA champions.

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

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

EXTENSION OF MORNING BUSINESS

Mr. ALLARD. Mr. President, I also ask unanimous consent that morning business be extended for an additional 30 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. DORGAN. May I ask, Mr. President, the Senator from Colorado if I could ask unanimous consent to follow his presentation with 15 minutes? My understanding is he is going to speak for 15 minutes, so that I be allowed to take the 15 minutes following his 15 minutes.

Mr. ALLARD. That is fine. I requested 30 minutes, so that 15 minutes would be allocated to myself and 15 minutes allocated to the Senator from North Dakota.

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

Mr. DORGAN. I thank the Senator.

THE OPIC ELIMINATION ACT

Mr. ALLARD. Mr. President, during my campaign for the U.S. Senate, I expressed the themes of balancing the budget, congressional reform, making Government smaller, and moving the power out of Washington and to the States and localities. This is why I am proud to introduce Senate bill 519, the Overseas Private Investment Corporation Termination Act, better known as the OPIC Termination Act.

As a Member of the other body during the 104th Congress, I voted to reform the welfare system of this country. I voted to end the subsidies for farmers. And now I believe it is time to end this form of corporate welfare for large companies.

I have never believed in give-away programs. Whether you are a farmer or a large corporate owner, you should play by the rules of the free market system. "Less Government" should be the motto of this Congress.

OPIC is a Government agency which was established in 1969 and is now active in 144 countries. It finances investments for American Fortune 500 companies through direct loans, subsidized loan programs, and insures them against political risk, expropriation and political violence. It entices companies to enter into risky transactions from which private lenders shy away.

This private activity may seem to have a good end goal, but the problem is not the end but the means. Basically, this is an insurance program run by the Federal Government for corporations who want to invest in risky political situations. In short, we are running an insurance program for major corporations.

What makes this even more problematic is that OPIC does not back this investment with their own finances, but with the full faith and credit of the U.S. Government—in its simplest terms, the U.S. taxpayer. Every loan and loan guarantee that OPIC finances

puts the U.S. taxpayer at risk. Today, nearly $25 billion is being risked in the name of the taxpayers of these corporate OPIC loans.

Compounding the situation is that these loans and loan guarantees are not safe investments. The Congressional Budget Office supplied a list of the quality of the portfolio at the end of the year, 1995. OPIC has consistently taken risks in operations that are defined with the D-minus credit rating and even an F-double-negative credit rating.

As a member of the Banking Committee, I can assure you that if the U.S. taxpayer goes into a bank to get a loan to buy a house and they have an F-double-negative credit rating, the bank will ask you to please leave the building. But the Overseas Private Investment Corporation does it every year, and with the hard-working taxpayers' money, dollars backing these loans. So the same taxpayer who can never have a chance to secure a loan with this rating is securing loans for projects with the same kind of credit rating.

The simple fact is subsidies have shown that this portfolio is so risky you cannot even privatize OPIC because no buyer could risk losing billions of dollars if these loans go bad. Proponents of OPIC state that no loan or loan guarantee has gone bad and this is not risky.

If this scenario sounds familiar, it is because we have seen it before. In the late 1980's, the same claims were made by the Federal Savings and Loan Insurance Corporation, at least until the crisis hit. One decade and $180 billion in taxpayer bailout dollars later, we found this was not the case. It has been said that if we do not learn from the past, we will ultimately repeat it. If we do repeat history, it will again be the farmer in Sterling, the technician in Denver, and the accountant in Grand Junction who picks up the bill. I have learned from the past, and I do not want my children and grandchildren to suffer through another corporate bailout.

Who gets these loans? Coca-Cola, DuPont, Union Carbide, McDonald's, and even two banks, Chase Manhattan and Citicorp. These, and many other large companies with OPIC loans, are not cash-starved companies, but companies with strong bottom lines. I do not believe the Federal Government should be in the business of business, and I do believe these companies can stay strong and survive without OPIC. As in life, if the risk is too high, then maybe you should look elsewhere.

What do OPIC loans buy? We, the taxpayers, have developed a soft drink bottling company in Poland and Ghana, a travel agency in Armenia, a magazine in Russia, a lumber mill in Lithuania, an art gallery in Haiti, cable television in Argentina, a hamburger bun bakery and phone book directories in Brazil.

Now, there may be some worthwhile projects and successes funded by OPIC, but, again, I do not believe that we need to be risking hard-working taxpayer money on these ventures. Plus, this is a subsidy that does not get built into the cost of a product which may compete against American products that are not subsidized.

Also, proponents of OPIC believe that if OPIC does not provide this insurance, then companies will not enter these risky markets. There are certainly private alternatives to OPIC's activities and one is starting investment funds for developing countries. Today, there are hundreds of private developing country investment funds. Portfolio money is flowing into all parts of the developing world. If interested, they are listed on the New York Stock Exchange. Even the proponents cannot deny the existence of those private alternatives or that they may be available at lower cost. However, it seems they know a good deal when they see one. With OPIC selling the full faith and credit of the U.S. taxpayer, foreign governments would be less likely to stick them with the bill.

Again, here lies the problem. These subsidized loans to promote trade and investment abroad distort the flow of capital and resources away from the most efficient uses, thus distorting trade and investment abroad. OPIC's impact on U.S. capital and resource markets may be negative due to these distortionary effects of subsidized loans. In layman's terms, OPIC distorts the marketplace, pushing out private investment, and does not allow it to grow.

This leads to the question, "Is this the appropriate role for Government?" What we are doing with OPIC is investing money in countries involving risky business deals. We are trying to help other countries' government-run corporations make the transition to the private sector. To do that, we run a Government corporation. Thus, we are trying to end other countries' government subsidies by running Government subsidies right here in Washington. This is not moving the power away from Washington, but right into the heart of D.C.

I am not the only one saying that it is time for OPIC to go. In the other body, Representatives ANDREWS, KASICH, SANDERS, ROYCE, CONDIT, DEFAZIO, KLUG, PETERSON, SHADEGG, JACKSON, PASCRELL, and DICKEY have introduced H.R. 387 eliminating OPIC.

Also, the National Taxpayers Union says few other Federal programs combine such undesirable elements as corporate welfare, wasteful spending, unnecessary foreign aid, mismanagement and risk to the American taxpayers as the Overseas Private Investment Corporation.

Milton Friedman, one of the leading experts of economics from the Chicago School of Economics, said he does not see any redeeming aspects in the existence of OPIC. It is special interest legislation of the worst kind.

This leads me to another important reason why OPIC should be eliminated.

It seems to me that OPIC may be used as a political slush fund. Whether this is a perception or truth, I believe it is time to end this perception of impropriety.

Mr. President, I ask unanimous consent to have printed in the RECORD a story from the Boston Globe dated Sunday, March 30, 1997.

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

[From the Boston Globe, Mar. 30, 1997]

TRADE TRIP FIRMS NETTED $5.5B IN AID DONATED $2.3M TO DEMOCRATS

(By Bob Hohler)

WASHINGTON.—Businesses that gave Democratic Party committees more than $2.3 million and won coveted seats on US trade missions during President Clinton's first term secured nearly $5.5 billion to support their foreign business operations from a federal investment agency.

In all, 27 corporations that sent executives on trade trips with the late Commerce Secretary Ronald H. Brown obtained part of a multibillion-dollar commitment in federally guaranteed assistance from the Overseas Private Investment Corp., according to a Globe analysis of fund-raising records, trip manifests, and OPIC documents.

All but three of the 27 OPIC recipients donated to Democratic Party committees, and most of them gave between $50,000 and $358,000 during Clinton's first term.

While the Globe reported last month that Brown's trade trips were a fund-raising bonanza for the Democratic Party, what has previously gone unnoticed is the massive amount of OPIC support given to companies that traveled with Brown and donated money to the Democrats.

OPIC provides financing and political risk insurance that many US businesses consider essential to expanding into unstable or developing democracies. The Clinton administration, with Brown coordinating much of the effort, relied heavily on the federally funded corporation to boost US exports and to create jobs through private investment abroad.

No one has alleged that government officials arranged the OPIC support in exchange for political donations, which would violate federal law. But federal and congressional investigators are examining whether Democratic Party leaders pursued a reelection plan based in part on providing perks such as seats on Brown's missions to major business donors, many of whom stood to gain from government actions.

Many of the businesses that sent executives on Brown's missions gave to the Republican Party, though generally less than they donated to the Democrats. And several advocates for campaign finance reform said regardless of the Democrats' campaign strategy, the OPIC support that went to major donors on Brown's missions created the perception that corporate givers got what they wanted.

The average company contribution to Democratic committees from OPIC recipients on Brown's trips was nearly $95,000. The

average support from the agency for the 27 recipients was about $200 million per company.

Bill Hogan, director of investigative projects for the Center for Public Integrity, said there were three ways to look at the Brown trips, agency assistance, and donations to Democratic committees.

"One is that it was a happy accident," Hogan said. "Another is that the donations were an unbelievable investment. And the third is that the companies would have gotten the assistance anyway, and they just made nice, spontaneous thank-you gifts to the party."

OPIC spokeswoman Allison May Rosen said agency officials "may not have known" that companies applying for assistance had contributed to Democratic committees or sent executives on missions with Brown.

Rosen said Brown and other administration officials may also have discussed particular projects with OPIC staff, including the agency's president, Ruth R. Harkin, the wife of Senator Tom Harkin, Democrat of Iowa.

During much of Clinton's first term, one of Brown's top associates, Jeffrey E. Garten, then undersecretary for international trade, served on OPIC's board of directors.

In addition, Brown attended several signing ceremonies for OPIC-supported projects, including a 1995 event with Palestinian leader Yasser Arafat for a bottled-water operation in the West Bank and Gaza involving Culligan Water Technologies Inc. of Illinois.

Rosen said OPIC awards corporate support solely on the basis of a professional review process geared to "using our limited resources in a careful and prudent manner."

Much of the OPIC support for participants on Brown's missions was granted while the agency experienced what Harkin described to a House panel last year as "an unprecedented demand for services." But even in such a competitive climate, partisan political considerations have never affected a decision on granting OPIC support, according to Rosen.

"It's not in our world," she said.

Brown, widely regarded to have been the Clinton administration's most aggressive advocate for US businesses abroad, died with 34 other people when the Air Force plane carrying them on a trade mission to Bosnia crashed into a mountainside in Croatia on April 3, 1996. Four of the victims were executives with companies that had received OPIC support: AT&T, Bechtel Corp., Foster Wheeler Corp., and Harza Engineering Co.

Commerce spokesman Jim Dessler said it was "natural that there is a correlation between Commerce trade missions, which focus on emerging markets, and OPIC financing, which deals with investments in developing markets."

But Dessler said Commerce officials exerted no influence on the OPIC staff on behalf of trade mission participants or Democratic donors. "Absolutely none," he said.

OPIC, whose federal funding is under fire from some lawmakers who consider it "corporate welfare," provides insurance and loan guarantees generally not available in the commercial market because of risks involved. Corporate recipients pay high insurance premiums and substantial loan interest, which has helped OPIC turn a profit every year since it was founded in 1971.

The agency received $104 million in federal funds last year and returned $209 million to the Treasury.

Companies that went on Brown's trade missions received nearly 14 percent of OPIC's total financial commitment of $40.6 billion from 1993 to 1996, which included $34.5 billion in political risk insurance and $6.1 billion in financing.

The businesses on Brown's missions received about $3.5 billion in risk insurance and $2 billion in financing.

Among the companies that traveled with Brown, OPIC supported projects ranging from Pepsi Cola bottling in Poland to rocket engine development in Russia to cellular phone systems in Argentina, Hungary, India, and Nicaragua.

The only Massachusetts company among the OPIC recipients was State Street Bank and Trust Co., which sent an executive to a trade summit with Brown in Amman, Jordan, in 1995. State Street gave $20,500 to the Democratic Senatorial Campaign Committee in 1995 and 1996, and $10,000 to the Democratic National Committee in 1996.

OPIC, in fiscal 1996, provided State Street a $54 million insurance policy on the company's investment in a Brazil manufacturing project.

Kari Murphy, a spokeswoman for State Street, said the company has complied with its policy of taking "an active role in the governmental process as a good corporate citizen." She said that includes obeying "the letter and spirit of all campaign finance and contribution laws."

As for the Brown mission, which preceded State Street's OPIC assistance, Murphy said, "Neither then nor later did State Street or any of our officers seek favorable treatment from public officials or government agencies or make any political contributions in connection with the trip."

Of the other companies represented on Brown's missions, OPIC gave the bulk of its support—$1.62 billion—to Citicorp of New York and its subsidiaries, Citicorp received financing or political risk insurance for projects in 23 countries during Clinton's first term.

Citicorp was among 15 of the 27 OPIC recipients on Brown's trips that had received support from the agency before Clinton took office. And not all were major Democratic supporters.

Among them was Anderman/Smith Overseas Inc., a Denver-based oil company that received $40 million in political risk insurance from OPIC in 1992 to develop a giant oil field in Russia's western Siberia.

In 1994, when an Anderman/Smith executive joined Brown on a prized trade mission to Russia, OPIC also provided the company with a $40 million loan guarantee.

Yet Anderman/Smith was a small player in Democratic fund-raising, with total contributions of $5,250 coming from an executive's family. "We wanted to succeed on our own merits," said James Webb, the company's chief financial officer.

Webb praised OPIC as competent and professional, saying the agency "looked into every nook and cranny" of his company's finances. "We certainly didn't get any special treatment," Webb said.

The biggest giver to the Democrats among the companies on Brown's missions was Entergy Power Development Co. of New Orleans. After donating only $20,000 to Democratic national committees in 1991 and 1992, Entergy's giving soared to $337,613 during Clinton's first term.

Entergy's chairman, Edwin Lupberger, traveled with Brown to China in 1994 to close a deal to build a $1 billion power plant there with the Lippo Group of Indonesia. Lippo's ties to former members of the Clinton administration are under investigation by the FBI.

The Entergy-Lippo deal fell through. OPIC, which does not do business in China, was not involved in the project.

However, Entergy received $165 million of insurance coverage from OPIC in 1996 for a hydroelectric power project in Peru.

An Entergy spokesman did not return a phone call.

Several other federal agencies, including the Export-Import Bank, the US Agency for International Development, and the US Trade and Development Agency, also provided assistance to businesses that gave to the Democratic Party and sent executives on trade missions.

Administration officials said politics played no role in any funding decision. But campaign reform advocates were skeptical.

"In too many cases," said Ellen Miller of the advocacy group Public Campaign, "it looks as if those who had the opportunity to reap those kinds of rewards were those who invested first in the Democratic Party."

FOREIGN TRADE, US AID

Twenty-seven companies that obtained coveted slots on trade missions with the late Commerce Secretary Ronald H. Brown during President Clinton's first term received support for foreign projects from the Overseas Private Investment Corp., a federal agency. All but three of the companies donated to the Democratic Party in the same period.

Company	Donations to Democratic Party		OPIC aid 1993–96	
	Brown trip	1993–96	Amount	Country
Entergy Power Development	China	$337,613	$165m	Peru.
AT&T	G-7 Summit—China; Middle East; Russia	351,400	100m	India.
US West	India; Russia	243,500	20m	India.
Do	do		11m	Poland.
Do	do		24.5m	Brazil.
Do	do		50m	Indonesia.
Do	do		75m	Russia.
Do	do		25m	Hungary.
Do	do		45m	Hungary.
Do	do		135m	Russia.
Bechtel Group	Middle East	189,650	54.5m	Algeria
General Electric	Middle East, Mexico	186,275	45.2m	Costa Rica.
Fluor Corp.	China	147,500	200m	Indonesia.
Do	do		200m	Indonesia.
Enron Corp.	India	142,400	200m	India.
Do	Middle East		10m	Turkey.
Do	Kuwait		200m	Turkey.

Company	Donations to Democratic Party		OPIC aid 1993–96	
	Brown trip	1993–96	Amount	Country
Do	do		100m	Colombia.
Do	do		300m	India.
Do	do		69.2m	Philippines.
Edison Mission Energy	China	91,700	50m	Thailand.
Do	do		200m	Indonesia.
Do	do		80m	Turkey.
Do	do		200m	Indonesia.
Akin Gump	Middle East	91,300	65,250	Bolivia.
Tenneco	Middle East	75,450	20.8m	Indonesia.
Do	Spain; India; Latin America		70m	Romania.
Pratt & Whitney	Russia; South Africa; Saudi Arabia	75,000	50m	Russia.
Phibro Energy Production Inc.	Russia	70,450	20m	Russia.
General Motors	Spain; Middle East	61,500	5.8m	Argentina.
Citicorp/Citibank	Middle East; Spain	57,277	200m	Hungary.
Do	do		200m	Trinidad.
Do	do		200m	Brazil.
Do	do		149.6m	Argentina.
Do	do		100m	Russia.
Do	do		70m	Brazil.
Do	do		49.8m	Poland.
Do	do		38.6m	Peru.
Do	do		34.1m	Peru.
Do	do		32.7m	Argentina.
Do	do		32.5m	Peru.
Do	do		31.8m	Jamaica.
Do	do		31.4m	Brazil.
Do	do		30m	India.
Do	do		27.4m	Argentina.
Do	do		27m	Thailand.
Do	do		26.3m	Turkey.
Do	do		26.1m	Brazil.
Do	do		25m	Haiti.
Do	do		25m	Russia.
Do	do		23.4m	Brazil.
Do	do		20.1m	Philippines.
Do	do		18.7m	Peru.
Do	do		17.7m	El Salvador.
Do	do		17.1m	South Africa.
Do	do		17m	Slovakia.
Do	do		15m	Colombia.
Do	do		14m	Czech Rep.
Do	do		13m	Brazil.
Do	do		12.8m	Bolivia.
Do	do		12.8m	Bolivia.
Do	do		12.4m	Jamaica.
Do	do		11.5m	Russia.
Do	do		11.5m	Colombia.
Do	do		10m	Indonesia.
Do	do		9.5m	Jamaica.
Do	do		8.6m	Costa Rica.
Do	do		6m	Tanzania.
Do	do		5.9m	Honduras.
Do	do		2.3m	Peru.
Do	do		2.1m	Philippines.
Do	do		1m	Lebanon.
Do	do		800,000	Jamaica.
Lockheed Martin	Middle East	50,950	33.5m	Russia.
Pepsi Cola	Middle East	35,000	80m	Poland.
State Street Bank & Trust	Middle East	30,500	54m	Brazil.
Du Pont de Nemours	Middle East	30,000	200m	Russia.
Harza Engineering	Middle East	21,500	47.8m	Nepal.
Motorola	Russia; India	11,700	42.2m	Russia.
Do	do		36.3m	Lithuania.
Do	do		43.7m	Brazil.
Do	do		46.7m	Brazil.
Do	do		36.7m	India.
Do	do		600,000	India.
Anderman Smith	Russia	5,250	40m	Russia.
Foster Wheeler	Spain; Middle East; Poland; China	3,000	25.8m	Venezuela.
Turner International	Middle East	2,000	3.7m	Kuwait.
GTE Corp.	Argentina	502m	175m	Argentina.
Do	do		200m	Argentina.
Duracell	Russia		12.7m	South Africa.
Cullingan Water Technologies	Jordan; Israel		1.6m	West Banks.
K&M Engineering	Middle East		87,256	Tunisia.
Total		2,338,917	5,458,952,506	

Source: Commerce Department, Federal Election Commission, Overseas Private Investment Corp., Campaign Study Group, Center for Responsive Politics, Globe staff.

Former Commerce Secretry Ron Brown's trade mission: Saudi Arabia—5/2/93–5/6/93; Mexico—12/7/93–12/9/93; South Africa—11/26/93–12/2/93; Israel—1/14/94–1/21/94; Russia—3/27/94–4/2/94; Poland—5/4/94–5/7/94; Latin America—6/25/94–7/2/94; China—8/26/94–9/3/94; India—1/13/95–1/20/95; Middle East—2/4/95–2/11/95; G–7 Summit (Belgium, Spain)—2/23/95–2/28/95; China—10/15/95–10/19/95; Spain—11/9/95–11/12/95; Middle East—10/27/95–10/31/95—Source: Commerce Department.

Mr. ALLARD. The headline from above the fold says, "Trade-trip firms netted $5.5 billion in aid, Donated $2.3 million to Democrats." It goes on to state that 27 corporations that sent executives on trade trips with late Commerce Secretary Ron Brown received part of a multibillion-dollar commitment in OPIC loans and guarantees. All but 3 of the 27 OPIC recipients donated to Democratic Party committees, and most of them gave $50,000 to $385,000 during the President's first term.

As mentioned in the story, it is very difficult to ascertain whether the OPIC loan influenced giving to the party, or if the donation influenced who received the OPIC assistance, or if there was any impropriety at all.

To me, it does not matter. Since the awarding of OPIC assistance is entirely discretionary by the administration in power, it invites and welcomes possible abuse as described in the Boston Globe. OPIC should not exist in the first place, and even the perception that it could be used as a slush fund, whether Republican or Democrats, makes its elimination even more important.

With this bill, some proponents of OPIC will describe me as antibusiness or antitrade. I guess to them, getting the Government out of the business of business is antibusiness. I must say that I believe this is a probusiness, anti big Government proposal.

I am a free trader. I am a supporter of the GATT and NAFTA, and believe that free trade is the best way to raise the living standards for all Americans. We need to support policies that reduce trade barriers. OPIC does not reduce trade barriers for all companies to compete in the marketplace. It is an

income transfer program from U.S. taxpayers to a selected group of businesses, who may have donated or will feel obligated to give to a political party. These subsidies may increase exports for a few selected companies that have the political influence to secure these loans, but it does little to expand the overall economic growth of this country. OPIC loans protect inefficiency and reduce total economic activity, shifting economic resources from taxpayers and unsubsidized businesses to politically connected businesses. Free trade is about getting the Government out of the private sector. The Federal Government can advocate U.S. business and trade without supporting politically connected businesses. Let us push for open markets, not for open political purses.

Last, as we are attempting to balance the budget by the year 2002 and reduce Government spending, we must begin to eliminate giveaway programs and corporate welfare. Eliminating OPIC will save $107 million this year and $296 million over the next 5 years. This does not include the money saved if any of OPIC loans or guarantees go bad and have to be bailed out by the taxpayers. We must get all spending under control and all parts of the budget must sacrifice. Balancing our budget will do more to increase economic and job growth than any OPIC loan can offer.

Mr. President, this effort is supported by individuals on both the left and the right of the political spectrum. With all the talk by liberals and conservatives about eliminating corporate welfare, I believe it is time we begin to do what we say and it ought to start here with OPIC. OPIC should not exist under a Republican or Democrat President or Congress.

I thank you for this time and I ask all my colleagues to support S. 519 and this effort to eliminate the Overseas Private Investment Corporation.

The PRESIDING OFFICER. The Senator from North Dakota.

TRAGIC WEATHER CONDITIONS

Mr. DORGAN. Mr. President, a couple of my colleagues this morning have spoken, as I did yesterday, about the devastating blizzards and floods that have confronted people in North and South Dakota and the Minnesota region in recent days. I suppose only those who have been there can fully understand the dimension of the tragedy. It is, indeed, a tragedy.

North Dakota has had the toughest winter that it has ever had, with five and six major blizzards, closing down virtually all roads, including the interstate highways, causing serious problems. On top of that, with the expected floods that would come as a result of the record amount of snowfall from these previous blizzards, last week something called the grandfather of all blizzards came to North Dakota.

Leon Osborne, who works at the University of North Dakota and is someone who runs a weather service that I think is tops in our region, described this blizzard as the worst in 50 years in our State. This blizzard came on top of all of the other blizzards and on top of the flooding that was already beginning in our State. The snowfall last weekend ranged anywhere from 12 inches to over 20 inches of snowfall with winds 40 and 50 miles an hour in some parts of North Dakota. The picture of North Dakotans trying to fill sandbags in the middle of a snow blizzard is quite extraordinary.

The Dakotans have had a very, very difficult time coping with these problems. Last Tuesday we had a meeting with President Clinton and the head of FEMA, the Federal Emergency Management Agency, and the President signed a disaster declaration for North and South Dakota.

My understanding is that he probably signed a disaster declaration for some of the Minnesota counties today. There are teams of folks from FEMA now on the ground in our region, and there will be a visit to North Dakota by the head of FEMA and by the Secretary of Transportation and other senior officials. My understanding is that the Vice President will also visit North and South Dakota and Minnesota the day after tomorrow.

I intend to travel with the senior officials as they go to North Dakota, as do my colleagues, and we will be a part of a group that attempts to make certain that all of the resources of the Federal Government are made available at this time when it is needed in North Dakota and in our region to help people who are trying to dig out from this blizzard and trying to cope with massive flooding.

The newspaper headlines tell it better than I can. This one describes it pretty well: "Down, But Not Out." North Dakotans are a tough people. They have suffered through a good many weather-related events in years past, but this was about as tough as it gets. "State Paralyzed by Blizzard." The newspaper headlines describe all of the myriad events that have occurred. "Area Residents Hang Tough Despite Flooding." "Search for Heat and Power Endangers Lives: With Power Lines Down, Crews Struggle To Restore Power to Thousands of Homes." It has been a very, very tough time.

The stories of the folks who have had to endure this are really quite remarkable. We have men and women who are trying to restore power to a State in which up to 100,000 citizens were without power. Some are still without power. Men and women, linemen and others working for utility companies, electric co-ops and others are out in tough circumstances trying to restore power to North Dakota. They are doing an extraordinary job for our State.

Livestock losses are going to be very substantial in North Dakota. The threat to human life has been substantial. Fortunately, we have not had many deaths in North Dakota, but it has been a very challenging time. We are told that in some areas, one half of the young calves being born—and this is calving season for ranchers—one half of the calves are dying as they are born.

They are being found on the ground in circumstances where the ranchers simply could not save them. One rancher, I believe, brought five or seven of his calves into the home to try to save their lives. All of them died. Also, 300 milk cows were killed when a dairy barn collapsed under the weight of the snow. There are stories about cows and calves with a full 1-inch thick coat of ice on them as a result of the blizzard, rain, and the snow.

Farmers and ranchers have attempted, especially for the young and the vulnerable calves, to use air dryers to try to remove that ice from the coats of those calves. Then the power fails, so you cannot use air dryers, and the calves die. Those are just some of the stories of people who have been confronted with this challenge.

There was a story, in fact, yesterday about two fellows who were leaving a North Dakota community and were caught by this blizzard with whiteout conditions and they became stuck, could not move, could not see. They saw a building just faintly, just a few yards away, so they went to the building, which turned out to be a small bar on the edge of this town. So they broke into the bar and then used the telephone to call the wife of one of the two men who had broken into the bar and had the wife call the bar owner.

Remember, this is a whiteout blizzard, with no traffic available to move, and they are stuck and caught. The bar owner called the bar where the two fellows had broken in to seek shelter and said, "Well, help yourself to whatever is there. There is frozen chili in the freezer." The folks were stuck there, I guess for a day and a half in the place. I suppose there are worse places to be stuck if you are in the middle of a blizzard, but it is a story that is replicated all across our State of neighbors helping neighbors, especially now confronting digging out from a blizzard and confronting the raging flood that will come.

The flood is going to be a very significant problem. Part of it has already hit. I want to tell my colleagues about the Red River—which, incidentally, is the only river in America that runs north, I believe. Because it runs north, it is running into an area up north that has not yet thawed, and the result is the water cannot flow easily because it is flowing toward ice. So it starts down

south in our State and floods there first and then the flood exacerbates as it goes north.

In Wahpeton, flood stage is 10 feet, the current height of the river is 16 feet and is predicted to go to 18½ feet. In Fargo, ND, the flood stage on the Red River is 17 feet, the river is at 33 feet and expected to go to 37½ feet. In Grand Forks, flood stage is 28 feet, and it is expected to crest at 49 feet. That is the Red River. The Sheyenne River is the same story. At West Fargo, the Sheyenne flood stage is 16 feet, and the current height is 23 feet. In Abercrombie, the Wild Rice River flood stage is 10 feet and the current height is 24 feet.

So we face enormous challenges now as we confront digging out from a blizzard that represented the worst blizzard in 50 years and as we anticipate the continuation of a flood. This will be the worst flood that we will have had in a century.

Now, Mr. President, today is Wednesday, and I indicated we met with the President on Tuesday. President Clinton indicated to us that the head of FEMA, the Federal Emergency Management Agency, would come to North Dakota. He indicated he would invite a Cabinet Secretary, too, to come, and a senior team of administration officials will visit our region. I am also told that Vice President GORE will visit North Dakota, South Dakota, and Minnesota on Friday, the day after tomorrow, and I expect that the congressional delegation, myself included, will join him in that visit.

I appreciate very much the attention of the agencies and the administration in understanding the difficulty we face, understanding the gravity of the situation that yet exists in North Dakota with power lines down, with thousands of North Dakotans still without power after many, many days. I believe that we will appreciate very much in North Dakota the visit from the Vice President and from the head of FEMA and Cabinet officials who come to view firsthand what could be done on behalf of the Federal Government to make all of the resources of the Federal Government available to North Dakotans as they work together and fight together to confront these challenges.

Mr. President, my colleagues and I will be working in the coming days on the supplemental appropriations bill, which we hope will include the kind of resources that are necessary for all of the agencies to respond to this problem. Mr. President, there are not many States in our country in which interstate highways are closed or will be closed. Yet this morning Interstate 29 has one lane closed, and it is expected that Interstate 29 will be closed completely in North Dakota. In fact, a dike will be built across the interstate when it is closed, and it will be closed for some time. Interstate 94, a major artery east and west in our State, is now surrounded by lakes of water on both sides, and some predict that we will probably not escape having that interstate closed as well. But it is a very difficult circumstance, with road crews and others struggling in a crisis situation to meet the needs of people who have been confronted by this blizzard and these floods.

Many are finding that just the infrastructure things we normally take for granted are now shut off, and it makes dealing with all of this much, much more difficult. I suppose electricity is the thing that most of us almost always take for granted every day. I have talked to several North Dakotans in the last hours, and they reiterate that it is something we take for granted, but the loss of electricity, especially in the circumstance in North Dakota, with record low temperatures this morning, dating back to the 1890's, has been a very difficult circumstance for families struggling to keep warm and struggling to confront these elements.

So, Mr. President, Senator CONRAD, myself, and Senator WELLSTONE, who spoke earlier, and others, intend to go to North Dakota with the senior Federal team, either tomorrow or Friday, and do everything we possibly can to try to bring some help to some folks who are now trying to help themselves dig out and prepare for floods. We hope that when all of this is done—and it is going to be some while—that the record will show that everybody rushed to the folks in this region who have been hurt, the North Dakotans and South Dakotans and Minnesotans, and everybody did everything humanly possible to make life better, and extended a helping hand to try to get them through these challenges.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NUCLEAR WASTE POLICY ACT AMENDMENTS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 104, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 104) to amend the Nuclear Waste Policy Act of 1982.

The Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

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

S. 104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1997'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.

"TITLE I—OBLIGATIONS

"Sec. 101. Obligations of the Secretary of Energy.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"Sec. 201. Intermodal Transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Interim storage.
"Sec. 205. Permanent repository.
"Sec. 206. Land withdrawal.

"TITLE III—LOCAL RELATIONS

"Sec. 301. Financial Assistance.
"Sec. 302. On-Site Representative.
"Sec. 303. Acceptance of Benefits.
"Sec. 304. Restrictions on Use of Funds.
"Sec. 305. Land Conveyances.

"TITLE IV—FUNDING AND ORGANIZATION

"Sec. 401. Program Funding.
"Sec. 402. Office of Civilian Radioactive Waste Management.
"Sec. 403. Federal contribution.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"Sec. 501. Compliance with other laws.
"Sec. 502. Judicial review of agency actions.
"Sec. 503. Licensing of facility expansions and transshipments.
"Sec. 504. Siting a second repository.
"Sec. 505. Financial arrangements for low-level radioactive waste site closure.
"Sec. 506. Nuclear Regulatory Commission training authority.
"Sec. 507. Emplacement schedule.
"Sec. 508. Transfer of Title.
"Sec. 509. Decommissioning Pilot Program.
"Sec. 510. Water Rights.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"Sec. 601. Definitions.
"Sec. 602. Nuclear Waste Technical Review Board.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

"Sec. 701. Management reform initiatives.
"Sec. 702. Reporting.
"Sec. 703. Effective date.

"SEC. 2. DEFINITIONS.

"For purposes of this Act:

"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

"(A) whose reservation is surrounded by or borders an affected unit of local government, or

"(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

"(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

"(A) Naval reactors development.

"(B) Weapons activities including defense inertial confinement fusion.

"(C) Verification and control technology.

"(D) Defense nuclear materials production.

"(E) Defense nuclear waste and materials byproducts management.

"(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1997, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

"(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

"(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

"(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

"(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

"(B) other highly radioactive material that the Commission, consistent with existing law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

"(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

"(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of the Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11e. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e). (2)); and

"(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

"(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

"(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

"(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

"(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

"(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

"(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

"(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

"(30) WITHDRAWAL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

"(31) YUCCA MOUNTAIN SITE.—The term "Yucca Mountain site" means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

"TITLE I—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

"(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

"(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 204 in accordance with the emplacement schedule, beginning not later than November 30, 1999.

"(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities

designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1997 and procured by the Secretary from such contract holders for use in the integrated management system.

"(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

"(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

"(f) PREEXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

"(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

"(2) obligations imposed upon the Federal Government by the United States District Court of Idaho in an order entered on October 17, 1995 in United States v. Batt (No. 91–0054–S–EJL).

"(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

SEC. 201. INTERMODAL TRANSFER.

"(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

"(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than November 30, 1999. Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

"(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than November 30, 1999.

"(e) NOTICE AND MAP.—Within 6 months of the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall—

"(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

"(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

"(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

"(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

"(h) BENEFITS AGREEMENT.—

"(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the City of Caliente and Lincoln County, Nevada concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of the City of Caliente and Lincoln County, Nevada.

"(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

"(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

"(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

"(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"(i) CONTENT OF AGREEMENT.—

"(1) SCHEDULE.—In addition to the benefits to which the City of Caliente and Lincoln County are entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[Amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of spent fuel	2.5
(B) Annual payments beginning upon first spent fuel receipt	5
(C) Payment upon closure of the intermodal transfer facility	5

"(2) DEFINITIONS.—For purposes of this section, the term—

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

"(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

"(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

"(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

"(j) INITIAL LAND CONVEYANCES.

"(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal

descriptions and make minor adjustments in the boundaries of the sites.

"(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

[**"SEC. 202. TRANSPORTATION PLANNING.**

["(a) TRANSPORTATION READINESS.—The Secretary shall take those actions that are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999, and, by that date, shall, in consultation with the Secretary of Transportation, develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than November 30, 1999.

["(b) TRANSPORTATION PLANNING.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility no later than November 30, 1999. Among other things, such planning shall provide a schedule and process for addressing and implementing, as necessary, transportation routing plans, transportation contracting plans, transportation training in accordance with Section 203, and public education regarding transportation of spent nuclear fuel and high level radioactive waste; and transportation tracking programs.

[**"SEC. 203. TRANSPORTATION REQUIREMENTS.**

["(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

["(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and local governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

["(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance and funds to States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste for training for public safety officials of appropriate units of local government. The Secretary shall also provide technical assistance and funds for training directly to national nonprofit employee organizations which demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation. Training shall cover procedures required for safe routine transportation of these materials, as well as procedures for dealing with emergency response situations, and shall be consistent with any training standards established by the Secretary of Transportation in accordance with subsection (g). The Secretary's duty to provide technical and financial assistance under this subsection shall be limited to amounts specified in annual appropriations.]

"SEC. 202. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary—

"(1) shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities and from the mainline transportation facilities to the interim storage facility or repository, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas, beginning not later than November 30, 1999; and

"(2) not later than November 30, 1999, shall, in consultation with the Secretary of Transportation and affected States and tribes, develop and implement a comprehensive management plan that ensures that safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site beginning not later than that date.

"(b) TRANSPORTATION PLANNING.—

"(1) IN GENERAL.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility not later than November 30, 1999.

"(2) MATTERS TO BE ADDRESSED.—Among other things, planning under paragraph (1) shall provide a schedule and process for addressing and implementing, as necessary—

"(A) transportation routing plans;.

"(B) transportation contracting plans;

"(C) transportation training in accordance with section 203;

"(D) public education regarding transportation of spent nuclear fuel and high level radioactive waste; and

"(E) transportation tracking programs.

"(c) SHIPPING CAMPAIGN TRANSPORTATION PLANS.—

"(1) IN GENERAL.—The Secretary shall develop a transportation plan for the implementation of each shipping campaign (as that term is defined by the Secretary) from each site at which high-level nuclear waste is stored, in accordance with the requirements stated in Department of Energy Order No. 460.2 and the Program Manager's Guide.

"(2) REQUIREMENTS.—A shipping campaign transportation plan shall—

"(A) be fully integrated with State, and tribal government notification, inspection, and emergency response plans along the preferred shipping route or State-designated alternative route identified under subsection (d); and

"(B) be consistent with the principles and procedures developed for the safe transportation of transuranic waste to the Waste Isolation Pilot Plant (unless the Secretary demonstrates that a specific principle or procedure is inconsistent with a provision of this Act).

"(d) SAFE SHIPPING ROUTES AND MODES.—

"(1) IN GENERAL.—The Secretary shall evaluate the relative safety of the proposed shipping routes and shipping modes from each shipping origin to the interim storage facility or repository compared with the safety of alternative modes and routes.

"(2) CONSIDERATIONS.—The evaluation under paragraph (1) shall be conducted in a manner consistent with regulations promulgated by the Secretary of Transportation under authority of chapter 51 of title 49, United States Code, and the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as applicable.

"(3) DESIGNATION OF PREFERRED SHIPPING ROUTE AND MODE.—Following the evaluation under paragraph (1), the Secretary shall designate preferred shipping routes and modes from each civilian nuclear power reactor and Department of Energy facility that stores spent nuclear fuel or other high-level defense waste.

"(4) SELECTION OF PRIMARY SHIPPING ROUTE.—If the Secretary designates more than 1 preferred route under paragraph (3), the Secretary shall select a primary route after considering, at a minimum, historical accident rates, population, significant hazards, shipping time, shipping distance, and mitigating measures such as limits on the speed of shipments.

"(5) USE OF PRIMARY SHIPPING ROUTE AND MODE.—Except in cases of emergency, for all shipments conducted under this Act, the Secretary shall cause the primary shipping route and mode or State-designated alternative route under chapter 51 of title 49, United States Code, to be used. If a route is designated as a primary route for any reactor or Department of Energy facility, the Secretary may use that route to transport spent nuclear fuel or high-level radioactive waste from any other reactor or Department of Energy facility.

"(6) TRAINING AND TECHNICAL ASSISTANCE.—Following selection of the primary shipping routes, or State-designated alternative routes, the Secretary shall focus training and technical assistance under section 203(c) on those routes.

"(7) PREFERRED RAIL ROUTES.—

"(A) REGULATION.—Not later than 1 year after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing procedures for the selection of preferred routes for the transportation of spent nuclear fuel and nuclear waste by rail.

"(B) INTERIM PROVISION.—During the period beginning on the date of enactment of the Nuclear Waste Policy Act of 1997 and ending on the date of issuance of a final regulation under subparagraph (A), rail transportation of spent nuclear fuel and high-level radioactive waste shall be conducted in accordance with regulatory requirements in effect on that date and with this section.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and tribal governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials of appropriate units of State, local, and tribal government. A State shall allocate to local governments within the State a portion any funds that the Secretary provides to the State for technical assistance and funding.

"(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation.

"(C) TRAINING.—Training under this section—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (g); and

"(iii) shall include—

"(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(2) NO SHIPMENTS IF NO TRAINING.—(A) There will be no shipments of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian tribe eligible for grants under paragraph (3)(B) unless technical assistance and funds to implement procedures for safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian tribe for at least 2 years prior to any shipment: Provided, however, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available due to (1) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or (2) the refusal to accept technical assistance by a State or Indian tribe, or (3) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

"(B) In the event the Secretary is required to transport spent fuel or high level radioactive waste through a jurisdiction prior to 2 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian tribes along the shipping route no later than three months prior to the commencement of shipments: Provided, however, That in no event shall such shipments exceed 1,000 metric tons per year, And provided further, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Act of 1997.

"(3) GRANTS.—

"(A) IN GENERAL.—To implement this section, grants shall be made under section 401(c)(2).

"(B) GRANTS FOR DEVELOPMENT OF PLANS.—

"(i) IN GENERAL.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which a shipment of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

"(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

"(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

"(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting annual departmental budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

"(I) the funds requested by states and federally recognized Indian tribes to implement this subsection;

"(II) the amount requested by the President for implementation; and

"(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

"(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

"(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

"(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

"(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to an interim storage facility or repository, regardless of whether the interim storage facility or repository is operated by a private entity or by the Department of Energy.

"(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of [1986] *1997*, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State, and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

"(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 and 49 U.S.C. 31105.

"(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

"(A) a specified minimum number of hours of initial offsite instruction and actual field experience under the direct supervision of a trained, experienced supervisor;

"(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. INTERIM STORAGE.

"(a) AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site. The interim storage facility shall be subject to licensing pursuant to the Atomic Energy Act of 1954 in accordance with the Commission's regulations governing the licensing of independent spent fuel storage installations, which regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The interim storage facility shall commence operation in phases in accordance with subsection (b).

"(b) SCHEDULE.—(1) The Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at the interim storage facility at the interim storage facility site by November 30, 1999, except that:

"(A) The Secretary shall not begin any construction activities at the interim storage facility site before December 31, 1998.

"(B) The Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site if the President determines, in his discretion, on or before December 31, 1998, based on a preponderance of the information available at such time, that the Yucca Mountain site is unsuitable for development as a repository, including geologic and engineered barriers, because of a substantial likelihood that a repository of useful size cannot be designed, licensed, and constructed at the Yucca Mountain site.

"(C) No later than June 30, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

"(i) the preliminary design concept for the critical elements of the repository and waste package,

"(ii) a total system performance assessment, based upon the design concept and the scientific data and analysis available by June 30, 1998, describing the probable behavior of the repository in the Yucca Mountain geologic setting relative to the overall system performance standard set forth in section 205(d) of this Act,

"(iii) a plan and cost estimate for the remaining work required to complete a license application, and

"(iv) an estimate of the costs to construct and operate the repository in accordance with the design concept.

"(D) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under subparagraph (B), the President shall designate a site for the construction of an interim storage facility. *The President shall not designate the Hanford Nuclear Reservation in the State of Washington as a site for construction of an interim storage facility.* If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the Secretary shall begin construction of an interim storage facility at the interim storage facility site as defined in section 2(19) of this Act. The interim storage facility site as defined in section 2(19) of this Act shall be deemed to be approved by law for purposes of this section.

"(2) Upon the designation of an interim storage facility site by the President under paragraph (1)(D), the Secretary shall proceed forthwith and without further delay with all activities necessary to begin storing spent nuclear fuel and high-level radioactive waste at an interim storage facility at the designated site, except that the Secretary shall not begin any construction activities at the designated interim storage facility site before the designated interim storage facility site is approved by law.

"(c) DESIGN.—

"(1) The interim storage facility shall be designed in two phases in order to commence operations no later than November 30, 1999. The design of the interim storage facility shall provide for the use of storage technologies, licensed, approved, or certified by the Commission for use at the interim storage facility as necessary to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

"(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

"(d) LICENSING.—

"(1) PHASES.—The interim storage facility shall be licensed by the Commission in two phases in order to commence operations no later than November 30, 1999.

"(2) FIRST PHASE.—No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall submit to the Commission an application for a license for the first phase of the interim storage facility. The Environmental Report and Safety Analysis Report submitted in support of such license application shall be consistent with the scope of authority requested in the license application. The license issued for the first phase of the interim storage facility shall have a term of 20 years. The interim storage facility licensed in the first phase shall have a capacity of not more than 15,000 MTU. The Commission shall issue a final decision granting or denying the application for the first phase license no later than 16 months from the date of the submittal of the application for such license.

"(3) SECOND PHASE.—No later than 30 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall submit to the Commission an application for a license for the second phase interim storage facility. The license for the second phase facility shall authorize a storage capacity of 40,000 MTU. If the Secretary does not submit the license application for construction of a respository by February 1, 2002, or does not begin full spent nuclear fuel receipt operations at a repository by January 17, 2010, the license shall authorize a storage capacity of 60,000 MTU. The license application shall be submitted such that the license can be issued to permit the second phase facility to begin full spent nuclear fuel receipt operations no later than December 31, 2002. The license for the second phase shall have an initial term of up to 100 years, and shall be renewable for additional terms upon application of the Secretary.

"(e) ADDITIONAL AUTHORITY.—

"(1) CONSTRUCTION.—For purposes of complying with this section, the Secretary may commence site preparation for the interim storage facility as soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1997 and shall commence construction of each phase of the interim storage facility subsequent to submittal of the license application for such phase except that the Commission shall issue an order suspending such construction at any time if the Commission determines that such construction poses an unreasonable risk to public health and safety or the environment. The Commission shall terminate all or part of such order upon a determination that the Secretary has taken appropriate action to eliminate such risk.

"(2) FACILITY USE.—Notwithstanding any otherwise applicable licensing requirement, the Secretary may utilize any facility owned by the Federal Government on the date of enactment of the Nuclear Waste Policy Act of 1997 within the boundaries of the interim storage facility site, in connection with an imminent and substantial endangerment to public health and safety at the interim storage facility prior to commencement of operations during the second phase.

"(3) EMPLACEMENT OF FUEL AND WASTE.—Subject to paragraph (i), [once the Secretary has achieved] *in each year in which the actual emplacement rate is greater than* the annual acceptance rate for spent nuclear fuel from civilian nuclear power reactors established pursuant to the contracts executed prior to the date of enactment of the Nuclear Waste Policy Act of 1997, as set forth in the Secretary's annual capacity report dated March 1995 (DOE/RW-0457), the Secretary shall accept, in an amount not less than 25 percent of the difference between the contractual acceptance rate and the [annual] *actual* emplacement rate for spent nuclear fuel from civilian nuclear power reactors established under section 507(a), the following radioactive materials:

"(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1997;

"(B) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation objectives; and

"(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from atomic energy defense activities: *Provided, however, That the Secretary shall accept not less than 5 percent of the total quantity of spent fuel accepted in any one year from the categories of radioactive materials described in subparagraphs (B) and (C).*

"(f) NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—

"(1) PRELIMINARY DECISIONMAKING ACTIVITIES.—The Secretary's and President's activities under this section, including, but not limited to, the selection of a site for the interim storage facility, assessments, determinations and designations made under section 204(b), the preparation and submittal of a license application and supporting documentation, the construction of a facility under paragraph (e)(1) of this section, and facility use pursuant to paragraph (e)(2) of this section shall be considered preliminary decisionmaking activities for purposes of judicial review. The Secretary shall not prepare an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of such Act before conducting these activities.

"(2) ENVIRONMENTAL IMPACT STATEMENT.—

"(A) FINAL DECISION.—A final decision by the Commission to grant or deny a license application for the first or second phase of the interim storage facility shall be accompanied by an Environmental Impact Statement prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). In preparing such Environmental Impact Statement, the Commission—

"(i) shall ensure that the scope of the Environmental Impact Statement is consistent with the scope of the licensing action; and

"(ii) shall analyze the impacts of the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

"(B) CONSIDERATIONS.—Such Environmental Impact Statement shall not consider—

"(i) the need for the interim storage facility, including any individual component thereof;

"(ii) the time of the initial availability of the interim storage facility;

"(iii) any alternatives to the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility;

"(iv) any alternatives to the site of the facility as designated by the Secretary in accordance with subsection (a);

"(v) any alternatives to the design criteria for such facility or any individual component thereof, as specified by the Secretary in the license application; or

"(vi) the environmental impacts of the storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility beyond the initial term of the license or the term of the renewal period for which a license renewal application is made.

"(g) JUDICIAL REVIEW.—Judicial review of the Commission's environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be consolidated with judicial review of the Commission's licensing decision. No court shall have jurisdiction to enjoin the construction or operation of the interim storage facility prior to its final decision on review of the Commission's licensing action.

"(h) WASTE CONFIDENCE.—The Secretary's obligation to construct and operate the interim storage facility in accordance with this section and the Secretary's obligation to develop an integrated management system in accordance with the provisions of this Act, shall provide sufficient and independent grounds for any further findings by the Commission of reasonable assurance that spent nuclear fuel and high-level radioactive waste will be disposed of safely and on a timely basis for purposes of the Commission's decision to grant or amend any license to operate any civilian nuclear power reactor under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(i) STORAGE OF OTHER SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—No later than 18 months following the date of enactment of the Nuclear Waste Policy Act of 1997, the Commission shall, by rule, establish criteria for the storage in the interim storage facility of fuel and waste listed in subsection (e)(3) (A) through (C), to the extent such criteria are not included in regulations issued by the Commission and existing on the date of enactment of the Nuclear Waste Policy Act of 1997. Following establishment of such criteria, the Secretary shall seek authority, as necessary, to store fuel and waste listed in subsection (e)(3) (A) through (C) at the interim storage facility. None of the activities carried out pursuant to this subsection shall delay, or otherwise affect, the development, construction, licensing, or operation of the interim storage facility.

"(j) SAVINGS CLAUSE.—The Commission shall, by rule, establish procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment.

"SEC. 205. PERMANENT REPOSITORY.

"(a) REPOSITORY CHARACTERIZATION.—

"(1) GUIDELINES.—The guidelines promulgated by the Secretary and published at 10 CFR part 960 are annulled and revoked and the Secretary shall make no assumptions or conclusions about the licensability of the Yucca Mountain site as a repository by reference to such guidelines.

"(2) SITE CHARACTERIZATION ACTIVITIES.—The Secretary shall carry out appropriate site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. The Secretary shall modify or eliminate those site characterization activities designed only to demonstrate the suitability of the site under the guidelines referenced in paragraph (1).

"(3) SCHEDULE DATE.—Consistent with the schedule set forth in the program approach, as modified to be consistent with the Nuclear Waste Policy Act of 1997, no later than February 1, 2002, the Secretary shall apply to the Commission for authorization to construct a repository. If, at any time prior to the filing of such application, the Secretary determines that the Yucca Mountain site cannot satisfy the Commission's regulations applicable to the licensing of a geologic repository, the Secretary shall terminate site characterization activities at the site, notify Congress and the State of Nevada of the Secretary's determination and the reasons therefor, and recommend to Congress not later than 6 months after such determination furthers actions, including the enactment of legislation, that may be needed to manage the Nation's spent nuclear fuel and high-level radioactive waste.

"(4) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

"(b) REPOSITORY LICENSING.—Upon the completion of any licensing proceeding for the first phase of the interim storage facility, the Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste in geologic repositories to the extent necessary to comply with this Act. Subject to subsection (c), such regulations shall provide for the licensing of the repository according to the following procedures:

"(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(2) LICENSE.—Following substantial completion of construction and the filing of any additional information needed to complete the license application, the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository if the Commission determines that the repository has been constructed and will operate—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment upon finding that there is reasonable assurance that the repository can be permanently closed—

"(A) in conformity with the Secretary's application to amend the license, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

"(A) breaching the repository's engineered or geologic barriers; or

"(B) increasing the exposure of individual members of the public to radiation beyond the release standard established in subsection (d)(1).

"(c) MODIFICATION OF REPOSITORY LICENSING PROCEDURE.—The Commission's regulations shall provide for the modification of the repository licensing procedure, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

"(d) REPOSITORY LICENSING STANDARDS.—The Administrator of the Environmental Protection Agency shall, pursuant to authority under others provisions of law, issue generally applicable standards for the protection of the public from releases of radioactive materials or radioactivity from the repository. Such standards shall be consistent with the overall system performance standard established by this subsection unless the Administrator determines by rule that the overall system performance standard would constitute an unreasonable risk to health and safety. The Commission's repository licensing determinations for the protection of the public shall be based solely on a finding whether the repository can be operated in conformance with the overall system performance standard established in paragraph (1), applied in accordance with the provisions of paragraph (2), and the Administrator's radiation protection standards. The Commission shall amend its regulations in accordance with subsection (b) to incorporate each of the following licensing standards:

"(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—The standard for protection of the public from release of radioactive material or radioactivity from the repository shall prohibit releases that would expose an average member of the general population in the vicinity of the Yucca Mountain site to an annual dose in excess of 100 millirems unless the Commission determines by rule that such standard would constitute an unreasonable risk to health and safety and establishes by rule another standard which will protect health and safety. Such standard shall constitute an overall system performance standard.

"(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the license if it finds reasonable assurance that for the first 1,000 years following the commencement of repository operations, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

"(3) FACTORS.—For purposes of making the finding in paragraph (2)—

"(A) the Commission shall not consider catastrophic events where the health consequences of individual events themselves can be reasonably assumed to exceed the health consequences due to the impact of the events on repository performance;

"(B) for the purpose of this section, an average member of the general population in the vicinity of the Yucca Mountain site means a person whose physiology, age, general health, agricultural practices, eating habits, and social behavior represent the average for persons living in the vicinity of the site. Extremes in social behavior, eating habits, or other relevant practices or characteristics shall not be considered; and

"(C) the Commission shall assume that, following repository closure, the inclusion of engineered barriers and the Secretary's postclosure actions at the Yucca Mountain site, in accordance with subsection (b)(4), shall be sufficient to—

"(i) prevent any human activity at the site that poses an unreasonable risk of breaching the repository's engineered or geologic barriers; and

"(ii) prevent any increase in the exposure of individual members of the public to radiation beyond the allowable limits specified in paragraph (1).

"(4) ADDITIONAL ANALYSIS.—The Commission shall analyze the overall system performance through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 1,000 years of operation of the repository and terminating at 10,000 years after the commencement of operation of the repository.

"(e) NATIONAL ENVIRONMENTAL POLICY ACT.—

"(1) SUBMISSION OF STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall submit an environmental impact statement on the construction and operation of the repository to the Commission with the license application and shall supplement such environmental impact statement as appropriate.

"(2) CONSIDERATIONS.—For purposes of complying with the requirements of the National Environmental Policy Act of 1969 and this section, the Secretary shall not consider in the environmental impact statement the need for the repository, or alternative sites or designs for the repository.

"(3) ADOPTION BY COMMISSION.—The Secretary's environmental impact statement and any supplements thereto shall, to the extent practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization under subsection (b)(1), a license under subsection (b)(2), or a license amendment under subsection (b)(3). To the extent such statement or supplement is adopted by the Commission, such adoption shall be deemed to also satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969, and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954. In any such statement or supplement prepared with respect to the repository, the Commission shall not consider the need for a repository, or alternate sites or designs for the repository.

"(f) JUDICIAL REVIEW.—No court shall have jurisdiction to enjoin issuance of the Commission repository licensing regulations prior to its final decision on review of such regulations.

"SEC. 206. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

"(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

"(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTION.—

"(1) BOUNDARIES.—The boundaries depicted on the map entitled "Interim Storage Facility Site Withdrawal Map," dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

"(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

"(3) NOTICE AND MAPS.—Within 6 months of the date of the enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"TITLE III—LOCAL RELATIONS

"SEC. 301. FINANCIAL ASSISTANCE.

"(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

"(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

"(2) to develop a request for impact assistance under subsection (c);

"(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

"(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

"(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

"(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

"(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

"(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

"(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

"(d) OTHER ASSISTANCE.—

"(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

"(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

"(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

"(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if the integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 302. ON-SITE REPRESENTATIVE.

"The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ACCEPTANCE OF BENEFITS.

"(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States nor any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or waiver, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 305. LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all rights, title and interest of the United States in the property described in subsection (b), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of the Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) CONTRACTS.—

"(1) AUTHORITY OF SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of annual fees to the Secretary in the amounts set by the Secretary pursuant to paragraphs (2) and (3). Except as provided in paragraph (3), fees assessed pursuant to this paragraph shall be paid to the Treasury of the United States and shall be available for use by the Secretary pursuant to this section until expended. Subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

"(2) ANNUAL FEES.—

"(A) For electricity generated by civilian nuclear power reactors and sold between January 7, 1983, and September 30, [2002] *2003*, the fee under paragraph (1) shall be equal to 1.0 mill per kilowatt hour generated and sold. For electricity generated by civilian nuclear power reactors and sold on or after October 1, [2002] *2003*, the aggregate amount of fees collected during each fiscal year shall be no greater than the annual level of appropriations for expenditures on those activities consistent with subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403;

The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold, except that the annual fee collected under this subparagraph shall not exceed 1.0 mill per kilowatt-hour generated and sold.

"(B) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 2002, the aggregate amount of fees assessed pursuant to subparagraph (A) is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(i) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(ii) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403;

the Secretary may make expenditures from the Nuclear Waste Fund up to the level of the fees assessed.

"(C) RULES.—The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(3) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997 pursuant to the contracts, including any interest due pursuant to such contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fee referred to in this paragraph on or before September 30, 2002, and the license shall remain suspended until the full amount of the fee referred to in this paragraph is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) ADJUSTMENTS TO FEE.—The Secretary shall annually review the amount of the fees established by paragraphs (2) and (3), together with the existing balance of the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1997, to evaluate whether collection of the fee will provide sufficient revenues to offset the costs as defined in subsection (c)(2). In the event the Secretary determines that the revenues being collected are either insufficient or excessive to recover the costs incurred by the Federal Government that are specified in subsection (c)(2), the Secretary shall propose an adjustment to the fee in subsection (c)(2) to ensure full cost recovery. The Secretary shall immediately transmit the proposal for such an adjustment to both Houses of Congress.

"(b) ADVANCE CONTRACTING REQUIREMENT.—

"(1) IN GENERAL.—

"(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

"(i) such person has entered into a contract under subsection (a) with the Secretary; or

"(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

"(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

"(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

"(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

"(c) NUCLEAR WASTE FUND.—

"(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

"(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1997; and

"(B) all receipts, proceeds, and recoveries realized under subsections (a), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

"(2) USE.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to subsections (d) and (e), only for purposes of the integrated management system.

"(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund; and

"(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings.

"(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

"(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund, subject to appropriations, which shall remain available until expended.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

"(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

"SEC. 403. FEDERAL CONTRIBUTION.

"(a) ALLOCATION.—No later than 1 year from the date of enactment of the Nuclear Waste Policy Act of 1997, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

"(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

"(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

"(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

"(c) REPORT.—In conjunction with the annual report submitted to Congress under section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

"(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

"If the requirements of any Federal, State, or local law (including a requirement imposed by regulation or by any other means under such a law) are inconsistent with or duplicative of the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) or of this Act, the Secretary shall comply only with the requirements of the Atomic Energy Act of 1954 and of this Act in implementing the integrated management system.

"SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

"(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

"(1) ORIGINAL AND EXCLUSIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

"(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

"(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

"(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

"(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

"(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge or such decision, action, or failure to act.

"(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

"(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to

an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral argument, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

"(b) ADJUDICATORY HEARING.—

"(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) DETERMINATION.—In making a determination under this subsection, the Commission—

"(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless—

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

"(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 504. SITING A SECOND REPOSITORY.

"(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

"(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

"(a) FINANCIAL ARRANGEMENTS.—

(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

"(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

"(b) TITLE AND CUSTODY.—

"(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

"(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

"(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

"(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

"(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

"The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

"SEC. 507. EMPLACEMENT SCHEDULE.

"(a) The emplacement schedule shall be implemented in accordance with the following:

"(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

"(2) The Secretary's spent fuel emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2000 and 1,200 MTU in fiscal year 2001; 2,000 MTU in fiscal year 2002 and 2,000 MTU in fiscal year 2003; 2,700 MTU in fiscal year 2004; and 3,000 MTU annually thereafter.

"(b) If the Secretary is unable to begin emplacement by November 30, 1999 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

"(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had began emplacement in fiscal year 2000, and

"(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2000.

"SEC. 508. TRANSFER OF TITLE.

"(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

"(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site."

"SEC. 509. DECOMMISSIONING PILOT PROGRAM.

"(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

"(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 510. WATER RIGHTS.

"(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

"(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

"(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

"For purposes of this title—

"(1) CHAIRMAN.—The term 'Chairman' means the Chairman of the Nuclear Waste Technical Review Board.

"(2) BOARD.—The term 'Board' means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

"(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1997, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997.

"(b) MEMBERS.—

"(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

"(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

"(3) NATIONAL ACADEMY OF SCIENCES.—

"(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

"(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

"(C) NOMINEES.—

"(i) Each person nominated for appointment to the Board shall be—

"(I) eminent in a field of science or engineering, including environmental sciences; and

"(II) selected solely on the basis of established records of distinguished service.

"(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

"(iii) No person shall be nominated for appointment to the Board who is an employee of—

"(I) the Department of Energy;

"(II) a national laboratory under contract with the Department of Energy; or

"(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

"(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

"(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

[The Board shall limit its evaluations to the technical and scientific validity solely of the following activities undertaken directly by the Secretary after December 22, 1987—

["(1) site characterization activities; and

["(2) activities of the Secretary relating to the packaging or transportation of spent nuclear fuel or high-level radioactive waste.]

"The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

"(1) site characterization activities; and

"(2) activities relating to the packaging or transportation of high-level radioactive waste or spent nuclear fuel.

"SEC. 604. INVESTIGATORY POWERS.

"(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. [The Secretary or the Secretary's designee or designees shall not be required to appear before the Board or any element of the Board for more than 12 working days per calendar year.]

"(b) PRODUCTION OF DOCUMENTS.—

"(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information [that is generally available to the public] as may be necessary to respond to any inquiry of the Board under this title.

["(2) EXTENT.—Subject to existing law, information obtainable under paragraph (1) may include drafts of products and documentation of work in progress.]

"(2) AVAILABILITY OF DRAFTS.—Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

"(a) CLERICAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

"(b) PROFESSIONAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 607. SUPPORT SERVICES.

"(a) GENERAL SERVICES.—To the extent permitted by law and requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

"(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress

shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

"SEC. 608. REPORT.

"The Board shall report not less than two times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

["There are authorized to be appropriated for expenditures such sums as may be necessary to carry out the provisions of this title.]

"Notwithstanding section 401(d), and subject to section 401(e), there are authorized to be appropriated for expenditures from amounts in the Nuclear Waste Fund under section 401(c) such sums as may be necessary to carry out the provisions of this title.

"SEC. 610. TERMINATION OF THE BOARD.

"The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

"TITLE VII—MANAGEMENT REFORM

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

"(b) AUDITS.—

"(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

"(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1997.

["(3) COMPTROLLER GENERAL.—The Comptroller General of the United States shall annually make an audit of the Office, in accordance with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit to the Congress a report on the results of each audit conducted under this section.]

["(4)] *(3)* TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

["(5)] *(4)* PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

"(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

"(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

"SEC. 702. REPORTING.

"(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession of, and delivery of spent nuclear fuel and high-level radioactive waste beginning no later than November 30, 1999, and in accordance with the acceptance schedule;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for fiscal years 1997 through 2001.

"(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years."

"SEC. 703. EFFECTIVE DATE.

This Act shall become effective one day after enactment.".

Mr. MURKOWSKI. Mr. President, this begins our third day of debate on S. 104, the nuclear waste repository legislation, which has been introduced by myself and Senator CRAIG and a number of other cosponsors. This may not be a very exciting topic, Mr. President, but it is an important issue and it is an important responsibility for this body.

What we have is a situation where, as the charts will show, at some 80 sites in 41 States this waste has been accumulating. The Federal Government agreed in 1982 to accept this waste by 1998. Well, 1998 is next year. Now, the site that has been suggested as being the best for the waste is out in the Nevada desert at the Nevada test site.

Again, to refresh the memories of my colleagues, this is what the site looks like. It was used for over 50 years for more than 800 nuclear weapons tests. It is probably one of the more remote areas in the United States, but it is unique inasmuch as it has been a selected test site.

Now, why this site? That is a legitimate question, and I know my colleagues from Nevada are very concerned about it being designated in their State. I am sympathetic to that. But the reality is that it has to be put somewhere, Mr. President. In the debate yesterday, my colleagues from Nevada claimed that during the development of our nuclear program, it was necessary to do our patriotic duty to designate an area out in the Nevada desert, and you might say their State was used for that purpose as a contribution to the effort to fight and win the cold war.

I think it is fair to say, and the statement was made yesterday, that Congress chose that area to be studied for nuclear waste disposal for political reasons. Well, I don't know whether that is correct or not. It had to be somewhere. But Nevada is where we conducted nuclear tests, and where there is radioactivity from those tests. But in the debate yesterday, the Senators from Nevada indicated there was no rational, technical, or scientific reason for placing a spent fuel storage facility in Nevada. Well, I don't know any other place in the country where we tested 800 nuclear bombs.

Now, it's also important to note that the Department of Energy spent over a billion dollars studying other potential sites before narrowing the list to three sites, including Yucca Mountain. Congress settled on Yucca Mountain in 1987. It indicated that it had a unique geology, and it tied in the reality that the Nevada test site had been used to explode nuclear weapons for 50 years. In other words, it said that from a geological point of view, it meets our expectations. Secondly, it is an area that has been used, and, therefore, it should be sufficient for this type of permanent repository.

As we look at this test site, we should recognize that the last weapon was exploded underground there in 1991. Underground tests are still being performed with nuclear materials being exploded with conventional explosives, as I understand it, from time to time—all with the wholehearted support, I might add, of the Nevada delegation. In fact, not too long ago,

one of the Nevada Senators supported storing spent fuel at the site.

I have a copy of a resolution that reappeared, from the Nevada assembly; it's joint resolution No. 15. That is a copy of the resolution, Mr. President, dated February 26, 1975. I am not going to read the whole resolution, but I think it is important to recognize this:

Whereas, the people of southern Nevada have confidence in the safety record of the Nevada test site and in the ability of the staff to site and to maintain safety in handling of nuclear materials.

And, also:

Whereas, nuclear waste disposal can be carried out at the Nevada test site with minimal capital investment relative to other locations.

That is from the copy of the resolution that we have on the chart behind me.

Therefore, be it resolved by the assembly and the State of Nevada jointly that the legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose the Nevada test site for the disposal of nuclear waste.

Now, Mr. President, that was indicative of the attitude prevailing on February 26, 1975. The resolution was passed. It passed the Nevada Senate by a 12–6 vote, aided by the vote of one of our colleagues here in the Senate from Nevada, and it was signed by the Governor of Nevada, Mike O'Callaghan.

Well, I ask, Mr. President, what has changed? That test site hasn't changed. It is still there. It still has a trained work force, still has an infrastructure for dealing with nuclear materials. The geology of the site certainly hasn't changed. Obviously, at least one of the Nevada Senators thought it was the best place to store nuclear waste in 1975, or he would not have supported this resolution. In my opinion, when you are all through with going through the areas in the rest of the States, it is still the best place.

Where are we today? Well, we are still on our way—business as usual around the Senate, putting off decisions. We began this debate in the 104th Congress with the consideration of S. 1271. The Nevada Senators objected saying that the bill would gut environmental laws, allow unsafe transportation, and endanger the health and safety of Americans. We had objections from the administration saying that we were choosing Nevada as the site prior to the determination that the Yucca Mountain site would be viable as a permanent repository.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

COMMITTEE AMENDMENTS EN BLOC

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the committee amendments as presented be agreed to en bloc.

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

The committee amendments were agreed to en bloc.

AMENDMENT NO. 26

(Purpose: To provide milestones and requirements that allow thorough analysis and public participation and decisions based on sound science)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 26.

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

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

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

Mr. MURKOWSKI. Mr. President, I believe that the Senator from South Carolina wishes to offer an amendment at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 27

(Purpose: To provide that the Savannah River Site and Barnwell County, South Carolina shall not be available for construction of an interim storage facility)

Mr. THURMOND. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. HOLLINGS, proposes an amendment numbered 27.

On page 28, line 16, after "Washington" insert the following: ", and the Savannah River Site and Barnwell County in the State of South Carolina,".

Mr. HOLLINGS. Mr. President, I rise today in support of the amendment offered by myself and the senior Senator from South Carolina, Senator THURMOND.

We all know the score, the chairman of the Energy and Natural Resources Committee has outlined the state of our nuclear waste policy and we are aware of the need to move this bill forward.

Currently, DOE is contractually bound to begin receiving spent commercial nuclear fuel in 1998. Under the 1982 Nuclear Policy Act, DOE was directed to identify, construct, and operate an underground repository to dispose of the Nation's commercial nuclear fuel.

Identifying such a site proved difficult, so in 1987 Congress intervened and directed DOE to study or characterize only one site, Yucca Mountain, NV. Since 1987 DOE has been studying the Yucca Mountain site to determine if it is a suitable site for the permanent repository. This characterization was to be completed and, if the site was suitable, a permanent facility was to be constructed by 1998.

I don't need to point out how far this process has fallen behind. If it was on schedule then we would not be debating this bill today. It is now 1997, and DOE has not finished its site characterization work. In fact they tell me that, if there is no further delay and the site checks out, then the permanent repository will not be ready until 2010 at the earliest.

Obviously that causes a problem since last year a Federal court held that DOE does have an obligation to dispose of the waste by the 1998 deadline. So where does the waste go in 1998? Well, to Senator MURKOWSKI's credit, he is trying to answer that question. That solution is to construct a temporary storage facility at the Yucca Mountain if the site is suitable for the permanent repository.

The Senator from Alaska has tried to accommodate a bunch of competing interests, and, hoping to avoid a veto by the White House, he has provided a means by which the President can identify an alternative site if the Yucca Mountain site is deemed unsuitable. It is this provision, allowing the President to designate an alternative temporary storage site, that brings me here today. My friends from Oregon, Senators WYDEN and SMITH, both of whom are on the Energy Committee, offered a provision at markup to ensure that the DOE's Hanford Site be excluded as a possible alternative temporary storage site.

As many of my colleagues know, the DOE's Savannah River Site is located in my State, and I am here today to explain why, like the Hanford Site, it is not a suitable site for a temporary facility. After my colleagues hear SRS's disadvantages, they will agree. SRS is not the place for this spent fuel.

The amendment before us simply codifies that position. It simply states that the Savannah River Site and Barnwell County South Carolina, like Hanford, cannot be identified by the President as an alternative temporary storage site.

I am not going to spend time arguing why Yucca Mountain is the best site for this facility. The chairman of the

Energy Committee has done a fine job of that. What I will do is tell you why SRS is not the site.

SRS is a 198,000-acre reservation located in South Carolina and abutting Georgia. It is 12 miles southwest of Augusta, GA, and 10 miles south of Aiken, SC. This is a highly populated area which has been and continues to grow rapidly. I have heard people argue that the Savannah River Site is some rural out-of-the-way place. Well, that is just not the case. The population within a 50-mile radius of SRS numbers about 615,000. This obviously encompasses all of Aiken, SC, and Augusta, GA, whose combined population is more that 400,000 people, plus a number of smaller communities that are too numerous to mention.

What is more astounding is that the population living within a 100-mile radius of the site numbers 2.6 million people. This includes a number of larger cities including the capital of South Carolina, Columbia, Charleston, SC, Hilton Head, SC, Savannah GA, and Augusta, GA. In fact, there are private homes located on private lands located within 200 feet of the site.

To say this is a far and out-of-the-way place is just not the case. Putting additional nuclear waste in such a highly populated area is crazy.

In addition, as I understand the scientists, their most constant fear is that nuclear material is exposed to water and leaches into surface or subsurface waters and that this water carries the contamination off-site. Therefore it is critical that this nuclear material be kept dry and away from the corrosive effects of water.

Well, for anyone who has visited the Savannah River site, or, for that matter the lowcountry of South Carolina, they know that in reality it is all wetlands or as some say, a swamp. In fact, the Savannah River site is literally surrounded by water. There are extensive water resources on, under, and adjacent to the site.

The Savannah River, which marks the border of the States of South Carolina and Georgia also marks the 20-mile western boundary of the site and six major streams flow through the site and into the river.

It is this river, the Savannah, which supplies drinking water for Beaufort and Jasper Counties in South Carolina and the town of Port Wentworth, GA. In addition, it runs directly through the city of Savannah, GA, downstream and supports an active commercial and sport fishing industry.

Studies indicate that portions of the site are within the 100-year flood plain, and although this information is not available, I would not be surprised to find that the entire site is within the 500-year flood plain.

Under the surface there are several aquifer systems. The largest of which is the Cretaceous or Tuscoloosa Aquifer. It is a huge aquifer stretching all across the Southeast. In general, the groundwater on the site flows into one of the numerous streams or swamps on the site and then flows into the Savannah River which is, as I mentioned earlier, the source of drinking water for numerous cities and towns downstream.

The water not making its way to the river is absorbed into the ground and eventually makes it to the groundwater. The level of this groundwater, like its flow, varies but in some places it is literally within inches of the surface. The rate of flow for this groundwater varies with areas where it travels as fast as several hundred meters a year. So it is not hard to imagine a scenario, and we have had cases, where nuclear contaminants have reached the groundwater and quickly moved off site.

It is interesting to note, but not surprising, that virtually every county in South Carolina and Georgia has some number of households getting their drinking water directly from these subsurface aquifers. In fact, over 50 percent of the households in two counties that abut the site draw their drinking water from wells.

Obviously, with the abundant wetlands, rivers, streams, and, an abundance of precipitation, averaging over 44 inches per year, the Savannah River site is not the place for this spent fuel—if you want to keep it dry.

There are numerous other reasons to eliminate the Savannah River site from consideration. Not the least of which is that South Carolina and the Savannah River site are already doing their share to safely store nuclear waste. In fact, foreign research reactor fuel shipped from all over the world passes right by my front door as it is being shipped to Charleston and then up to the Savannah River site. In addition, the site is constantly receiving waste from the nation's nuclear defense facilities and domestic research reactors. We have all the waste we can handle.

Trust me, I have visited the site repeatedly over my career, and I am aware of the cleanup job we face down there. We have spent years getting a waste processing facility up and running, and we are just now really beginning to clean up the 33 million gallons of liquid high-level nuclear waste on site. That does not include all the other forms of waste: low-level, transuranic, and hazardous. To add more waste to a site which has its hands full cleaning up the mess caused by 40 years of nuclear weapons production is not the solution.

It is clear given the dense population of the area and its geography that it is not the best site for any waste. Our goal should be to ensure that the Savannah River site is cleaned up and that its waste is stabilized and moved off-site. The site is not suitable to receive additional waste. This amendment simply ensures that the Savannah River site is not overrun with waste and that it continues without interruption the cleanup and stabilization of its existing contamination.

I urge my colleagues to adopt the amendment. I yield the floor.

Mr. President, I urge adoption of the amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Nevada.

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

The PRESIDING OFFICER. The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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 remarks of Mr. BAUCUS pertaining to the introduction of S. 532 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico is recognized.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 532 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to speak for up to 20 minutes, followed by Senator REID and Senator BRYAN for up to 10 minutes each, and further, that debate only be in order at this time.

Mr. REID addressed the Chair.

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

Mr. REID. Mr. President, reserving the right to object, if I understand the unanimous-consent request, the manager of the bill will speak for 20 minutes, the Senators from Nevada will speak for 10 minutes each, and there will be no further debate on this bill tonight. Is that correct?

Mr. MURKOWSKI. It wasn't my intent necessarily to eliminate debate from any other Senator who may come down. I have no objection if that is the proposal from the other side.

Mr. REID. I want no further debate tonight.

Mr. MURKOWSKI. Then I would agree. If we may withhold that for a moment, let me check with the Cloakroom. I want to make sure we don't have anyone else.

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

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

Mr. MURKOWSKI. Mr. President, I advise my colleagues from Nevada that I agree to their alteration to the agreement which would limit debate to 20 minutes on this side and 10 minutes each, with the understanding that there be no further debate at this time.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. President, we began this debate with the consideration of Senate bill 1271. The Senators from Nevada, of course, objected, saying the bill would gut environmental laws, saying it would allow unsafe transportation and endanger the health and safety of Americans.

We had objections from the administration. They opposed choosing Nevada as the interim site prior to a determination that Yucca Mountain would be viable as a permanent repository. To address these concerns and others, we have attempted to adjust our bill. We began with Senate bill 1271, then a new bill, Senate bill 1936, and again with an amendment in the form of a committee substitute to Senate bill 1936. With each new version of the bill, we attempted to strengthen the public health and environmental safeguards as well as meet the criteria of Members who were concerned about these items.

First, in an effort to address the administration's concerns, we made it clear that no construction of an interim facility would take place at the Nevada test site until Yucca Mountain was determined to be technically viable as a permanent repository. So let me make that clear. No construction would be initiated without the viability being determined.

We have extended the time period in order to accommodate the reality that nothing moves very fast when you are addressing nuclear waste.

With respect to concerns over radiation protection standards, we began with a 100-millirem standard which could not be reviewed by any Federal agency. The bill before us today allows the EPA to issue a stricter standard if it determines one is necessary. So we have tightened up on the radiation standards.

With respect to the NEPA requirements, our latest version requires the Department of Energy and the NRC to fulfill the requirements of NEPA in conjunction with the operation of both an interim storage facility and a repository. Our first bill did not contain that requirement. So, again, we tightened it up with regard to NEPA requirements.

With respect to concern about transportation safety, we have accepted transportation language offered by Senator MOSELEY-BRAUN of Illinois, Senator WYDEN, and others.

With respect to the preemption of other laws, we proposed language consistent with the preemption authority found in the existing Hazardous Material Transportation Act. Indeed, I think we have made substantial changes in the bill. What is before us today is far different than what we originally introduced as Senate bill 1271 in the 104th Congress.

Despite all of the changes we have made, the opponents of this bill continue to object to the bill as if no changes were made. We have heard it referred to as "Mobile Chernobyl," "emasculating NEPA laws" and "running roughshod over all environmental laws."

The emotional rhetoric that has been used fails to recognize the changes we have made in this bill and the charges that we have refuted.

The suggestion has been made that the transportation is unsafe. We have shown how we have safely been moving fuel around for many years. I have some charts behind me to show that. Not only have we moved fuel, but fuel has been moved overseas.

Here is a chart showing specifically fuel what is coming to the United States from other countries: Australia; it is coming from Turkey, Iran, Pakistan, and Canada. How does it get here? It moves. It is transported. And it is transported safely. The French, the Japanese, and the Swedes are moving spent nuclear fuel. Spent nuclear fuel is coming from Japan, going to France for reprocessing, being taken back to Japan, and being put back in the reactors. They have what they call reprocessing. They don't bury their waste. They put it back in the reactors and burn it. It combats proliferation. I am not here to argue the merits of that. I am simply showing that this waste does move, and it moves in transportation casks.

We have heard it argued that transportation casks are unsafe. But we have shown that the transportation casks can withstand significant exposure to crashes, and can survive fires. We have shown the casks have been tested by a locomotive hitting them at the 90 miles an hour, or crash into a brick wall at 80 miles per hour, submerged in water, and bathed in fire. These casks are safe, and they are designed to survive any type of real world accident. We have the technology to do that.

I also want to show a chart relative to the movement of waste throughout the United States, which I think is significant inasmuch as it reflects on the reality that we move a tremendous amount of waste throughout the United States.

But here we are. In the years 1979 to 1995, there were 2,400 shipments across the United States through every State except Florida and South Dakota. I don't know how we missed those. But there are the transportation routes. So we have moved them safely. We have shown that our national labs have certified that the casks can survive any real world crash.

We have heard statements that radiation protection standards are unsafe. We have shown how our standard is more protective than the current EPA guidance that allows five times as much. We allow EPA to tighten the standards further, if need be.

It has been said on the other side that the Nuclear Waste Technical Review Board says there is no compelling technical or safety reasons to move fuel through a central location.

We have shown that a more complete reading of the Technical Review Board's testimony—and their report—indicates there is a need for interim storage, and there is a need for Yucca if Yucca is determined to be a suitable site for the permanent repository.

The other side has indicated we can delay this action until August 1998, at a time when a viability determination is made with respect to Yucca.

We have shown that delay is what has gotten us into this situation in the first place.

There is a court case which has already determined that the Federal Government is liable because of its delays and its inability to accept the waste.

Eight months from now, when the Government is in breech of contract, then the courts are going to consider the damage that we face.

We as legislators have a responsibility to protect the taxpayers. With

each delay, the damage is going to mount. With each delay, the liability to the taxpayer will mount. With each delay, there will be a pressure to yield to even further delays. The call for delay is really a siren's song. It is a trap. It is an excuse for no action.

Only yesterday I heard our ranking member, Senator BUMPERS, suggesting that we could wait until August 1998 to deal with this problem. Well, it might sound reasonable at first. It has been so long now. But let's give it a little more thought.

Will Congress deal with the nuclear waste issue in an election year with time running out in the 105th Congress? I think not. Will my friends from Nevada forego their rights to filibuster the bill at that time? I think not. As a practical matter, delay until August 1998 will slip to 1999. And, if we are waiting until 1999, why not allow the decision to wait for the license applications in 2001 or 2002? All the while we will be in violation of our contractual commitment. We will be increasing the damages. If we delay until 2001 or 2002, then why not delay until final licensing of a permanent repository is due in the year 2015.

Let me refer you to the picture of where we propose to put this. This waste would be put in a temporary repository located at the Nevada test site, which was used for more than 50 years and over 800 nuclear weapons tests have taken place in that area.

That is what we propose. It would be adjacent to the continuing development of a permanent site in Yucca Mountain. We have gotten nearly 5 miles of tunnel done now. The problem is that site is not going to be ready until the year 2015.

I do not expect the changes we have made in this bill, along with the others, will necessarily satisfy all my friends on the other side. All the members of the Nevada delegation have appeared before the committee, and they have said they would oppose any approach that would bring nuclear waste to Nevada, so I do not realistically expect my good friends to change their minds. They are doing what they feel they must do for their State. But I do hope my other colleagues who have not expressed support for our bill will understand just how far we have already come to make accommodations and to reject the emotional rhetoric that has been heard so often with regard to this bill.

We are starting this bill with 63 votes. That is what we had last year. It is no secret that we are seeking a higher number. So we are prepared to adopt amendments today to further address the concerns of some Members who have indicated concerns to the White House as well and to generally try to tackle all reasonable concerns that still may persist about the bill. We have developed this substitute amendment. We have worked closely with Senator BINGAMAN, and I commend him and his staff for their hard work.

Let me go over the amendments very briefly, point by point. S. 104 sets the size of the interim storage facility at 60,000 metric tons. Opponents of S. 104 have charged that the large size of this interim storage facility diverts resources away from the permanent repository at Yucca.

The Senators from Nevada have also incorrectly stated that it is our intent to make the interim repository the de facto permanent repository. Clearly, that is not the case.

Our amendment allows the Secretary to set the size of the facility based on the emplacement. Initial capacity would be 33,100 metric tons. This adequately addresses charges made by the critics of S. 104 that the repository is too large, and it makes it clear that the interim facility can never be a substitute for a permanent repository.

As we have said all along, the work at Yucca for the permanent repository will go on; it must go on. This provision in our substitute makes it clear that it has to go on.

S. 104, as reported, envisioned the initial operation of a central storage facility by December 31 in the year 2002, if Yucca Mountain is determined to be viable, and December 31, 2004, if it is determined not to be viable. Critics of S. 104 charged that this did not allow adequate time for the NEPA and the NRC licensing process to work.

Our amendment addresses these concerns by shifting those dates to June 30, 2003, and June 30, 2005.

S. 104 sets a 100-millirem dose standard that could be reviewed and changed to protect public health and safety. Critics of S. 104 argued that this was not good enough and that there should be a risk-based standard as recommended by the National Academy of Sciences.

Our amendment, therefore, mandates full EPA involvement in the setting of the risk-based radiation protection standard that is likely to result in a standard of 25 to 30 millirem. This is the approach endorsed by the Senators from Nevada I believe yesterday.

S. 104 ensured that the State and local jurisdictions could not hamstring Federal intent by allowing the Atomic Energy Act and the Hazardous Materials Transportation Act to preempt all inconsistent laws. Critics charged that this preemption authority was too broad because it allowed Federal laws to be preempted as well.

Our amendment, therefore, makes it clear that our bill would preempt State and local laws only, only where State intransigence prevents Federal purposes. We have adopted a more narrow approach that attempts to I think bring in a careful balance of State and Federal law.

We do not preempt Federal law. Therefore, let us be very clear about what we have attempted to do with our amendment here today. We have worked to address all the key objections of critics of S. 104 and still have a bill.

The statement of administration position and the recent letters sent to the majority leader by the Secretary of Energy really are not referring to the bill that incorporates the amendments we proposed here today, so their objection, if you will, is inappropriate because it does not relate to the changes we have made, and we look forward to any comments the administration might make with regard to these adjustments.

Let me go over each of the administration's criticisms and how we have addressed them. The administration's position initially stated that S. 104 would "effectively replace EPA's authority to set acceptable release standards."

Mr. President, I am going to need about 3 more minutes here with no objection from my colleagues from Nevada. I would ask that they be extended 3 more minutes as well.

Mr. REID. Whatever the Senator needs, we will extend the time.

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

Mr. MURKOWSKI. I thank my friend. Let me begin again.

The administration's position states that S. 104 would "effectively replace EPA's authority to set acceptable release standards." Our amendment, as I have stated earlier, places the EPA in a key role developing risk-based standards for the repository consistent with the recommendations of the National Academy of Sciences.

The administration position states that S. 104 would create loopholes in the application of the National Environmental Policy Act.

We have answered that. A full EIS is required prior to placement of any waste in temporary storage or the repository, and our amendment requires the evaluation of transportation which S. 104 excluded.

The administration also stated that S. 104 would "weaken existing environmental standards by preempting all Federal, State and local laws inconsistent with the environmental requirements of this bill and the Atomic Energy Act."

Our amendment completely changes section 501 of the bill. There will be full application of health and safety laws except where the local jurisdiction attempts to unreasonably stand in the way of the Federal mandate.

The administration's position further states that S. 104 "would undermine the ongoing work at the permanent disposal site by siphoning away resources."

That is simply not true. Our amendment establishes a user fee which was specifically added to provide sufficient funds for the construction and operation of a central storage facility and continued work at Yucca Mountain.

Finally, the administration's position states that "it would undermine the credibility of the Nation's nuclear waste disposal program by designating a site for an interim storage facility before viability has been assessed."

As I have said earlier, that is simply not true. Our bill specifically conditions the use of the Nevada test site as a site for a temporary storage until completion, until completion of a viability assessment for the repository at Yucca Mountain. We have attempted to mirror the administration's position on this issue, and I think we have.

Mr. President, we have worked very hard to satisfy legitimate concerns of the administration and all Senators. We continue to remain open to suggestions. Our willingness to consider new approaches will not stop with the Senate passage of this bill. There will be consideration in the House, and there will be a conference. This is not the last word. We will continue our quest for compromise that is not only acceptable to a bipartisan majority of Congress but hopefully the President as well.

Finally, Mr. President, I want to again advise my colleagues of my thanks to Senator BINGAMAN for the efforts made to accommodate his amendments. I think we were able to accommodate seven of the eight. I would like to conclude by simply explaining the one that we could not resolve.

As the Chair is aware, Senator BINGAMAN opposes our provision, and that specific provision is if the Yucca Mountain site fails as a permanent disposal site, if it fails in the sense of the licensing viability or suitability test, why, then the President must pick an alternative temporary site. Our position is that if we should get to this point, and it is very unlikely that it could occur, that Yucca would fail as a permanent disposal site, it would be the President's obligation to pick a temporary site. It would also bind Congress in approving the President's site. However, if Congress does not approve, or if the President fails to pick a site in 2½ years, then we go back to the Nevada test site more or less as the default position.

Senator BINGAMAN's position is a little different. He says if Yucca fails and the President picks a site, and, of course, Congress must approve, but if the Yucca site is not approved and the President does not pick, or Congress does not approve, then the waste would stay where it is, at 80 sites in 41 States, and it would stay there, well, until we developed a new nuclear waste program for the country. It could stay there basically, in his contention, for an extended period of time.

We found that irreconcilable. We feel that in order to bring this to a conclusion, we have to structure the amendments in such a way as to determine, indeed, that if Yucca Mountain is not deemed to be an adequate site and if the President finds it necessary as a consequence of Yucca not being deemed an adequate site, the responsibility is the President's, with the approval of Congress, but if all proposed to duck responsibility, then clearly it comes back to the Nevada test site in default. And the rationale for that is obvious. Without closing the loop, we have left a loophole, and we would not see a satisfactory determination by the parties who must bear the responsibility. And the Congress and the Senate certainly share in that.

So with that concluding remark, I yield and encourage the Chair to grant an equal amount of time to my good friends from Nevada.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, will the Chair advise the Senator from Nevada how much time the Senator from Alaska consumed?

The PRESIDING OFFICER. The Senator consumed 25 minutes.

Mr. REID. Will the Chair advise the Senator when he has used 11 minutes?

The PRESIDING OFFICER. Yes, sir. If you will proceed, I will be happy to do that.

Mr. REID. Mr. President, I do not mean in any way to denigrate pigs. I like pigs. As far as I am concerned, they do not look too bad. But no matter how you dress up a pig, formal clothes or dress, it still looks like a pig. And this legislation, no matter how you dress it up, still appears to be garbage. It is a bill that is not good legislation. No matter how you dress it up, it is a bad piece of legislation. Not the least reason for that, Mr. President, is the fact that now, this year, we are trying to interchange the word "viability" with "suitability." They are two totally different concepts with two totally different meanings.

As defined by the Department of Energy, viability is simply a finding that to that point in time, no disqualifying characteristic has been found. It simply says to this point we have not yet found anything wrong. It does not mean that the site will be suitable. Subsequent to viability, there is significant additional technical study to be pursued in the context of a repository design. The site could still be found unsuitable for an extended period later, while they find out if it is suitable. So an assessment of viability does not mean much.

This distinction between viability and suitability has been repeatedly pointed out to the Congress. It is a shame that in this debate, this year, we are now trying to satisfy the element of suitability by using the word "viability." The distinction was emphasized by the immediate past Director of DOE's Office of Civilian Radioactive Waste Management, who cannot be considered someone who is opposed to the nuclear industry. He simply said the finding of suitability is much different and a much higher standard than the finding of viability.

The distinction was emphasized in S. 104 testimony by the Chairman of the Nuclear Waste Technical Review Board. He said repeatedly, as did the former Chairman of the Office of Radioactive Waste Management, "Do not confuse viability with suitability. Suitability is the final step before license applications can be pursued. No centralized interim storage should be approved before that suitability decision has been made." This is very clear. So, in this debate let us not confuse suitability with viability.

There have been constant statements made on this Senate floor during the past few days that nuclear waste transportation is just fine, they do it other places. How many times have we heard statements, people saying we transport nuclear waste all over? Let me read from a letter written to my colleague, Senator RICHARD BRYAN, on March 28, 1997. This is not something that took place in ancient history. This is a brandnew letter. Let me read it:

DEAR SENATOR BRYAN: As the Senate prepares for a vote on S. 104, I thought you might find my recent experience with real-world transportation of radioactive waste in Gorleben, Germany of interest.

In early March, I was part of an international team which monitored the transport of six CASTOR casks of high-level atomic waste from southern Germany to the small northern farming community of Gorleben, a distance of about 300 miles. My experiences are chronicled in the enclosed issue of the Nuclear Monitor. But I want to add just a few points.

Too often, I feel like many of your Senate colleagues believe nuclear waste transportation is just another routine industrial endeavor and that, if they vote for a bill like S. 104, this transport will just be carried out with few problems.

The reality in Germany is quite different. The CASTOR shipments were met with protest every mile of the way. The shipments were front page news in every German newspaper the entire week I was in the country. Near Gorleben, a farming area and home of the "interim" waste storage facility, opposition to the transport and the "interim" facility is very nearly unanimous. In some towns nearby, I could not find a single house or farm that did not display anti-CASTOR, anti-nuclear, and anti-government signs. Farmers barricaded roads, and dug holes under them so the 100-ton CASTOR casks could not travel across them. Schoolchildren were forcibly removed from their schools, so police could use them as staging areas. The CASTOR transports had changed a quiet, conservative region of Germany into a bastion of protest and anger, causing a divisiveness in German society only now being recognized by the German Parliament, which has begun hearings on the issues.

The transport of these six casks required 30,000 police and $100 million. More than 170 people were injured during demonstrations, more than 500 arrested. Even the police have called for an end to the shipments; they no more like arresting demonstrators (who

many sympathize with) than they like guarding highly radioactive waste casks. I personally measured the radiation from one of these casks: at 15 feet, it was 50 times higher than background levels—an amount no one should involuntarily be exposed to, and pregnant women and children should never be exposed to. The police, of course, stand much closer than 15 feet, and for hours at a time.

Eight casks, of 420, have been shipped to Gorleben. Total cost to the German government has been about $150 million. Each shipment the protests and anger increase, instead of dying down.

Perhaps obviously, while watching the casks lumber down the highway toward Gorleben, at about 2 miles per hour (it took them about six hours to move the final 14 miles), surrounded by police and protestors, I reflected on what this might mean to our own radioactive waste programs. We're not trying to move six casks, or eight, or even 420. Under S. 104, we could be moving as many as 70,000 casks—not six in one year, but six every day. And we wouldn't be moving them 300 miles, but many hundreds and thousands of miles at a time.

I frankly don't know if we will experience protests like those in Germany, though I suspect we will. But I do know we will experience the same type of anger expressed by the local farmers and townspeople, the same type of distrust of government and authority, and the same kinds of societal divisions. And I have to ask myself, has anyone in the Senate actually thought about what these waste shipments could mean? I fear not.

Nor, I am convinced, is the U.S. government as prepared as the German government to handle these shipments. Germany was able to place 30,000 police, brought in from all across the country, along the transport route. Medical people and the Red Cross were well in evidence. The first line of emergency responders—the police—obviously were present for every mile of the transport. And they were clearly well-trained, if sometimes visibly uncomfortable in their roles.

It will not work to simply load up a huge cask of high-level atomic waste from a nuclear utility and send it onto an American highway or railway like a truck or boxcar carrying cars or oranges or even gasoline or some other hazardous material. Radioactive waste shipments are qualitatively different and require much more thought, planning and contemplation than the U.S. Senate so far appears willing to provide.

In the end, it required establishment of a literal police state in the Wendland area of Germany, and very nearly a war zone, to complete this cask movement. I do not believe this would be a credible or accepted policy in the United States.

With only eight of 420 casks shipped, Germany's Parliament is re-evaluating the entire program. Perhaps we can learn from them, and begin our re-evaluation before the shipments start.

I would be happy to further brief you or your colleagues on my experiences at your convenience.

It is signed by Michael Mariotte.

So, Mr. President, saying you can ship these casks with no problem is just not common sense, in light of what has happened in other places of the world. In the country of Germany, a very sophisticated country, Parliament has had to stop the shipment program.

This substitute is no different from the bill as originally submitted. S. 104 and its nuclear industry advocates insist that waste will be stored in Nevada no matter what. And they do not at all consider the transportation problems, as I indicated we should. The substitute amendment says that if Yucca Mountain is determined unacceptable by the President, then a different interim storage site must be designated within 24 months. If a different interim site is not so designated within that period, then Nevada would become the default storage site.

Sponsors of S. 104 in this Senate and the nuclear industry know that no such designation is possible within 24 months. Everyone knows that. That is why this substitute is as big a sham as the original bill. As I indicated, you can dress up a pig however you want, but it is still a pig. This legislation is still garbage, no matter how they try to dress it up.

They know that there has been spent to this point over a decade trying to understand the area around Yucca Mountain well enough to approve permanent storage there. They want to void the billions of dollars spent in Yucca Mountain and sidetrack, short-circuit the system. They know that any site that receives nuclear waste will keep it forever, because a permanent repository will never be built. That is the whole game of the very powerful, greedy, devious, deceptive nuclear waste industry. They do not want to play by the rules. They want to have their own game where they set their own rules, as they are trying to do in S. 104, and they are trying to doctor it up by saying we have made the goal lines not 100 yards apart, they are only 80 yards apart. That is not true.

They know once waste is moved from its generator site to a centralized site, it will never be moved again. A suitability decision will permit designation of a site. Viability will not.

So the only possible way to proceed, the only way to overcome the overwhelming opposition to centralized interim storage, is to designate an interim storage site at a place that has already been found suitable for permanent disposal of spent nuclear fuel. That is the only way to do it.

It is this inability to see that S. 104 is putting the horse behind the cart, that is, establishing an interim site before a suitability decision—it is this blindness that compels me to believe S. 104 is really all about sabotaging this country's avowed policy to permanently dispose of nuclear waste.

The industry, with all their money and all their profits, want to change the system. They want to change the rules in the middle of the ball game. Everyone knows that Nevada is not happy with Yucca Mountain. But at least some rules have been established there, where scientists have at least some say in what is going on there. And the reason the nuclear waste industry is willing to change—wants to change the rules in the middle of the game is they know that Yucca Mountain is being, at this stage, studied, analyzed, and characterized in a fair fashion.

Think about it. S. 104 would move nuclear waste to Nevada and store it there permanently at a site that has been found unsuitable for that purpose. I repeat. Think about it. S. 104 would move nuclear waste to Nevada and store it there permanently at a site that has been found unsuitable for that purpose. What could be more outrageous than that?

Such a policy goes beyond stupidity, goes beyond unfairness. It would knowingly risk public health and safety by storing waste at a site that has been determined to be an unsafe site, and, by storing waste on an open, concrete pad, exposed——

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator has used 11 minutes.

Mr. REID. I thank the Chair.

By storing waste on an open, concrete pad, exposed to the weather and all manner of natural and accidental damage. That is wrong. Permanent storage, because that is what it would be, at a temporary site would be about the worst decision this Senate could make.

This legislation, this so-called substitute, is as bad as the original bill. I defy anyone to controvert what we have talked about here today, about the problems they had in Germany. Eight casks out of 420, moved 300 miles, not thousands of miles like we are moving them here. They had to call out 30,000 police and army personnel to allow those to proceed, at a cost of $150 million.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I thank the Chair. I yield myself such time as I may need.

Mr. President, I want to continue this discussion of my colleague. Each of us was thinking in the same frame of reference. He said no matter how much you dress up a pig it's still a pig. I learned as a youngster the old adage, you cannot make a silk purse out of a sow's ear. You cannot make a silk purse out of a sow's ear. And that is exactly what we have here.

We have not had a chance to review in detail all the asserted changes that the chairman of the committee intends, and we will have a chance to comment on that tomorrow. But central to this debate, the basic issue, the point at which all discussion begins, every thoughtful and analytical and policy frame of reference, is the question of whether or not we should place interim storage anywhere before a determination is made with respect to a permanent repository or dump. That is

why the administration continues to oppose this legislation, Senator BINGAMAN opposes this legislation, why every environmental organization in America opposes this legislation. Because the basic flaw is this is unnecessary and unwise. We will have a chance to expand upon this tomorrow.

But you go back to the origin of this debate, 17 years ago, you scratch the surface and always the nuclear utility industry and its highly paid advocates have one mission and one mission only—remove the waste from the reactor site. That was the essence of the debate, as we have pointed out time and time again on the floor dating back to 1980 when then the Holy Grail of the industry was an "away-from-reactor" storage program; the same basic concept, anywhere away from here, get it out, away from reactor storage. The Congress wisely rejected in 1980 that approach, just as they have rejected that approach consistently, year after year.

I want to refer to the Nuclear Waste Technical Review Board. We have talked about that a great deal. Much has been made of its contents. But the point that needs to be made is there is no urgent technical need for interim storage of spent fuel—none. Our colleague, the ranking member of the committee, last night, the senior Senator from Arkansas [Mr. BUMPERS], went on at great length about: There is no necessity, no need to do so. Indeed, any thoughtful policy approach rejects that premise.

Again, in 1997, a reconstituted Nuclear Waste Technical Review Board reaches the same conclusion, namely that there is no necessity and no reason to move at this time.

They make a second point here that I think is important to emphasize, and that is, if the site selection process is to retain any integrity at all, here is what Dr. Cohon said in his testimony of February 5:

> However, to maintain the credibility of the site-suitability decision, siting a centralized storage near Yucca Mountain—

That is interim storage he has reference to—

> should be deferred until a technically defensible site-suitability determination can be made at Yucca Mountain.

That is the essence of the argument, that no decision should be made until a defensible site-suitability determination can be made at Yucca Mountain.

He goes on to say:

> We have estimated that such a determination could be made within about 4 years.

Those are Dr. Jared Cohon's comments.

So, Mr. President, it is clear that the nuclear utility industry is scrambling at the last moment to put together a few flourishes on the legislation that is before us, but they will not and cannot change the basic flaw in that they would propose to site interim storage at the Nevada test site before a determination is made with respect to the permanent repository.

Let me say, for those who have followed this issue over the years, the only justification for siting it at the Nevada test site—and this was debated last year on the floor, to some extent—was the assumption, the predicate that Yucca Mountain would be the permanent repository. That was the only basis. How in the world can you place interim storage until you have a determination made as to whether the permanent facility, which is the whole predicate of the interim storage licensing decision, has been determined, and that has not occurred.

So this has nothing to do with science. Frequently, science is invoked to defend the course of action that our colleagues on the other side of this issue would urge upon the body. This has absolutely nothing to do with science; it has everything to do with nuclear politics as advocated by the nuclear power industry and their legions of lobbyists who line the hallways and the corridors of this Chamber, as well as the other body.

A second point I think needs to be made here and was addressed, in part, by my senior colleague, and that is the transportation issue. If we should not be moving it at all until a decision is made, why place at risk the citizens of 43 States, 51 million people, along highway and rail corridors in America? Senator REID is quite correct that Europe is often cited: "My gosh, they have their situation handled; why can't we do it here?" Believe me, once you start moving 85,000 metric tons of high-level nuclear waste, you are going to have communities, and rightly so, exercised about the transport of those kinds of volumes.

The chairman of the committee says, "Well, we're shipping nuclear waste around now." That is true to some extent, but the difference between 2,500 shipments and 17,000 shipments in which the 2,500 shipments have traveled 900 miles or less is a vastly different proposition in terms of magnitude of risk of shipping waste over thousands of miles. Remember, most of these reactors are in the East and would be transported virtually from coast to coast, a very different proposition again.

Something else that we have tried to make understandable in this debate to our opponents is the fact that the casks that would be used have not yet been designed, nor have they been manufactured. So we are talking about a totally different reconfigured cask that will take some time.

I invite my colleagues' attention to the testimony of Dr. Jared Cohon, again, earlier this year when he indicated that it is not just a siting decision. He says:

> But developing a storage facility—

And he is referring there, again, to interim storage—

> requires more than a siting decision. It also requires the development of a transportation system, and it is likely that such transportation system will take several years to develop.

So the notion that somehow instantaneously this problem is taken care of, just pass S. 104 and all of our problems go away.

I want to respond to one other issue briefly before concluding. The notion is somehow fostered here that if an interim storage facility is located at the Nevada test site, that rather than having 109 different reactor sites around the country where nuclear waste is stored, we will have only one. Mr. President, that is not correct. We will have 110, not 109.

Many people may not be familiar with the fact that immediately after a spent fuel cell assembly is removed from the reactor because it no longer has the efficiency necessary to generate electrical power, it is stored for many, many years in a spent-fuel pond or pool for it to cool off for a period of time. We are talking about reactors that are licensed up to the period of 2033. So we are going to have nuclear waste stored at many sites around the country for many, many years, irrespective of S. 104.

So the notion that is held out of "pass this bill and we will have no nuclear waste other than at the site designated in this bill, the Nevada test site," is certainly a false premise and, indeed, once the waste is removed, the reactor itself remains and is hazardous for an extended period of time.

There are many things we will be talking about in more detail during the course of the debate over the next few days. But no matter how they try to recast this as a different piece of legislation, some chameleon-hued piece of nuclear legislation, when you get to the very essence, the core of the legislation, its fatal and unperfectable flaw is that it calls for siting interim storage before the decision is made on the permanent facility, and no one in the scientific community is arguing for that proposition.

So this is nuclear politics, and we are simply responding to the bidding of the nuclear utility industry, which, for more than a decade now, has urged the Congress, in one form or another, to remove the reactor waste, send it somewhere else, send it anywhere, but get it out from under us, and that is the objection that the policymakers, who have given this their thoughtful attention—the President of the United States and others—have said that is what is wrong with this legislation. It is what was wrong with the legislation in 1996, and that has not changed in the original form in which this bill was introduced, and based upon the discussion of the chairman of the committee,

it has not changed in the substitute that is being proposed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. LOTT. Madam President, I send a cloture motion to the desk to the pending committee substitute.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to S. 104, the Nuclear Policy Act:

Trent Lott, Frank Murkowski, Lauch Faircloth, Phil Gramm, Craig Thomas, Gordon Smith, Ted Stevens, Pete Domenici, Slade Gorton, Larry Craig, William Roth, Conrad Burns, Spencer Abraham, Bob Smith, Susan Collins, and Don Nickles.

Mr. LOTT. Madam President, for the information of all Senators, this cloture vote would occur on Friday unless consent can be granted for a vote on Thursday. Also, the interested parties are in the process of negotiating a consent agreement that would call for the final passage of S. 104 by the close of business tomorrow. Needless to say, if that is agreed to, the cloture vote would not be necessary. I encourage our colleagues to continue to negotiate on this important legislation, and I hope that they will be able to reach an agreement shortly.

MORNING BUSINESS

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

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

REPORT CONCERNING SCIENCE AND TECHNOLOGY POLICY—MESSAGE FROM THE PRESIDENT—PM 28

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

A passion for discovery and a sense of adventure have always driven this Nation forward. These deeply rooted American qualities spur our determination to explore new scientific frontiers and spark our can-do spirit of technological innovation. Continued American leadership depends on our enduring commitment to science, to technology, to learning, to research.

Science and technology are transforming our world, providing an age of possibility and a time of change as profound as we have seen in a century. We are well-prepared to shape this change and seize the opportunities so as to enable every American to make the most of their God-given promise. One of the most important ways to realize this vision is through thoughtful investments in science and technology. Such investments drive economic growth, generate new knowledge, create new jobs, build new industries, ensure our national security, protect the environment, and improve the health and quality of life of our people.

This biennial report to the Congress brings together numerous elements of our integrated investment agenda to promote scientific research, catalyze technological innovation, sustain a sound business environment for research and development, strengthen national security, build global stability, and advance educational quality and equality from grade school to graduate school. Many achievements are presented in the report, together with scientific and technological opportunities deserving greater emphasis in the coming years.

Most of the Federal research and education investment portfolio enjoyed bipartisan support during my first Administration. With the start of a new Administration, I hope to extend this partnership with the Congress across the entire science and technology portfolio. Such a partnership to stimulate scientific discovery and new technologies will take America into the new century well-equipped for the challenges and opportunities that lie ahead.

The future, it is often said, has no constituency. But the truth is, we must all be the constituency of the future. We have a duty—to ourselves, to our children, to future generations—to make these farsighted investments in science and technology to help us master this moment of change and to build a better America for the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 9, 1997.*

MESSAGES FROM THE HOUSE

At 4:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 28. An act to amend the Housing Act of 1949 to extend the loan guarantee program for multifamily rental housing in rural areas.

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.

H.R. 785. An act to designate the J. Phil Campbell, Senior, National Resource Conservation Center.

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

H.R. 1000. An act to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits and the amount of food stamp benefit to be provided to the household under the Food Stamp Act of 1977.

MEASURES REFERRED

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

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Finance.

MEASURE PLACED ON THE CALENDER

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

S. 522. A bill to amend the Internal Revenue Code of 1986 to impose civil and criminal penalties for the unauthorized access of tax returns and tax return information by Federal employees and other persons, and for other purposes.

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. CAMPBELL (for himself and Mr. CONRAD):

S. 528. A bill to require the display of the POW/MIA flag on various occasions and in various locations; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. GRAMS):

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

By Mr. KOHL:

S. 530. A bill to amend title 11, United States Code, to limit the value of certain

real and personal property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 531. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. KEMPTHORNE, Mr. THOMAS, Mr. DORGAN, Mr. CONRAD, Mr. DASCHLE, Mr. JOHNSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. KERREY, and Mr. GRASSLEY):

S. 532. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 533. A bill to exempt persons engaged in the fishing industry from certain Federal antitrust laws; to the Committee on the Judiciary.

By Mr. DODD:

S. 534. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. COCHRAN, Mr. BURNS, Mr. MOYNIHAN, Mr. HARKIN, Mr. DODD, Mr. LEAHY, Mr. BOND, Mr. BINGAMAN, Mr. CAMPBELL, Mr. MACK, Mr. TORRICELLI, Mr. GRASSLEY, Mr. INOUYE, Mr. HOLLINGS, Mr. ROBB, Mr. DURBIN, Mrs. BOXER, Mr. BRYAN, Mr. DASCHLE, Mr. FORD, Mr. D'AMATO, Mr. REID, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. FAIRCLOTH, Mr. LEVIN, Ms. COLLINS, Mr. KERRY, Mrs. MURRAY, Mr. REED, Mr. KENNEDY, Mr. SANTORUM, Mrs. FEINSTEIN, and Mr. ROCKEFELLER):

S. 535. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. BIDEN, Mr. D'AMATO, Mr. SHELBY, Mr. KOHL, Mr. GRAHAM, Mr. CLELAND, Mr. HATCH, Mr. HARKIN, Mr. THURMOND, Mr. STEVENS, Mr. DURBIN, Mr. HUTCHINSON, Mr. ABRAHAM, Mr. REID, Mr. FEINGOLD, and Mrs. MURRAY):

S. 536. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Ms. COLLINS, Ms. LANDRIEU, Mr. HARKIN, Mr. COCHRAN, Mr. KENNEDY, Mr. BIDEN, Mr. FAIRCLOTH, Mr. DASCHLE, Mr. WYDEN, Mr. INOUYE, Mr. SARBANES, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. FORD, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. ABRAHAM, Mr. BENNETT, Mr. CHAFEE, Mr. FEINGOLD, Mr. GREGG, Mr. REED, Mr. MACK, Mr. ROBB, Mr. JEFFORDS, Mr. LEVIN, Mr. FRIST, Mr. BOND, Mr. WELLSTONE, Mr. SPECTER, Mr. BURNS, Mr. GLENN, Mr. COATS, Mr. AKAKA, and Mr. LIEBERMAN):

S. 537. A bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Labor and Human Resources.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 538. A bill to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. DEWINE, and Mr. KOHL):

S. 539. A bill to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Ms. MIKULSKI, and Mr. TORRICELLI):

S. 540. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive coinsurance for screening mammography for women age 65 or older under the medicare program; to the Committee on Finance.

By Mr. ALLARD:

S. 541. A bill to provide for an exchange of lands with the city of Greely, Colorado, and The Water Supply and Storage Company to eliminate private inholdings in wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 542. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself, Mr. MCCONNELL, Mr. ABRAHAM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 543. A bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; read the first time.

S. 544. A bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCAIN (for himself, Mr. KERRY, Mr. HELMS, Mr. KERREY, Mr. ROBB, Mr. ROTH, and Mr. THOMAS):

S. Res. 69. Resolution expressing the sense of the Senate regarding the March 30, 1997, terrorist grenade attack in Cambodia; to the Committee on Foreign Relations.

By Mr. D'AMATO (for himself, Mr. CAMPBELL, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. LAUTENBERG, Mr. GRAHAM, Mr. REID, and Mr. FEINGOLD):

S. Con. Res. 19. Concurrent resolution concerning the return of or compensation for wrongly confiscated foreign properties in formerly Communist countries and by certain foreign financial institutions; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself and Mr. CONRAD):

S. 528. A bill to require the display of the POW/MIA flag on various occasions and in various locations; to the Committee on the Judiciary.

THE NATIONAL POW/MIA RECOGNITION ACT OF 1997

Mr. CAMPBELL. Mr. President, I want to begin my statement today describing a powerful and emotional sight that moves us to the core of our faith and beliefs about America and about those who served in the Armed Forces of our Nation.

Many of us have visited one or more of the military academies that train our future military leaders. These academies have varied missions and yet all of them share in the critical task of developing leaders for their particular service. On the grounds of each academy is a chapel, a spectacular place that at once identifies itself as a place of worship.

In each chapel, a place has been reserved for the prisoners of war and the missing in action from their particular service. A pew has been set aside and marked by a candle, a powerful symbol that not all have returned from battle. This hallowed place has been set aside so that all POW's and MIA's are remembered with dignity and honor. It is a moving and emotional moment to pause at this reserved pew, to be encouraged by the burning candle, to recall the valor and sacrifice of those soldiers, sailors, and pilots and to be inspired today by what they have done.

We can do more to honor the memory of the POW's and MIA's who have served in our Nation's wars.

Therefore, today I am introducing the National POW/MIA Recognition Act of 1997. This act would authorize the POW/MIA flag to be displayed over military installations, post offices, and memorials around the Nation and other appropriate places of significance on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays. A companion bill has been introduced in the House of Representatives by Congresswoman JANE HARMAN from California.

Congress has officially recognized the National League of Families POW/MIA

flag. Displaying this flag would be a powerful symbol to all Americans that we have not forgotten—and will not forget.

As you know, the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to the number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but also for their families who personally carry with them the burden on sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served.

As a veteran who served in Korea, I personally know that the remembrance of another's sacrifice in battle is one of the highest and most noble acts we can do. Let us now demonstrate our indebtedness and gratitude for those who served that we might live in freedom.

Just as those special reserved pews in the chapels of the military academies recall the spirit and presence of our POW's and MIA's, so too will the display of their flag over military installations and other Government offices be a special reminder that we have not forgotten—and will not forget. Before this coming Memorial Day I invite my Senate colleagues to please join me in passing this bill to display the POW/MIA flag on national days of celebration.

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

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

S. 528

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National POW/MIA Recognition Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

(2) many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

(3) as a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag; and

(4) the American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

SEC. 3. DEFINITION OF POW/MIA FLAG.

In this Act, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized and designated by section 2 of Public Law 101-355 (104 Stat. 416).

SEC. 4. DISPLAY.

The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations as designated by the Secretary of Defense;

(2) Federal national cemeteries;

(3) the national Korean War Veterans Memorial;

(4) the national Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

SEC. 5. REPEAL OF PROVISION RELATING TO DISPLAY OF POW/MIA FLAG.

Section 1084 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (36 U.S.C. 189 note, Public Law 102-190) is repealed.

SEC. 6. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in section 2 shall prescribe any regulation necessary to carry out the provisions of this Act.

By Mr. GRASSLEY (for himself and Mr. GRAMS):

S. 529. A bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income; to the Committee on Finance.

THE FARM INDEPENDENCE ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise to introduce a bill on the Internal Revenue Code. From time to time we need to change the Internal Revenue Code, particularly when it deals with agriculture. However, there may be some people listening who do not understand agriculture. They may see these efforts as doing something special for farmers. I want to clarify today that I am a person who comes from the school of thought that every penny of legal tax that is owed the Federal Government should be paid. But I think, also, we have a responsibility, as Representatives of the people, to make sure that we balance taxpayers' compliance with taxpayers' rights.

The legislation I am introducing today is centered on a proposition that has been the law for approximately 40 years. It proscribes that most farm landlords, just like small business people and other commercial landlords, should not have to pay self-employment tax on cash rent income. For 40 years it has been that way for farm people and city people alike. But in 1995, there was an Arkansas Federal tax court case that said the IRS could take other expansive factors into consideration. As a result of that tax case, the IRS decided to issue a related technical advice memorandum. These are widely deemed to be IRS policy statements on the law. As a result, many farm landlords are now treated differently from commercial and other city landlords. Consequently, farmers and retired farmers now find themselves paying 15.3 percent self-employment tax on cash rent.

So, I say to the IRS, as I give an explanation for my legislation this morning: Don't try to game the system. The law remains what people have counted on for 40 years. Unless there is an act of Congress, you ought to respect history before you change the rules. Obviously, the test of time ought to prove the taxpayer was right and the IRS was wrong, particularly since there now is a difference between the farm sector and the city sector.

The correct rationale is simple, the self employment tax applies to income from labor or employment. Income from cash rents represents the value of ownership or equity in land, not labor or employment. Therefore, the self employment tax should not ordinarily apply to income from cash rents.

So, along with Senator GRAMS of Minnesota, I am introducing this bill so farmers and retired farmers are not going to be encroached upon by the IRS and the Tax Code as a result of this Arkansas Federal tax court case and the IRS technical advice memorandum. The IRS has thus, through this court case and broadened by its own pronouncement, introduced a new barrier to the family farmer. Our legislation would remove this new IRS barrier so that farm families and retired farmers can continue to operate.

Specifically, our legislation would clarify that when the IRS is applying the self-employment tax to the cash rent farm leases, it should limit its inquisition to the lease agreement. This is not an expansion of the law for the taxpayers. Rather, it is a narrowing of an antitaxpayer expansion initiated by the Internal Revenue Service. The tax law does not ordinarily require cash rent landlords in cities to pay the self-employment tax. Indeed, cash rent farm landlords are the only ones occasionally required to pay the tax. This is due to a 40-year-old exception that allowed the retired farmers of the late 1950's to become vested in the Social Security system.

However, the law originally imposed the tax on farm landlords only when

their lease agreements with their renters required the landlord to participate in the operation of the farm and in the farming of the land.

Forty years later and we are here today, the IRS has expanded the application of the self-employment tax for farmland owners. Now the Tax Court has told the IRS that in one particular instance, the IRS could look beyond the lease agreement. On this very limited authority, the IRS has unilaterally expanded the one court case even further so it now approximates a national tax policy.

Our legislation clarifies that the IRS should examine only the lease agreement. Thus, it would preserve the pre-1996 status quo. We want to preserve the historical self-employment tax treatment of farm rental agreements, equating them with landlords in small businesses and commercial properties within the cities. The 1957 tax law was designed to benefit retired farmers of that generation so that they would qualify for Social Security.

So, obviously, those persons of the 1950's have all since passed from the scene. Their children and grandchildren are now the victims of this IRS expansion of their old rule. Congress does not intend that farm owners be treated differently from other real estate owners, other than as they have been historically. We need the clarity provided in our legislation in order to turn back an improper, unilateral, and targeted IRS expansion of old tax law. In other words, I see this legislation as removing this new IRS barrier to the family farm and the American dream.

I ask unanimous consent that the text of our bill be printed in the RECORD.

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

S. 529

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Independence Act of 1997".

SEC. 2. LEASE AGREEMENT RELATING TO EXCLUSION OF CERTAIN FARM RENTAL INCOME FROM NET EARNINGS FROM SELF-EMPLOYMENT.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1)(A) of the Internal Revenue Code of 1986 (relating to net earnings from self-employment) is amended by striking "an arrangement" and inserting "a lease agreement".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1)(A) of the Social Security Act is amended by striking "an arrangement" and inserting "a lease agreement".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

Mr. GRAMS. Mr. President, I rise this morning in strong support of the Farm Independence Act of 1997 which my good friend, Senator GRASSLEY, and I introduce here today. This legislation is critical in protecting American farmers and ranchers from yet another IRS attack—the third this year—on the family farm.

I suspect when President Grover Cleveland remarked that, "just when you thought you were making ends meet, someone moves the ends," the former President must have been thinking about the Internal Revenue Service.

This time, the IRS has issued a decision in one of its technical advice memoranda that, if fully enforced, will result in a 15.3-percent tax increase for thousands of farmers. Let me repeat that. A recent IRS decision could result in a 15.3-percent tax increase for thousands of farmers.

Essentially, if a producer incorporates—and many Minnesota producers, both small and large, do—and then rents his land to the farm corporation, the rental income the farmer receives is not only subject to income tax but to an additional 15.3-percent self-employment tax.

The purpose of the Grassley-Grams Farm Independence Act of 1997 is simple and it is straightforward. Our bill would stop the IRS from imposing this 15.3-percent tax increase on our farmers and ranchers.

Mr. President, last Congress, we passed the most sweeping reforms in agricultural policy in 60 years and gave farmers the freedom to farm. At that time, we also promised farmers regulatory relief, improved research and risk management, free and fair trade, and—perhaps most importantly—we promised farmers tax relief.

Now, many of us in Congress have made tax relief a top priority. I do so, in part, because it is a top priority for Minnesota farmers, and toward this end, I am an original cosponsor of a bill to repeal the estate tax, and I strongly support legislation to cut capital gains taxes.

But, unfortunately, we haven't made much progress in convincing the President and some in Congress that this is not fat-cat legislation but absolutely necessary for the survival and success of the family farm.

But, even more frustrating than these obstacles to providing farmers with critical relief from the death tax and capital gains taxes are back-door attempts by the IRS to actually raise taxes on our farmers and ranchers.

First, came the alternative minimum tax which attacked cash-based accounting. Second, came a decision that income from culled cows—cows that don't milk—is income that disqualifies low-income farmers from receiving the earned income tax credit. And, now, the IRS wants to exact a 15.3-percent tax increase on thousands of American farmers and ranchers.

Mr. President, I am 100 percent committed to providing Minnesota farmers with tax relief they desperately need. I hope the President and others in Congress come around on this issue as well.

But, at a bare minimum, the President should send a signal to the IRS that these back-door attempts to raise revenues on the backs of the Nation's farmers and ranchers is totally unacceptable.

I am convinced that a second gold age of agriculture is within reach in the final days of this century and also the whole of the next if only we in Government help—rather than hinder—our farmers' and ranchers' efforts.

So, Mr. President, I urge my colleagues to support the Farm Independence Act of 1997. I also commend the Senator from Iowa for his leadership on this issue.

By Mr. KOHL:

S. 530. A bill to amend title 11, United States Code, to limit the value of certain real and personal property that a debtor may elect to exempt under State or local law, and for other purposes; to the Committee on the Judiciary.

THE BANKRUPTCY ABUSE REFORM ACT OF 1997

Mr. KOHL. Mr. President, I rise today to introduce the Bankruptcy Abuse Reform Act of 1997, legislation which addresses a serious problem that threatens Americans' confidence in our bankruptcy laws. The measure would cap at $100,000 the State homestead exemption that an individual filing for personal bankruptcy can claim. It passed the Senate last term when it was included into the Bankruptcy Technical Corrections Act (S. 1559), and I hope that we can all support this measure again this year. The goal of our measure is simple but vitally important: to make sure that our Bankruptcy Code is more than just a beachball for crooked millionaires who want to hide their assets.

Let me tell you why this legislation is critically needed. In chapter 7 Federal personal bankruptcy proceedings, the debtor is allowed to exempt certain possessions and interests from being used to satisfy his outstanding debts. One of the chief things that a debtor seeks to protect is his home, and I agree with that in principle. Few question that debtors should be able to keep the roofs over their heads. But, in practice, this homestead exemption has become a source of abuse.

Under section 522 of the Code, a debtor may opt to exempt his home according to local, State, or Federal bankruptcy provisions. The Federal exemption allows the debtor to shield up to $15,000 of value in his house. The State exemptions vary tremendously: some States do not allow the debtor to exempt any of his home's value, while eight States set no ceiling and allow an unlimited exemption. The vast majority of States have exemptions under $40,000.

My amendment under section 522 would cap State exemptions so that no debtor could ever exempt more than $100,000 of the value of his home.

Mr. President, in the last few years, the ability of debtors to use State homestead exemptions has led to flagrant abuses of the Bankruptcy Code. Multimillionaire debtors have moved to one of the eight States that have unlimited exemptions—most often Florida or Texas—bought multi-million-dollar houses, and continued to live like kings even after declaring bankruptcy. This shameless manipulation of the Bankruptcy Code cheats creditors out of compensation and rewards only those who can game the system. Oftentimes, the creditor who is robbed is the American taxpayer. In recent years, S&L swindlers, insider trading convicts, and other shady characters have managed to protect their ill-gotten gains through this loophole.

One infamous S&L banker with more than $4 billion in claims against him bought a multi-million-dollar horse ranch in Florida. Another man who pled guilty to insider trading abuses lives in a 7,000-square-foot beachfront home worth $3.25 million—all tucked away from the $2.75 billion in suits against him. We read even now about the possibility that O.J. Simpson may seek to avoid the civil suit judgment against him buying a lavish home in Florida, a State with an unlimited exemption, and declaring bankruptcy to avoid paying his multimillion-dollar obligations. These deadbeats get wealthier while legitimate creditors—including the U.S. Government—get the short end of the stick.

Simply put, the current practice is grossly unfair and contravenes the intent of our laws: People are supposed to get a fresh start, not a head start, under the Bankruptcy Code.

In addition, these unlimited homestead exemptions have made it increasingly difficult for the Federal Deposit Insurance Corporation and the Resolution Trust Corporation to go after S&L crooks. With the S&L crisis costing us billions of dollars and with a deficit that still remains unacceptably high, we owe it to the taxpayers to make it as hard as possible for those responsible for fraud to profit from their wrongs.

Mr. President, the legislation that I have introduced today is simple, effective, and straightforward. It caps the homestead exemption at $100,000, which is close to the average price of an American house. And it will protect middle class Americans while preventing the abuses that are making the American middle class question the integrity of our laws—the abuses the average American taxpayer is paying for out of pocket.

Indeed, it is even generous to debtors. Other than the eight States that have no limit to the homestead exemption, no State has a homestead exemption exceeding $100,000. In fact, 38 States have exemptions of $40,000 or less. My own home State of Wisconsin has a $40,000 exemption and that, in my opinion, is more than sufficient.

Mr. President, this proposal is an effort to make our bankruptcy laws more equitable. I urge my colleagues to support this important measure.

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. 530

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bankruptcy Abuse Reform Act of 1997".

SEC. 2. LIMITATION.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)(2)(A), by inserting "subject to subsection (n)," before "any property"; and

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

"(n) As a result of electing under subsection (b)(2)(A) to exempt property under State or local law, a debtor may not exempt an aggregate interest that exceeds $100,000 in value in—

"(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence; or

"(3) a burial plot for the debtor or a dependent of the debtor.".

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 531. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

ARCTIC NATIONAL WILDLIFE REFUGE LEGISLATION

Mr. ROTH. Mr. President, I read recently that "the best thing we have learned from nearly five hundred years of contact with the American wilderness is restraint," the need to stay our hand and preserve our precious environment and future resources rather than destroy them for momentary gain.

With this in mind, I offer legislation today that designates the coastal plain of Alaska as wilderness area. At the moment this area is a national wildlife refuge—one of our beautiful and last frontiers. By changing its designation, Mr. President, we can protect it forever.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good. It offers us a sense of well-being and promises that not all dreams have been dreamt.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. In all, about 165 species use the coastal plain.

It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is, Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is "the most splendid part of the American habitat; it is also the most fragile." And we cannot enter "it carrying habits that [are] inappropriate and expectations that [are] surely excessive."

The expectations for oil exploration in this pristine region are excessive. There is only a 1-in-5 chance of finding any economically recoverable oil in the refuge. And if oil is found, the daily production of 400,000 barrels per day is less than 0.7 percent of world production—far too small to meet America's energy needs for more than a few months.

In other words, Mr. President, there is much more to lose than might ever be gained by tearing this frontier apart. Already, some 90 percent of Alaska's entire North Slope is open to oil and gas leasing and development. Let's keep this area as the jewel amid the stones.

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Together, we need to embrace environmental policies that are workable

and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations—and only when people have frontiers that are untrammeled and able to host their fondest dreams.

Mr. LIEBERMAN. Mr. President, I am proud to join again with Senator ROTH in this effort to designate the Arctic National Wildlife Refuge as a wilderness area.

This legislation would save the American people the huge social and environmental costs of unwise and unnecessary development of one of nature's crown jewels. The Arctic National Wildlife Refuge is the last complete Alaskan wilderness with elements of each tundra ecosystem, the biological heart of the North Slope of Alaska. It is on a par with our other great national resources, including the Grand Canyon, Yellowstone, Jackson Hole, the Badlands, Glacier Bay, and Denali. This is a unique piece of God's Earth that must be preserved for our entire Nation for centuries to come.

Make no mistake, environmental impacts to the Arctic National Refuge from oil development would be severe and irreversible. The refuge includes the calving grounds for one of the largest caribou herds in North America, the Porcupine herd—152,000 strong. Native American customs have centered around the herd's annual migration for at least 20,000 years. The refuge is a treasure chest of plants, animals, and wilderness unique to the world in terms of abundance, diversity, and value to humankind. Over 200 species of plants and animals thrive in the refuge, including muskoxen, snow geese, Arctic foxes, Arctic grayling, and Arctic char. It is the only natural area in the United States with all three species of North American bears—the black bear, the grizzly bear and the polar bear. It is one of the most natural areas in our Nation, untouched by development, and the last of its kind.

Many environmental studies demonstrate that the negative environmental effects of opening the Arctic Refuge to development will be severe. Biologists from Federal and State agencies and universities have concluded that oil development will harm the calving of the caribou herd, and reduce its long term numbers very significantly. The Office of Management and Budget has stated that "exploration and development activities would bring physical disturbances to the area, unacceptable risks of oil spills and pollution, and long-term effects that would harm wildlife for decades." Raymond Cameron, formerly of the Alaska Department of Fish and Game, documented that 19 percent fewer calves are born to caribou cows on developed lands as opposed to undeveloped lands, with a 2-percent margin of error. His study also documented that caribou cows miss yearly calving at a 36-percent rate in developed areas, versus only 19 percent in undeveloped areas. Even a small change in calving success can lead to long-term population declines. A study by the State of Alaska showed that the Arctic caribou herd at Prudhoe Bay declined from 23,400 to 18,100—23 percent—since 1992. All the population decline occurred in habitat affected by oil development, while herds in undeveloped areas grew slightly. Biologists fear that development impacts would be proportionately greater on the herd that uses the Arctic Refuge.

The amount of oil that potentially can be recovered from the Arctic Refuge is simply too small to affect our energy security, and too destructive to the environment to be worth it. A 1995 assessment of petroleum reserves by the U.S. Geological Survey reported that there is a 95-percent chance that only 148 million barrels of oil exist in the refuge. This would amount to a drop in the national oil bucket—an 8-day supply. Even if the USGS high estimate were correct, the refuge would hold at most a 290-day supply for the United States.

We can all hope for another strike like Prudhoe Bay. But the simple reality, based on the very best geological science and economics available today, is that alternative energy supplies, as well as the real energy savings from national energy conservation programs, are far more reliable, tangible, and less destructive energy sources than a wild gamble with the Alaskan wilderness.

The remaining 90 percent of the Alaskan North Slope is already open to oil and gas leasing. Is it too much to protect what little we have left? Every reliable national poll conducted on this issue shows Americans of all political persuasions are against development in the refuge by a more than three to one margin. Let's honor our history of conservation and protect the future for generations to come, by saving the Arctic National Wildlife Refuge.

By Mr. BAUCUS (for himself, Mr. KEMPTHORNE, Mr. THOMAS, Mr. DORGAN, Mr. CONRAD, Mr. DASCHLE, Mr. JOHNSON, Mr. CRAIG, Mr. BURNS, Mr. ENZI, Mr. HARKIN, Mr. BINGAMAN, Mr. ROBERTS, Mr. KERREY, and Mr. GRASSLEY):

S. 532. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Environment and Public Works.

SURFACE TRANSPORTATION AUTHORIZATION AND REGULATORY STREAMLINING ACT

Mr. BAUCUS. Mr. President, I am pleased today to introduce the Surface Transportation Authorization and Regulatory Streamlining Act, or STARS 2000. I am joined in this effort by my colleagues on the Environment and Public Works Committee, Senators KEMPTHORNE and THOMAS. And by Senators DORGAN, CONRAD, DASCHLE, JOHNSON, BURNS, CRAIG, ENZI, HARKIN, BINGAMAN, ROBERTS, and KERREY of Nebraska.

This bill reauthorizes this Nation's surface transportation programs for the year 2000, and beyond.

As most of my colleagues know, we must act soon to renew these programs since today's law, the Intermodal Surface Transportation Efficiency Act, or ISTEA, will expire on September 30.

STARS 2000 builds on the progress already made by ISTEA. But it also makes some important improvements. Let me focus on the three most significant aspects of the bill.

FUNDING LEVELS

First, the bill increases funding for our highway programs to $27 billion annually. Transportation is a critical part of our Nation's economic growth and prosperity. The investments we make today in transportation will help keep us globally competitive well into the next century.

Furthermore, these investments directly generate hundreds of thousands of jobs—in Montana, in Idaho, in Illinois, in every State. They also indirectly help sustain businesses and millions more jobs all across the country.

The funding in STARS 2000 will support all types of transportation projects. It also will enable States and local governments to make the investment decisions that best reflect their transportation priorities.

The funding level in STARS 2000 corresponds to the amount of money estimated to be in the highway trust fund over the next 6 years.

As my colleagues know, this is money already being collected from the tax on gasoline and other fuels. My view is that we should spend it for the purpose for which it was collected.

Even with this increase, however, we will not eliminate the shortfall in meeting our transportation needs. The Department of Transportation estimates that over $50 billion would be needed each year in order to just maintain current highway and bridge conditions.

Yet, today annual spending by all levels of government is only $39 billion per year.

Our competitors know the advantage of a sound transportation system. That is why Japan invests over four times what we do in transportation as a percentage of GDP. The Europeans spend twice as much.

We cannot afford to squander this important competitive edge. While

STARS 2000 is not the complete solution, it is a big step in the right direction.

STREAMLINING

Second, STARS 2000 dramatically streamlines and simplifies today's transportation programs. It reduces administrative burdens on the States and the complexity of the programs by consolidating several funding categories and by allowing for greater flexibility in decisionmaking.

The bill has two key categories for funding. The National Highway System, which makes up 60 percent of the core program, and the Surface Transportation Program, which accounts for the remaining 40 percent.

The National Highway System carries the bulk of our recreational and commercial traffic. It consists of 160,000 miles of highways, including the entire 45,000 mile Interstate System.

These roads connect our cities and towns. Our farms to their markets. And our manufacturing facilities to our seaports. It just makes sense that the NHS should be a priority.

STARS 2000 devotes over $14 billion annually to these roads.

As with current law, the Surface Transportation Program remains the most flexible category of funds. States can shift funds among projects to best serve their transportation needs. STARS 2000 retains ISTEA's programs and project eligibilities and includes over $9 billion annually for them.

FUNDING FORMULAS

Third, STARS 2000 updates ISTEA's funding formulas. One criticism of the current formulas is that they are based on outdated and unnecessary data.

This bill rectifies that problem by using up-to-date information.

The STARS formula also reflects the transportation needs of a State. We have included such factors as lane miles, vehicle miles traveled, and freeze-thaw cycles, to better account for the cost of maintaining and improving our highway system.

ENVIRONMENT

STARS 2000 also continues the commitment to the environment that began in ISTEA. It dedicates some $380 million annually to congestion mitigation and air quality projects.

Furthermore, it requires that these funds be spent on projects in areas that have not attained our transportation-related air quality standards.

Frankly, I had hoped to include more funding for these projects in this bill. But as this legislation progresses, I intend to work with my colleagues to see if we can't be more generous here.

STARS 2000 also continues the transportation enhancement program. This is an innovative program that has given States the ability to invest in nontraditional highway projects such as bike paths, pedestrian walkways and historic preservation.

CONCLUSION

In conclusion, STARS 2000 is a good bill. But it also is one of several bills that our committee will consider in the coming weeks.

Under the leadership of our chairman, Senator CHAFEE and our subcommittee chairman, Senator WARNER, along with Senator MOYNIHAN, and others, I have no doubt that these various proposals will be brought together to produce a fair bill.

A bill that will bring this Nation and its transportation system into the next century.

Before yielding the floor, I wish to thank the primary cosponsors of this bill, Senators KEMPTHORNE and THOMAS, for their hard work in developing this legislation. I am also grateful for the help of our State transportation departments, particularly in Montana and Idaho, and their staff, in fashioning this bill.

STARS 2000 brings a new approach and some new ideas to our surface transportation policy. I commend it to my colleagues for their consideration.

Mr. President, I ask unanimous consent that a copy of the bill and a short summary of it be printed in the RECORD.

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

S. 532

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Surface Transportation Authorization and Regulatory Streamlining Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Policy.

TITLE I—LEVEL AND DISTRIBUTION OF FUNDS

Sec. 101. Authorization of appropriations.
Sec. 102. Effective use of additional highway account revenue.
Sec. 103. Apportionment of program funds.
Sec. 104. Apportionment adjustment program.
Sec. 105. Program administration, research, and planning funds.
Sec. 106. Recreational trails.
Sec. 107. Rules for any limitations on obligations.

TITLE II—PROGRAM STREAMLINING

Sec. 201. Planning-based expenditures on elements of transportation infrastructure.
Sec. 202. National Highway System.
Sec. 203. Interstate maintenance activities.
Sec. 204. Surface transportation program amendments.
Sec. 205. Conforming amendments to discretionary programs.
Sec. 206. Cooperative Federal Lands Transportation Program.

TITLE III—REDUCTION OF REGULATION

Sec. 301. Periodic review of agency rules.
Sec. 302. Planning and programming.
Sec. 303. Metric conversion at State option.

TITLE IV—EFFECTIVE DATE; TRANSITION RULES

Sec. 401. Effective date; transition rules.

SEC. 2. POLICY.

Section 101 of title 23, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) DECLARATION OF POLICY.—Congress finds and declares that—

"(1) investments in highways and transportation systems contribute to the Nation's economic growth, international competitiveness, and defense, and improve the personal mobility and quality of life of its citizens;

"(2) there are significant needs for increased Federal highway and transportation investment across the United States, including a need to improve and preserve Interstate System and other National Highway System routes, which are lifelines for the national economy;

"(3) the Federal Government's interest in transportation includes—

"(A) ensuring that people and goods can move efficiently over long distances between metropolitan areas and thus across rural areas;

"(B) ensuring that people and goods can move efficiently within metropolitan and rural areas;

"(C) preserving environmental quality and reducing air pollution;

"(D) promoting transportation safety; and

"(E) ensuring the effective use of intelligent transportation systems and other transportation technological innovations in both urban and rural settings;

"(4) rural States do not have the fiscal resources to support highway investments within their borders that benefit the United States as a whole by enabling the movement of people and goods between metropolitan areas and thus across rural States;

"(5) since State governments already take into account the public interest before making transportation decisions affecting citizens of the States—

"(A) the need for Federal regulation of State transportation activities is limited; and

"(B) it is appropriate for Federal transportation programs to be revised to minimize regulations and program requirements and to provide greater flexibility to State governments; and

"(6) the Federal Government should continue to allow States and local governments flexibility in the use of Federal highway funds and require transportation planning and public involvement in transportation planning.".

TITLE I—LEVEL AND DISTRIBUTION OF FUNDS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System under section 103 of title 23, United States Code, $14,163,000,000 for each of fiscal years 1998 through 2003.

(2) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program under section 133 of that title, $9,442,000,000 for each of fiscal years 1998 through 2003.

(3) FEDERAL LANDS HIGHWAY INVESTMENTS.—

(A) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title, $191,000,000 for each of fiscal years 1998 through 2003.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title, $172,000,000 for each of fiscal years 1998 through 2003.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title, $84,000,000 for each of fiscal years 1998 through 2003.

(B) COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Cooperative Federal Lands Transportation Program under section 206 of that title, $155,000,000 for each of fiscal years 1998 through 2003.

(4) TERRITORIES.—For the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, collectively, $35,000,000 for each of fiscal years 1998 through 2003. Such sums shall be allocated among those territories at the discretion of the Secretary of Transportation.

SEC. 102. EFFECTIVE USE OF ADDITIONAL HIGHWAY ACCOUNT REVENUE.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 162. Effective use of additional highway account revenue

"(a) DETERMINATION OF ADDITIONAL AMOUNTS TO BE APPORTIONED.—

"(1) PUBLICATION OF INFORMATION.—Not later than 90 days after the beginning of each fiscal year beginning with fiscal year 1999, the Secretary shall publish in the Federal Register the following information:

"(A) The total estimated revenue of the Highway Trust Fund (other than the Mass Transit Account) during the period consisting of that fiscal year and the 5 following fiscal years, including all interest income credited or to be credited during the period.

"(B) The amount obtained by dividing the amount determined under subparagraph (A) by 6.

"(C) The amount obtained by subtracting $27,000,000,000 from the amount determined under subparagraph (B).

"(2) APPORTIONMENT.—If the amount determined under paragraph (1)(C) is greater than zero, the Secretary shall—

"(A) multiply that amount by 0.85; and

"(B) apportion the amount determined under subparagraph (A) in accordance with subsection (b)(1).

"(b) METHOD OF APPORTIONMENT.—

"(1) IN GENERAL.—For each fiscal year, the amount determined under subsection (a)(2) shall be apportioned as follows:

"(A) 60 percent of the amount shall be added to the amount authorized to be appropriated for the fiscal year for the National Highway System under section 101(1) of the Surface Transportation Authorization and Regulatory Streamlining Act.

"(B) 40 percent of the amount shall be added to the amount authorized to be appropriated for the fiscal year for the surface transportation program under section 101(2) of that Act.

"(2) APPORTIONMENT ADJUSTMENT PROGRAM.—After making the apportionment under paragraph (1), the Secretary shall make such additional apportionments as are necessary under section 157.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for fiscal year 1999 and each fiscal year thereafter.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. Effective use of additional highway user taxes.".

SEC. 103. APPORTIONMENT OF PROGRAM FUNDS.

(a) IN GENERAL.—Section 104(b) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) NATIONAL HIGHWAY SYSTEM.—

"(A) APPORTIONMENT.—For the National Highway System, as follows:

"(i) INTERSTATE LANE MILES.—20 percent in the ratio that lane miles on Interstate routes in each State bears to the total of all such lane miles in all States.

"(ii) INTERSTATE VEHICLE MILES TRAVELED.—25 percent in the ratio that vehicle miles traveled on Interstate routes in each State bears to the total of all such vehicle miles in all States.

"(iii) NATIONAL HIGHWAY SYSTEM LANE MILES.—30 percent in the ratio that lane miles on National Highway System routes in each State bears to the total of all such lane miles in all States.

"(iv) NATIONAL HIGHWAY SYSTEM VEHICLE MILES TRAVELED.—10 percent in the ratio that vehicle miles traveled on the National Highway System in each State bears to the total of all such vehicle miles in all States.

"(v) SPECIAL FUEL.—15 percent in the ratio that special fuels volume for each State bears to the total special fuels volume for all States.

"(B) USE OF DATA.—In making the calculations for this paragraph, for paragraph (3), and for section 157, the Secretary shall use the most recent calendar or fiscal year for which data are available as of the first day of the fiscal year for which the apportionment is to be made.

"(C) DEFINITIONS.—In this paragraph:

"(i) LANE MILES ON INTERSTATE ROUTES.—The term 'lane miles on Interstate routes' shall have the meaning used by the Secretary in developing Highway Statistics Table HM–60.

"(ii) LANE MILES ON NATIONAL HIGHWAY SYSTEM ROUTES.—The term 'lane miles on National Highway System routes' shall have the meaning used by the Secretary in developing Highway Statistics Table HM–48.

"(iii) SPECIAL FUELS VOLUME.—The term 'special fuels volume' shall have the meaning used by the Secretary in developing column 8 of Highway Statistics Table MF–2.

"(iv) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(v) VEHICLE MILES TRAVELED.—The terms 'vehicle miles traveled on Interstate routes' and 'vehicle miles traveled on the National Highway System' shall have the meanings used by the Secretary in developing Highway Statistics Table VM–3.";

(2) by striking paragraph (2);

(3) by striking paragraph (3) and inserting the following:

"(3) SURFACE TRANSPORTATION PROGRAM.—For the surface transportation program, as follows:

"(A) FEDERAL-AID HIGHWAY LANE MILES.—25 percent in the ratio that lane miles on Federal-aid highways in each State bears to the total of all such lane miles in all States.

"(B) FEDERAL-AID HIGHWAY VEHICLE MILES TRAVELED.—53 percent in the ratio that vehicle miles traveled on Federal-aid highways in each State bears to the total of all such vehicle miles in all States.

"(C) BRIDGE DECK SURFACE AREA.—10 percent in the ratio that the square footage of bridge deck surface in each State, including such square footage with respect to bridges not on Federal-aid highways, bears to the total of such square footage in all States, except that, in this subparagraph, the term 'bridge' includes only structures of at least 20 feet in length.

"(D) AIR QUALITY.—4 percent in accordance with the following table:

"State	Percentage
Alabama	0.41
Alaska	0.00
Arizona	1.50
Arkansas	0.00
California	23.02
Colorado	0.00
Connecticut	2.63
Delaware	0.45
District of Columbia	0.48
Florida	3.34
Georgia	1.73
Hawaii	0.00
Idaho	0.00
Illinois	5.48
Indiana	1.26
Iowa	0.00
Kansas	0.00
Kentucky	0.82
Louisiana	0.47
Maine	0.48
Maryland	3.47
Massachusetts	4.60
Michigan	3.25
Minnesota	0.00
Mississippi	0.00
Missouri	1.11
Montana	0.00
Nebraska	0.00
Nevada	0.17
New Hampshire	0.43
New Jersey	6.45
New Mexico	0.00
New York	10.96
North Carolina	1.38
North Dakota	0.00
Ohio	4.91
Oklahoma	0.00
Oregon	0.66
Pennsylvania	6.76
Rhode Island	0.65
South Carolina	0.00
South Dakota	0.00
Tennessee	1.25
Texas	5.47
Utah	0.55
Vermont	0.00
Virginia	2.38
Washington	1.78
West Virginia	0.30
Wisconsin	1.40
Wyoming	0.00.

"(E) POPULATION IN RELATION TO LANE MILES.—2 percent, as follows: The Secretary shall (i) divide the total population of all States by the total number of lane miles on Federal-aid highways in all States; (ii) for each State divide the State's population by the number of lane miles on Federal-aid highways within its borders; (iii) for each State divide the number determined by (ii) into the number determined by (i); (iv) add together the number determined under (iii) for every State; and (v) divide the number for each State under (iii) by the number for all States determined under (iv). The Secretary shall apportion to each State, of the funds apportioned under this subparagraph, the percentage equal to the number determined under (v).

"(F) FEDERAL LANDS.—5 percent as follows: The Secretary, after consultation with the General Services Administration, the Department of the Interior, and other agencies as appropriate, shall (i) determine the percentage of the total land in each State represented by the sum of the percentage of land owned by the Federal Government in the State and the percentage of land in the State held in trust by the Federal Government; (ii) add together the individual State percentages determined under clause (i) for all States; and (iii) divide the amount for each State under clause (i) by the amount

for all States under clause (ii). The 5 percent shall be apportioned among the States in accord with each State's percentage under clause (iii).

"(G) FREEZE-THAW.—1 percent, to be apportioned among the States in accordance with the table set forth in clause (i), or in accordance with clause (ii).

"(i) TABLE.—

"State	Percentage
Alabama	1.2
Alaska	2.4
Arizona	1.0
Arkansas	1.4
California	0.8
Colorado	3.3
Connecticut	2.3
Delaware	1.8
District of Columbia	1.9
Florida	0.2
Georgia	1.1
Hawaii	0.0
Idaho	2.9
Illinois	1.9
Indiana	1.9
Iowa	2.1
Kansas	2.1
Kentucky	1.9
Louisiana	0.7
Maine	2.5
Maryland	2.0
Massachusetts	2.4
Michigan	2.2
Minnesota	2.0
Mississippi	1.1
Missouri	2.0
Montana	3.0
Nebraska	2.4
Nevada	2.2
New Hampshire	2.0
New Jersey	2.6
New Mexico	2.1
New York	2.9
North Carolina	2.3
North Dakota	2.2
Ohio	2.1
Oklahoma	1.6
Oregon	1.6
Pennsylvania	2.3
Rhode Island	2.1
South Carolina	1.4
South Dakota	2.5
Tennessee	1.8
Texas	1.1
Utah	3.2
Vermont	2.0
Virginia	1.9
Washington	1.8
West Virginia	2.2
Wisconsin	2.1
Wyoming	3.5.

"(ii) ALTERNATE APPROACH.—Notwithstanding section 315, the Secretary may, through notice and comment rulemaking, adopt an approach in lieu of the table set forth in clause (i) in order to apportion funds subject to this subparagraph among the States in a manner that reflects the relative frequency of freeze-thaw cycles within the States. The Secretary may use that alternate approach to apportioning funds for a fiscal year only if a final rule, adopted after notice and comment, is in effect prior to the beginning of that fiscal year.

"(H) DEFINITIONS.—In this paragraph:

"(i) LANE MILES ON FEDERAL-AID HIGHWAYS.—The term 'lane miles on Federal-aid highways' shall have the meaning used by the Secretary in developing Highway Statistics Table HM-60.

"(ii) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(iii) VEHICLE MILES TRAVELED ON FEDERAL-AID HIGHWAYS.—The term 'vehicle miles traveled on Federal-aid highways' shall have the meaning used by the Secretary in developing Highway Statistics Table VM-2.";

(4) in paragraph (5)—

(A) in subparagraph (A), by striking "(A) Except as provided in subparagraph (B)—"; and

(B) by striking subparagraph (B); and

(5) by striking paragraph (6).

(b) POPULATION DETERMINATIONS.—Section 104 of title 23, United States Code, is amended by adding at the end the following:

"(k) POPULATION DETERMINATIONS.—For the purposes of subsection (b)(3) and section 157, population shall be determined on the basis of the most recent estimates prepared by the Secretary of Commerce.".

(c) CONFORMING AMENDMENTS.—

(1) Section 104(b) of title 23, United States Code, is amended in the matter preceding paragraph (1) by striking "paragraph (5)(A) of this subsection" and inserting "paragraph (5)".

(2) Section 137(f)(1) of title 23, United States Code, is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(1)".

(3) Section 139 of title 23, United States Code, is amended by striking "sections 104(b)(1) and 104(b)(5)(B) of this title" each place it appears and inserting "section 104(b)(1)".

(4) Section 142(c) of title 23, United States Code, is amended by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)".

(5) Section 159(b) of title 23, United States Code, is amended—

(A) in paragraph (1)(A)—

(i) in clause (i), by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)"; and

(ii) in clause (ii), by striking "section 104(b)(5)(B)" and inserting "section 104(b)(5)(B) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)";

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)(A) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)";

(ii) in subparagraph (B), by striking "(5)(B)" and inserting "(5)(B) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)"; and

(iii) in the last sentence, by striking "section 104(b)(5)" and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)"; and

(C) in paragraph (4), by striking "section 104(b)(5)" and inserting "section 104(b)(5) (as in effect on the day before the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act)".

(6) Section 161(a) of title 23, United States Code, is amended by striking "paragraphs (1), (3), and (5)(B) of section 104(b)" each place it appears and inserting "paragraphs (1) and (3) of section 104(b)".

(7) Section 1009 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 119 note; 105 Stat. 1933) is amended by striking subsection (c).

SEC. 104. APPORTIONMENT ADJUSTMENT PROGRAM.

(a) IN GENERAL.—Section 157 of title 23, United States Code, is amended to read as follows:

"§ 157. Apportionment adjustment program

"(a) DEFINITIONS.—In this section:

"(1) LOW-DENSITY STATE.—The term 'low-density State' means a State that is listed in the table in paragraph (4) and that has an average population density of 20 individuals or fewer per square mile.

"(2) SMALL STATE.—The term 'small State' means a State that is listed in the table in paragraph (4) and that has a population of 1,500,000 individuals or fewer and a land area of 10,000 square miles or less.

"(3) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

"(4) STATED PERCENTAGE.—The term 'stated percentage', with respect to a State, means the percentage listed for the State in the following table:

"State	Percentage
Alaska	1.25
Delaware	0.40
Hawaii	0.55
Idaho	0.70
Montana	0.95
Nevada	0.67
New Hampshire	0.48
New Mexico	1.05
North Dakota	0.63
Rhode Island	0.55
South Dakota	0.70
Vermont	0.43
Wyoming	0.66.

"(b) PROGRAM.—On October 1 (or as soon as possible thereafter) of each fiscal year beginning after September 30, 1997, the Secretary shall apportion among the States, in addition to amounts apportioned under paragraphs (1) and (3) of section 104(b), and section 104(f)(2), the amounts required by this section.

"(c) ADDITIONAL APPORTIONMENTS AND SEQUENCE OF CALCULATING ADDITIONAL APPORTIONMENTS.—

"(1) FIRST CALCULATION.—The Secretary shall apportion $95,000,000 to the Commonwealth of Puerto Rico.

"(2) SECOND CALCULATION.—For each low-density State and each small State, the Secretary shall calculate the total amount obtained by multiplying the stated percentage for the State by the total amount of funds apportioned to all States under paragraphs (1) and (3) of section 104(b) and section 104(f)(2) plus the amount apportioned under paragraph (1). For any low-density or small State that received, under paragraphs (1) and (3) of section 104(b) and section 104(f)(2) combined, apportionments less than the amount for the State determined pursuant to the first sentence of this paragraph, the Secretary shall apportion to the State such additional amount as is required to make up that difference.

"(3) THIRD CALCULATION.—In addition to any amount required to be apportioned by paragraph (2) for a fiscal year, the Secretary shall make additional apportionments so that no State receives an amount that is less than the amount determined by multiplying (A) the percentage that is 95 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available by (B) the total amount of funds apportioned to all States immediately after the Secretary has made any additional apportionments required by paragraph (2).

"(4) FOURTH CALCULATION.—The Secretary shall determine for each State the percentage apportioned to that State of the total amount of funds apportioned to all States under paragraphs (1) and (3) of section 104(b). The Secretary shall calculate, for each State, the total amount obtained by multiplying (A) the percentage for that State under the first sentence of this paragraph by (B) the total amount of funds apportioned to all States after the apportionment made by paragraph (3). If the amount for a State under the calculation made under the preceding sentence, minus the total amount apportioned to that State after the apportionments made by paragraph (3), is greater than zero, the Secretary shall make an additional apportionment, equal to that amount, to that State.

"(5) FIFTH CALCULATION.—For each low-density State and each small State, the Secretary shall calculate the total amount obtained by multiplying the stated percentage for the State by the total amount of funds apportioned to all States after the apportionment made by paragraph (4). For any low-density or small State that receives, after the apportionment made by paragraph (4), total apportionments less than the amount for the State determined pursuant to the first sentence of this paragraph, the Secretary shall apportion to the State such additional amount as is required to make up that difference.

"(d) TERMS AND CONDITIONS.—Amounts apportioned in accordance with subsection (c), and amounts authorized to be appropriated under section 101(4) of the Surface Transportation Authorization and Regulatory Streamlining Act—

"(1) shall be available for obligation, when allocated, for the year authorized and the 3 following fiscal years;

"(2) shall be subject to this title; and

"(3) may be obligated for National Highway System projects under section 103, surface transportation program projects under section 133, or any other purpose authorized under this title.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section such sums as are necessary for fiscal year 1998 and each fiscal year thereafter.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 157 and inserting the following:

"157. Apportionment adjustment program.".

(c) REPEAL OF CERTAIN APPORTIONMENT ADJUSTMENT PROGRAMS.—

(1) REIMBURSEMENT FOR SEGMENTS OF THE INTERSTATE SYSTEM CONSTRUCTED WITHOUT FEDERAL ASSISTANCE.—

(A) IN GENERAL.—Section 160 of title 23, United States Code, is repealed.

(B) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 160.

(2) DONOR STATE BONUS AMOUNTS.—Section 1013 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 157 note; 105 Stat. 1940) is amended by striking subsection (c).

(3) HOLD HARMLESS APPORTIONMENT ADJUSTMENT.—Section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1943) is amended by striking subsection (a).

(4) 90 PERCENT OF PAYMENTS ADJUSTMENT.—Section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104 note; 105 Stat. 1944) is amended by striking subsection (b).

SEC. 105. PROGRAM ADMINISTRATION, RESEARCH, AND PLANNING FUNDS.

(a) PROGRAM ADMINISTRATION.—Section 104 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "an apportionment is made of the sums authorized to be appropriated for expenditure on the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, and the Interstate System" and inserting "apportionments are made pursuant to this section and section 157"; and

(ii) by striking "not to exceed 3¾ per centum of all sums so authorized" and inserting "not to exceed 2 percent of the total of the apportionments";

(B) by inserting after the first sentence the following: "For the purpose of calculating apportionments referred to in the preceding sentence, the deductions made under this subsection shall be made only after the completion of all other aspects of calculating the apportionments and from amounts calculated without taking into account the deductions."; and

(C) in the third sentence (after the amendment made by subparagraph (B)), by striking "such determination" and inserting "the determination described in the first sentence"; and

(2) in the matter preceding paragraph (1) of subsection (b), by striking ", after making the deduction" and all that follows through the colon and inserting "shall make apportionments for the fiscal year in the following manner:".

(b) METROPOLITAN PLANNING.—Section 104(f) of title 23, United States Code, is amended by striking "(f)(1)" and all that follows through the end of paragraph (1) and inserting the following:

"(f) METROPOLITAN PLANNING.—

"(1) SET ASIDE.—On October 1 of each fiscal year, the Secretary shall set aside to carry out section 134 not to exceed 1 percent of the funds authorized to be appropriated for the National Highway System under section 103 and the surface transportation program under section 133.".

(c) RESEARCH AND PLANNING.—Section 307 of title 23, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (f) the following:

"(g) FREEZE-THAW RESEARCH.—Not later than 90 days after the date of enactment of the Surface Transportation Authorization and Regulatory Streamlining Act, the Secretary shall undertake an enhanced level of research to determine means of reducing the long-term and short-term costs of constructing and maintaining asphalt pavement in areas with severe or frequent freeze-thaw cycles.

"(h) CONSIDERATION OF RURAL ISSUES IN TRANSPORTATION RESEARCH, INTELLIGENT TRANSPORTATION SYSTEMS, AND TECHNOLOGY PROGRAMS.—In selecting topics for research, allocating funds among contractors and State and local governments for research, and researching, developing, testing, and promoting intelligent transportation systems and other technological applications, the Secretary shall give careful consideration to the national interest in—

"(1) understanding transportation issues that affect rural areas;

"(2) developing a scientific and technological infrastructure in rural areas; and

"(3) permitting rural as well as metropolitan areas to benefit from the deployment of modern transportation technology.".

SEC. 106. RECREATIONAL TRAILS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out the recreational trails program under part B of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.) $30,000,000 for each of fiscal years 1998 through 2003.

(b) APPORTIONMENT FORMULA.—

(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261), the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations, and may enter into contracts with for-profit organizations, to carry out the administration and research described in the preceding sentence.

(2) APPROPRIATION TO THE STATES.—After making the deduction authorized by paragraph (1), the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year among the States in the following manner:

(A) EQUAL AMOUNTS.—Fifty percent of that amount shall be apportioned equally among eligible States (as defined in section 1302(g)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1))).

(B) AMOUNTS PROPORTIONATE TO NONHIGHWAY RECREATIONAL FUEL USE.—Fifty percent of that amount shall be apportioned among eligible States (as defined in section 1302(g)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261(g)(1))) in amounts proportionate to the degree of nonhighway recreational fuel use in each of those States during the preceding year.

(c) CONTRACT AUTHORITY.—Funds authorized by this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any recreational trails project shall be determined in accordance with subsection (d).

(d) FEDERAL SHARE PAYABLE.—

(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a recreational trails project shall not exceed 80 percent.

(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute Federal funds toward a project's cost, if the share attributable to the Secretary of Transportation does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

(3) ALLOWABLE MATCH FROM FEDERAL GRANT PROGRAMS.—Notwithstanding any other provision of law, the following Federal grant programs may be used to contribute Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

(A) The State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

(B) Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(C) The Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.).

(D) The Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; 102 Stat. 4552).

(E) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(F) The National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(G) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193).

(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects if the total Federal share payable for all projects within the State under this program for a Federal fiscal year's apportionment does not exceed 80 percent. A project funded under paragraph (2) or (3) may not be included in the calculation of the programmatic non-Federal share.

(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State, incurred in administering this program and carrying out statewide trail planning, shall be determined in accordance with section 120(b) of title 23, United States Code.

SEC. 107. RULES FOR ANY LIMITATIONS ON OBLIGATIONS.

(a) NONE ESTABLISHED.—Nothing in this Act establishes a limitation on the total of all obligations for any fiscal year for Federal-aid highways and highway safety construction programs.

(b) RULES FOR OBLIGATION AUTHORITY LIMITS.—Chapter 1 of title 23, United States Code (as amended by section 102(a)), is amended by adding at the end the following:

"§ 163. Rules for any limitations on obligations

"(a) IN GENERAL.—Any provision of a statute enacted before or after the date of enactment of this section that establishes a limitation on obligations for Federal-aid highways and highway safety construction programs for fiscal year 1998, or any fiscal year thereafter, shall be in accordance with this section (as in effect on the date of enactment of this section) or stated as an amendment to this section.

"(b) PROHIBITION ON CERTAIN LIMITATIONS.—Obligations under section 125, for Federal lands highway investments, and for recreational trails under part B of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261 et seq.), shall not be subject to any limitation on obligation authority.

"(c) DISTRIBUTION OF OBLIGATION LIMITATIONS.—

"(1) IN GENERAL.—If, with respect to fiscal year 1998 or any fiscal year thereafter, a provision of a statute establishes a limitation on obligations for Federal-aid highways and highway safety construction programs, paragraphs (2) through (4) shall apply.

"(2) DISTRIBUTION FORMULA.—For a fiscal year, any limitation described in paragraph (1) shall be distributed among the States by allocation in the ratio that—

"(A) the total of the amounts apportioned to each State under sections 104, 157, and 162 for the fiscal year; bears to

"(B) the total of the amounts apportioned to all States under those sections for the fiscal year.

"(3) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—Notwithstanding any limitation described in paragraph (1), for each fiscal year, the Secretary—

"(i) shall provide each State with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways and highway safety construction programs that have been apportioned or allocated to the State, except in those cases in which the State indicates its intention to lapse sums apportioned to the State;

"(ii) after August 1 of the fiscal year—

"(I) shall revise a distribution of the funds made available under the limitation described in paragraph (1) for the fiscal year if a State will not obligate the amount distributed during the fiscal year; and

"(II) shall redistribute sufficient amounts to States able to obligate amounts in addition to the amounts previously distributed for the fiscal year, giving priority to those States that have unobligated balances of funds apportioned that are relatively large when compared to the amount of funds apportioned to those States under sections 104 and 157 for the fiscal year; and

"(iii) shall not distribute amounts authorized for administrative expenses.

"(B) STATE INFRASTRUCTURE BANKS.—For the purposes of subparagraph (A)(ii), funds made available and placed in a State infrastructure bank approved by the Secretary but not obligated out of the bank shall be considered to be not obligated.

"(4) ADDITIONAL OBLIGATION AUTHORITY.—

"(A) IN GENERAL.—Subject to paragraph (3), a State that after August 1 and on or before September 30 of a fiscal year obligates the amount distributed to the State for the fiscal year under paragraph (2) may obligate for Federal-aid highways and highway safety construction programs on or before September 30 of the fiscal year an additional amount not to exceed 5 percent of the aggregate amount of funds apportioned or allocated to the State under sections 104 and 157 that are not obligated on the date on which the State completes obligation of the amount so distributed.

"(B) LIMITATION ON ADDITIONAL OBLIGATION AUTHORITY.—During the period August 2 through September 30 of each fiscal year, the aggregate amount that may be obligated by all States under subparagraph (A) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States under sections 104 and 157 that would not be obligated in the fiscal year if the total amount of obligation authority provided for the fiscal year were used.

"(C) LIMITATION ON APPLICABILITY.—In the case of a fiscal year, subparagraph (A) shall not apply to any State that on or after August 1 of the fiscal year has the amount distributed to the State under a limitation for the fiscal year reduced under paragraph (3).

"(d) MAINTENANCE OF OVERALL PROGRAM BALANCE.—If a limitation on obligations is established for a fiscal year—

"(1) the Secretary shall determine the percentage by which the limitation reduces the amount of funds that otherwise would be available for obligation by each State; and

"(2) notwithstanding sections 133, 144, and 149, for the fiscal year, the amounts that are required to be made available for use in the State under paragraphs (1) and (2) of section 133(d), the amounts that the State is required to reserve under section 144, and the amounts subject to section 149, shall be reduced by the percentage determined by the Secretary under paragraph (1).".

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 102(b)), is amended by adding at the end the following:

"163. Rules for limitations on obligation authority.".

TITLE II—PROGRAM STREAMLINING

SEC. 201. PLANNING-BASED EXPENDITURES ON ELEMENTS OF TRANSPORTATION INFRASTRUCTURE.

(a) BRIDGE EXPENDITURES.—

(1) IN GENERAL.—Section 144 of title 23, United States Code, is amended—

(A) by striking subsections (a) and (b) and inserting the following:

"(a) CERTIFICATION BY THE STATE.—Not later than 180 days after the end of each fiscal year beginning with fiscal year 1998, each State shall certify to the Secretary, either that—

"(1) the State has reserved, from funds apportioned to the State for the preceding fiscal year, to carry out bridge projects eligible under section 133(b), an amount that is not less than the amount apportioned to the State under this section for fiscal year 1997; or

"(2) the amount that the State will reserve, from funds apportioned to the State for the period consisting of fiscal years 1998 through 2003, to carry out bridge projects eligible under section 133(b), will be not less than 6 times the amount apportioned to the State under this section for fiscal year 1997.

"(b) SET ASIDES.—

"(1) DISCRETIONARY BRIDGE PROGRAM.—

"(A) IN GENERAL.—On October 1 of each fiscal year beginning with fiscal year 1998, before making any apportionment under paragraph (1) or (3) of section 104(b), the Secretary shall set aside—

"(i) $36,300,000 from the amount available for apportionments under section 104(b)(1); and

"(ii) $24,200,000 from the amount available for apportionments under section 104(b)(3).

"(B) USE OF SET ASIDE.—The amounts set aside under subparagraph (A) shall be available for obligation in the same manner and to the same extent as sums apportioned under section 104(b)(3), except that the amounts shall be obligated at the discretion of the Secretary, in accordance with procedures to be established by the Secretary, for bridge projects eligible under section 133(b).";

(B) by striking subsections (c) through (f) and (h) through (p);

(C) by redesignating paragraphs (3) and (4) of subsection (g) as paragraphs (2) and (3), respectively, of subsection (b);

(D) by striking subsection (g);

(E) in subsection (q), by striking "(q) As used in" and inserting "(c) DEFINITION OF REHABILITATE.—In"; and

(F) in subsection (b) (as amended by subparagraph (C))—

(i) in paragraph (2), by striking "apportioned to each State in each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, and 1997," and inserting "reserved by each State under subsection (a) for each of fiscal years 1998 through 2003"; and

(ii) in paragraph (3)—

(I) in the first sentence, by striking "apportioned to" and inserting "reserved under subsection (a) by"; and

(II) in the second sentence, by striking "a State bridge apportionment and before transferring funds to the States," and inserting "the amount to be reserved under subsection (a) for a fiscal year by a State described in the preceding sentence,".

(2) CONFORMING AMENDMENTS.—

(A) Section 104(g) of title 23, United States Code, is amended—

(i) in the first sentence—

(I) by striking "apportioned" and inserting "reserved";

(II) by striking "to each State in accordance with" and inserting "by each State for the purposes of"; and

(III) by striking "apportionment" each place it appears and inserting "amount reserved";

(ii) in the second sentence, by striking "apportionment" each place it appears and inserting "amount reserved"; and

(iii) in the third sentence, by striking "State's apportionment" and inserting "amount reserved by the State".

(B) Section 115(c) of title 23, United States Code, is amended by striking "144"".

(C) Section 120(e) of title 23, United States Code, is amended in the last sentence by striking "and in section 144 of this title".

(D) Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "and the bridge program under section 144".

(E) Section 151(d) of title 23, United States Code, is amended by striking "section 104(a), section 307(a), and section 144 of this title" and inserting "sections 104(a) and 307(a)".

(F) Section 307(c)(1) of title 23, United States Code, is amended by striking "sections 104 and 144 of this title" and inserting "section 104".

(b) SAFETY PROGRAMS.—

(1) SURFACE TRANSPORTATION PROGRAM.—Section 133(d) of title 23, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) SAFETY PROGRAMS.—

"(A) REQUIRED SET-ASIDE.—With respect to funds apportioned for each of fiscal years 1998 through 2003—

"(i) an amount equal to 2.5 percent of the amount apportioned to a State under section 104(b)(3) for fiscal year 1997 shall be available only to carry out activities eligible under section 130;

"(ii) an amount equal to the amount described in clause (i) shall be available only to carry out activities eligible under section 152; and

"(iii) an amount equal to 5 percent of the amount apportioned to a State under section 104(b)(3) for fiscal year 1997 shall be available only to carry out activities eligible under section 130 or 152.

"(B) WAIVER.—For a fiscal year, the Secretary shall waive the set-aside required under clause (i) or (ii) of subparagraph (A), and permit the amount of the set-aside to be used in accordance with subparagraph (A)(iii), upon receipt of a certification by the State that the amount that will be made available for the purpose of the waived set-aside for that fiscal year, when combined with the amount made available for that purpose for the preceding fiscal year, or the amount to be made available for that purpose for the following fiscal year, will average, per fiscal year, not less than 2.5 percent of the amount apportioned to the State under section 104(b)(3) for fiscal year 1997.".

(2) PROGRAM IMPROVEMENTS.—Title 23, United States Code, is amended—

(A) in section 130—

(i) in subsection (e), by striking the first sentence and inserting the following: "Funds authorized for or expended under this section may be used for the installation of protective devices at railway-highway crossings."; and

(ii) in subsection (f), by striking "APPORTIONMENT" and all that follows through the first sentence and inserting "FEDERAL SHARE.—"; and

(B) in section 152—

(i) in subsection (c), by striking "(other than a highway on the Interstate System)"; and

(ii) in subsection (e), by striking the first sentence.

(c) TRANSPORTATION ENHANCEMENT ACTIVITIES.—Section 133(d) of title 23, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) TRANSPORTATION ENHANCEMENT ACTIVITIES.—With respect to funds apportioned for each of fiscal years 1998 through 2003, an amount equal to 5 percent of the amount apportioned to a State under section 104(b)(3) shall be available only to carry out transportation enhancement activities.".

(d) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT ACTIVITIES.—

(1) IN GENERAL.—Section 149 of title 23, United States Code, is amended—

(A) in the section heading, by striking "**program**" and inserting "**activities**";

(B) by striking subsection (a) and inserting the following:

"(a) USE OF FUNDS.—Funds apportioned to a State under section 104(b)(3)(D) may be used only in accordance with this section.";

(C) in subsection (b), by striking "Except" and all that follows through "program only" and inserting "Funds described in subsection (a) may be used only"; and

(D) in subsection (c), by striking "section 104(b)(2)" and inserting "section 104(b)(3)(D)".

(2) CONFORMING AMENDMENTS.—

(A) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 149 and inserting the following:

"149. Congestion mitigation and air quality improvement activities.".

(B) Section 115(a) of title 23, United States Code, is amended—

(i) in the subsection heading, by striking "CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT,"; and

(ii) in paragraph (1)(A)(i), by striking "104(b)(2),".

(C) Section 146(a) of title 23, United States Code, is amended in the first sentence by striking "104(b)(2)," and inserting "104(b)(3)(D),".

(D) Section 217 of title 23, United States Code, is amended—

(i) in subsection (a)—

(I) in the subsection heading, by striking "STP AND CONGESTION MITIGATION PROGRAM" and inserting "SURFACE TRANSPORTATION PROGRAM"; and

(II) by striking "sections 104(b)(2) and 104(b)(3) of this title" and inserting "section 104(b)(3)"; and

(ii) in subsection (d), by striking "sections 104(b)(2) and 104(b)(3) of this title" and inserting "section 104(b)(3)".

SEC. 202. NATIONAL HIGHWAY SYSTEM.

(a) DEFINITION OF NATIONAL HIGHWAY SYSTEM.—Section 101(a) of title 23, United States Code, is amended by striking the undesignated paragraph defining "National Highway System" and inserting the following:

"The term 'National Highway System' means the Federal-aid highway system established under section 103(b).".

(b) PROGRAM SPECIFICATIONS.—Section 103 of title 23, United States Code, is amended—

(1) by striking the section designation and heading and inserting the following:

"§ 103. National Highway System"

(2) by striking subsections (g) and (h); and

(3) by redesignating subsection (i) as subsection (c) and moving the subsection to appear after subsection (b).

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

"103. National Highway System.".

SEC. 203. INTERSTATE MAINTENANCE ACTIVITIES.

(a) FUNDING OF ACTIVITIES.—Section 119 of title 23, United States Code, is amended—

(1) in the section heading, by striking "**program**" and inserting "**activities**";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking "sections 103 and 139(c) of this title and routes on the Interstate System designated before the date of enactment of this sentence under section 139(a) and (b) of"; and

(ii) by striking "subsection (e)" and inserting "subsection (d)"; and

(B) by striking the second sentence;

(3) by striking subsections (d), (f), and (g); and

(4) by redesignating subsection (e) as subsection (d).

(b) CONFORMING AMENDMENTS.—

(1) The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

"119. Interstate maintenance activities."

(2) Sections 134(i)(4) and 135(f)(3) of title 23, United States Code, are amended—

(A) by striking "and pursuant to the bridge and Interstate maintenance programs" each place it appears and inserting ", pursuant to the bridge program under section 144, and as Interstate maintenance activities under section 119"; and

(B) by striking "or pursuant to the bridge and Interstate maintenance programs" each place it appears and inserting ", pursuant to the bridge program under section 144, or as Interstate maintenance activities under section 119".

SEC. 204. SURFACE TRANSPORTATION PROGRAM AMENDMENTS.

Section 133 of title 23, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

"(12) With respect to each area of a State that is a nonattainment area under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide, or for PM-10 resulting from transportation activities, or for any combination of these substances, also for any congestion mitigation and air quality improvement project or program without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard addressed by the project or program. For the purpose of this paragraph, an area that has been designated as nonattainment for carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) shall be considered to be a nonattainment area regardless of whether the area has been 'classified' under subpart 3 of part D of title I of that Act (42 U.S.C. 7512 et seq.).

"(13) Placement of funds in a State infrastructure bank approved by the Secretary.";

(2) in subsection (c), by striking "unless such roads are on a Federal-aid highway system on January 1, 1991, and";

(3) in subsection (d)(3)—

(A) by striking subparagraph (A) and inserting the following:

"(A) GENERAL RULE.—

"(i) URBAN AREAS.—Except as provided in subparagraph (C), for each fiscal year, a State shall allocate for use in each area of the State with an urbanized area population

of over 200,000 individuals an amount of the funds apportioned under section 104(b)(3) for the fiscal year obtained by multiplying—

"(I)(aa) if funds were allocated for use in the area under the surface transportation program for fiscal year 1997, the amount of such funds required to be allocated for use in the area for that year; or

"(bb) if funds were not allocated for use in the area under the surface transportation program for fiscal year 1997, the amount of such funds that would have been required to be allocated for use in the area for fiscal year 1997 if the area had had an urbanized area population of 200,001 individuals as of October 1, 1996; by

"(II) the amount obtained by dividing—

"(aa) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for the fiscal year; by

"(bb) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for fiscal year 1997.

"(ii) OTHER AREAS.—Except as provided in subparagraph (C), for each fiscal year, a State shall allocate for use in each area of the State that is not an area described in clause (i) an amount of the funds apportioned under section 104(b)(3) for the fiscal year obtained by multiplying—

"(I) the amount of funds required to be allocated for use in the area under the surface transportation program for fiscal year 1997; by

"(II) the amount obtained by dividing—

"(aa) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for the fiscal year; by

"(bb) all funds apportioned or allocated to the State for Federal-aid highways and highway safety construction programs for fiscal year 1997.";

(B) in subparagraph (B), by striking "subparagraph (A)(ii)" and inserting "this section";

(C) by striking subparagraph (C) and inserting the following:

"(C) SPECIAL RULE FOR CERTAIN STATES.—Subparagraph (A) shall not apply in the case of a State that is noncontiguous with the continental United States.";

(D) by striking subparagraph (D);

(E) by redesignating subparagraph (E) as subparagraph (D); and

(F) in subparagraph (D) (as so redesignated)—

(i) by striking "obligate" each place it appears and inserting "allocate";

(ii) by striking "(A)(i)" each place it appears and inserting "(A)"; and

(iii) by striking "obligated" and inserting "allocated";

(4) in subsection (e), by striking paragraph (2) and inserting the following:

"(2) CERTIFICATION.—Before the beginning of each fiscal year, the Governor of each State shall certify to the Secretary that the State will meet all the requirements of this section and shall notify the Secretary that the amount of obligations expected to be incurred for surface transportation program projects during the fiscal year is in accordance with the surveys, plans, specifications, and estimates for each proposed project included in the surface transportation program category in the transportation improvement program of the State developed under section 135 for the fiscal year. A State may request an adjustment to an obligation amount referred to in subparagraph (A)(ii) later in the fiscal year. Acceptance by the Secretary of the notification and certification shall be deemed to be a contractual obligation of the United States to pay the Federal share of costs incurred by the State for projects not subject to review by the Secretary under this chapter."; and

(5) in subsection (f)—

(A) by striking "6-fiscal year period 1992 through 1997" and inserting "6-fiscal-year period 1998 through 2003"; and

(B) by striking "obligate in" each place it appears and inserting "allocate to".

SEC. 205. CONFORMING AMENDMENTS TO DISCRETIONARY PROGRAMS.

(a) OPERATION LIFESAVER.—Section 104 of title 23, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) OPERATION LIFESAVER.—From administrative funds deducted under subsection (a), the Secretary shall expend $500,000 for each fiscal year to carry out a public information and education program to help prevent and reduce motor vehicle accidents, injuries, and fatalities and to improve driver performance at railway-highway crossings.".

(b) REPEAL OF SET-ASIDES FOR THE INTERSTATE AND NATIONAL HIGHWAY SYSTEM DISCRETIONARY PROGRAMS.—Section 118 of title 23, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

SEC. 206. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"SEC. 206. COOPERATIVE FEDERAL LANDS TRANSPORTATION PROGRAM.

"(a) FINDINGS AND PURPOSE.—

"(1) FINDINGS.—Congress finds that public roads owned by States—

"(A) can provide valuable assistance to the Federal Government in ensuring adequate and safe transportation to, in, and across federally owned land and Indian reservations; and

"(B) supplement the efforts of the Federal Government in developing and maintaining roads to serve federally owned land and Indian reservations.

"(2) PURPOSE.—The purpose of this section is to further the Federal interest in State-owned or State-maintained roads that provide transportation to, in, or across federally owned land or Indian reservations by establishing the Cooperative Federal Lands Transportation Program.

"(b) PROGRAM.—There is established the Cooperative Federal Lands Transportation Program (referred to in this section as the 'program'). Funds available for the program may be used for projects, or portions of projects, on State-owned or State-maintained highways that cross, are adjacent to, or lead to federally owned land or Indian reservations, as determined by the State. Such projects shall be proposed by a State and selected by the Secretary. A project proposed by a State under this section shall be on a highway owned or maintained by the State and may be a highway construction or maintenance project eligible under this title or any project of a type described in section 204(h).

"(c) DISTRIBUTION OF FUNDS FOR PROJECTS.—

"(1) IN GENERAL.—

"(A) IN GENERAL.—The Secretary—

"(i) after consultation with the Administrator of General Services, the Secretary of the Interior, and other agencies as appropriate, shall determine the percentage of the total land in each State that is owned by the Federal Government or that is held by the Federal Government in trust;

"(ii) shall determine the sum of the percentages determined under clause (i) for States with respect to which the percentage is 4.5 or greater; and

"(iii) shall determine for each State included in the determination under clause (ii) the percentage obtained by dividing—

"(I) the percentage for the State determined under clause (i); by

"(II) the sum determined under clause (ii).

"(B) ADJUSTMENT.—The Secretary shall—

"(i) reduce any percentage determined under subparagraph (A)(iii) that is greater than 7.5 percent to 7.5 percent; and

"(ii) redistribute the percentage points equal to any reduction under clause (i) among other States included in the determination under subparagraph (A)(ii) in proportion to the percentages for those States determined under subparagraph (A)(iii).

"(2) AVAILABILITY TO STATES.—Except as provided in paragraph (3), for each fiscal year, the Secretary shall make funds available to carry out eligible projects in a State in an amount equal to the amount obtained by multiplying—

"(A) the percentage for the State, if any, determined under paragraph (1); by

"(B) the funds made available for the program for the fiscal year.

"(3) SELECTION OF PROJECTS.—The Secretary may establish deadlines for States to submit proposed projects for funding under this section, except that in the case of fiscal year 1998 the deadline may not be earlier than January 1, 1998. For each fiscal year, if a State does not have pending, by that deadline, applications for projects with an estimated cost equal to at least 3 times the amount for the State determined under paragraph (2), the Secretary may distribute, to 1 or more other States, at the Secretary's discretion, ⅓ of the amount by which the estimated cost of the State's applications is less than 3 times the amount for the State determined under paragraph (2).

"(d) TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a State and the Secretary may agree to transfer amounts made available to a State under this section for use in carrying out projects on any Federal lands highway that is located in the State.

"(2) SPECIAL RULE.—This paragraph applies to a State that contains a national park that was visited by more than 2,500,000 people in 1996 and comprises more than 3,000 square miles of land area, including surface water, that is located in the State. For such a State, 50 percent of the amount that would otherwise be made available to the State for each fiscal year under the program shall be made available only for eligible highway uses in the national park and within the borders of the State. For the purpose of making allocations under section 202(c), the Secretary may not take into account the past or future availability, for use on park roads and parkways in a national park, of funds made available for use in a national park by this paragraph.".

(b) DEFINITION OF FEDERAL LANDS HIGHWAY INVESTMENT.—Section 101(a) of title 23, United States Code, is amended—

(1) by adding at the end the following:

"The term 'Federal lands highway investment' means funds authorized for the Federal lands highways program or the Cooperative Federal Lands Transportation Program under chapter 2."; and

(2) by reordering the undesignated paragraphs so that they are in alphabetical order.

(c) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by inserting after the item relating to section 205 the following:

"206. Cooperative Federal Lands Transportation Program.".

TITLE III—REDUCTION OF REGULATION

SEC. 301. PERIODIC REVIEW OF AGENCY RULES.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a periodic review of all significant rules issued by the Department of Transportation and shall determine which of the rules should be amended, rescinded, or continued without change, based on a consideration of—

(1) the continued need for each rule; and

(2) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules.

(b) PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register a plan for the periodic review of all significant rules issued by the Department of Transportation.

SEC. 302. PLANNING AND PROGRAMMING.

Section 135 of title 23, United States Code, is amended by adding at the end the following:

"(i) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and programs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the plans and programs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and programs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).".

SEC. 303. METRIC CONVERSION AT STATE OPTION.

Section 205(c)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 109 note; 109 Stat. 577) is amended by striking "Before September 30, 2000, the" and inserting "The".

TITLE IV—EFFECTIVE DATE; TRANSITION RULES.

SEC. 401. EFFECTIVE DATE; TRANSITION RULES.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) FUNDS.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall apply only to funds authorized to be appropriated or made available after September 30, 1997.

(c) UNOBLIGATED BALANCES.—Section 118 of title 23, United States Code (as amended by section 205(b)), is amended by adding at the end the following:

"(f) UNOBLIGATED BALANCES AS OF OCTOBER 1, 1997.—

"(1) IN GENERAL.—Except as otherwise provided by law, unobligated balances of funds apportioned or allocated to a State before October 1, 1997, under this title, the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240), or other law concerning Federal-aid highways, shall be available for obligation in the State under the law (including regulations, policies, and procedures) relating to the obligation and expenditure of the funds in effect on September 30, 1997.

"(2) TRANSFERABILITY.—

"(A) INTERSTATE CONSTRUCTION AND INTERSTATE MAINTENANCE PROGRAMS.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the Interstate construction program under section 104(b)(5)(A) (as in effect on the day before the date of enactment of this subsection) or the Interstate maintenance program under section 104(b)(5)(B) (as in effect on the day before the date of enactment of this subsection), to the apportionment of the State under section 104(b)(1).

"(B) BRIDGE REPLACEMENT AND REHABILITATION PROGRAM.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the bridge replacement and rehabilitation program under section 144 (as in effect on the day before the date of enactment of this subsection) to the apportionment of the State under paragraph (1) or (3) of section 104(b) (or both).

"(C) SURFACE TRANSPORTATION PROGRAM.—A State may transfer unobligated balances of funds apportioned to the State before October 1, 1997, for the surface transportation program under section 104(b)(3) (as in effect on the day before the date of enactment of this subsection) to the apportionment of the State under section 104(b)(3).

"(D) OTHER PROGRAMS.—A State may transfer unobligated balances of funds apportioned or allocated to the State before October 1, 1997, under sections 157 and 160 (as in effect on the day before the date of enactment of this subsection), and sections 1013(c) and 1015(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) (as in effect on the day before the date of enactment of this subsection), to the apportionment of the State under section 104(b)(3).

"(E) APPLICABILITY OF CERTAIN LAWS.—Funds transferred under this paragraph shall be subject to the laws (including regulations, policies, and procedures) relating to the apportionment to which the funds are transferred as the laws are in effect after the date of enactment of this subsection, except that a transfer of funds permitted under this paragraph shall not extend the time period within which the transferred funds either must be obligated or lapse.

"(F) EFFECT ON CERTAIN DETERMINATIONS.—A decision by a State to transfer funds under this paragraph shall have no effect on any determination of the apportionments or obligation authority of the State.".

SUMMARY OF KEY PROVISIONS OF STARS 2000

STARS 2000 is a six-year transportation reauthorization proposal.

FUNDING LEVELS

The Department of Transportation estimates that the Highway Account of the Highway Trust Fund could sustain annual funding levels of $27 billion into the next century. This figure includes annual revenue, interest accumulated from unobligated balances, and the gradual spend-down of unobligated balances.

STARS 2000 funding levels are approximately $27 billion annually.

The breakdown is as follows:

National Highway System—$14.163 billion

Surface Transportation Program—$9.442 billion

Equity programs—approximately $2.8 billion

Federal lands programs

1. Indian reservation roads—$191 million
2. Public lands highways—$172 million
3. Parks and Parkways—$84 million

Cooperative Federal Lands Transportation Program (new)—$155 million

Territories—$35 million

Recreational Trails—$30 million

FUNDING FORMULAS

STARS 2000 funding formulas are based heavily on the extent and use of a State's highway system. Interstate lane miles and vmt, NHS lane miles and vmt, federal-aid lane miles and vmt, square footage of bridges, diesel sales and 4 other formula factors consisting of air quality, federal land ownership, population in relation to lane miles and freeze/thaw cycles.

STARS 2000 also includes a 95% minimum allocation equity account.

STREAMLINED PROGRAM

Under STARS 2000, the federal program is streamlined in order to allow the program to be highly flexible. This enables different States to choose projects that meet their transportation priorities. Projects such as highway reconstruction, safety improvements, transit, bridges, enhancements, CMAQ projects or other eligible investments.

NATIONAL HIGHWAY SYSTEM

Funding for the National Highway System represents sixty percent of the core formula program under STARS 2000. Funds may be used for Interstate maintenance activities, bridge improvements and other uses eligible under today's current NHS program.

SURFACE TRANSPORTATION PROGRAM

Funding for the Surface Transportation Program (STP) represents forty percent of the core formula program under STARS 2000. Under this flexible program, funds may be used for projects eligible under today's Surface Transportation Program and projects eligible under today's Congestion Mitigation and Air Quality (CMAQ) program.

ENHANCEMENTS

STARS 2000 retains the transportation enhancement program. Today, the core of the enhancement program is a 10% set-aside of the $4 billion STP program—$400 million. STARS 2000 requires 5% of the new $9.44 billion STP program be set-aside annually—approximately $480 million. Eligibility under the enhancement program is not changed.

SAFETY PROGRAMS

Current law requires a 10% set-aside of STP funds for railway crossing elimination and hazard elimination programs.

STARS 2000 retains this set-aside (10% of what a State received under the STP category in 1997), but gives States additional flexibility in meeting this requirement. States must spend at least 2.5% of the requirement on railway-highway crossing projects, at least 2.5% of the requirement on hazard elimination projects and the remaining 5% may be used for either program at the discretion of the State.

BRIDGE PROGRAM

STARS 2000 eliminates the bridge program as a separate category. However, STARS 2000 retains the national commitment to bridges repairs by requiring every State to spend at least as much on bridges as it does today, using National Highway System or Surface Transportation Program funds.

The bridge discretionary program is also retained at FY 1997 levels—$60.5 million annually to be funded from the NHS and STP program.

CONGESTION MITIGATION AND AIR QUALITY

STARS 2000 eliminates the CMAQ program as a separate category. However, included in

the Surface Transportation Program funding formula is an "air quality" factor. States that receive funds under the air quality factor—which are those States that receive CMAQ funds under today's CMAQ formula for their nonattainment areas—would be required to spend such funds in their nonattainment areas for CMAQ eligible projects. This provision translates into a $380 million air quality program.

RECREATIONAL TRAILS

STARS 2000 proposes a $30 million annual funding level for the National Recreational Trails program. Funds are to be used for both motorized and nonmotorized trails, consistent with current law. The matching requirement has been adjusted from today's 50/50 matching ratio to a new 80/20 matching ratio.

FEDERAL LANDS

STARS 2000 retains the current federal lands categories—public lands, Indian reservation roads, parks and parkways. Current funding levels are retained as well.

A new Federal lands category, the Cooperative Federal Lands Transportation Program is also proposed at $155 million annually. These funds are to be used by States to improve State-owned or maintained roads that lead to, are adjacent to or pass through Federal lands or reservations.

REGULATORY REVIEW

The Department of Transportation is required to review all significant rules it has issued. Any rules that are obsolete, overlapping, duplicative or conflict with other Federal rules shall be either amended, rescinded or continued without change after such periodic review.

Mr. THOMAS. Mr. President, I rise this morning to talk about the reauthorization of the Federal highway bill. I am very pleased to join with Senators BAUCUS and KEMPTHORNE in the introduction of the Surface Transportation Authorization and Regulatory Streamlining Act for the Next Century, STARS 2000. I am also pleased that there will be 14 original cosponsors in support of this important legislation.

This is the time for the reauthorization of the Federal highway bill, called ISTEA, that has been in place for the past 6 years and has made a very important contribution to this country and its transportation. It has made some important changes in our surface transportation policies, but as we move into the 21st century, we need to update the law and make it more flexible and more efficient in order to meet the transportation challenges of the new century. I believe STARS 2000, achieves this goal. It will create new rules of the road to help us to build the highways and bridges to the 21st century.

With respect to the gas tax, it is a user fee, of course, that each of us pay as we buy gas wherever we are in this country. American taxpayers have been shortchanged with regard to the benefits they are getting from the gas tax. Not all of the gas taxes have been used for surface transportation. We need to get back to a user-fee system where the taxes paid, in this case by the users of highways, are used then for surface transportation. STARS 2000 addresses this problem by restoring the integrity of the fee system by spending as much out of the highway fee system as it can sustain. We have been spending less than $20 billion annually. STARS 2000 raises the authorization to $27 billion. We believe those dollars ought to go into the highway system.

In addition, it provides a framework for any additional revenues such as the 4.3 cents that currently goes to deficit reduction. Should these user fees be transferred to the highway trust fund, they would be distributed according to the bill's formula. STARS 2000 will help my State and many States maintain a national system.

If you are going to go from Washington to California, you obviously have to go throughout the whole country and therefore it is key to have a Federal system. In my State, a small State in terms of population but large in terms of space, we pay more per capita than any other State, nearly $200 for every person in our State for highway gas taxes, and yet we have deteriorating bridges and roads, as do many States.

In addition, the Federal Government owns 50 percent of Wyoming. One of the principle authors of this bill and my friend, Senator KEMPTHORNE, his State of Idaho has even larger holdings. In Nevada, it is 86 percent federally owned so we have to take Federal lands into account as we talk about a Federal system.

In fact, Yellowstone Park, located in Wyoming, has a backlog of nearly $250 million in road repairs and maintenance that needs to be considered. Unfortunately, we are not meeting these needs. For example, the Clinton administration admits that this country only invests 70 percent of what needs to be invested just to maintain our transportation infrastructure. These shortfalls hurt all taxpayers, of course. The STARS 2000 coalition States are bridge States—people and goods cross these States to other destinations. A set of efficient and well maintained roads are as important to the cities that export goods across the country and around the world as they are to people in our States. These transactions contribute to the Nation's economy and its job creation. STARS 2000 will make a smooth flow of people and goods across the country a reality.

One of the keys to the highway program is that each State knows best what it should be doing with the resources it has, and its priorities are. Clearly, the highways and roads in New York City are quite different than those in Wyoming or Nevada, so we need to have the flexibility for State and local officials to make the decisions there. STARS 2000 does that by significantly increasing the surface transportation program, the STP portion, and puts the decisionmaking authority for how this money is allocated into the hands of state and local people.

Unfortunately, the administration bill, NEXTEA, is advertised as building a bridge to the 21st century. Unfortunately, it is my belief that in its present form that bridge will collapse. NEXTEA does not restore the integrity of the trust fund, so for the American taxpayer, there is no trust in the trust fund. It does not streamline the program. It does not make the kinds of changes that are needed. It hangs on to what we have done in the past. It also handcuffs local authorities in terms of making decisions. NEXTEA adds regulations. God knows, we need to move away from regulations and allow the highway program to be more efficient.

STARS 2000 emphasizes the Federal component of our program and achieves a fair and equitable method of distribution. Based on a percentage share of the Federal highway program, 37 States do better and 1 tied compared to NEXTEA; 33 States do better than under the current law; 25 States higher, 6 the same compared to STEP 21. In addition, STARS 2000 addresses the donor/donee issue by creating a 95 percent minimum allocation to all States. That means all States will get at least 95 percent of what they put into the highway trust fund.

The STARS 2000 coalition will be a significant factor in the ISTEA reauthorization debate. Without our coalition, without our States, you cannot get there from here—physically or politically. STARS 2000 is more than a marker. It is a coalition of States that are needed to make an interstate map to the 21st century.

Quite often, in my experience in the House, the highway money flows where the votes are. But that really does not work in a transportation program. You have to have one that covers the country and is, indeed, a Federal program. The funding formulas under STARS 2000 are based on the transportation needs of the country.

STARS 2000 maintains the integrity of the original ISTEA. It improves it by a smarter investment of taxpayers' money. It meets our growing infrastructure needs. It increases job and economic growth and increases flexibility and efficiency. We get more bang for the buck.

So we are emphasizing the National Highway System, allowing more decisions to be made closer to home, and I certainly would submit to my fellow Members of the Senate this is a bill that we can all support and will provide a better infrastructure for highway surface transportation.

Mr. President, I appreciate the time. I thank Senators KEMPTHORNE and BAUCUS for their hard work on this legislation and look forward to working with them in the future.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, may I commend my colleague from

Wyoming, Senator THOMAS, for giving an excellent view as to the bill that we are submitting to Congress today, the Surface Transportation Authorization and Streamlining Act, or STARS 2000.

I appreciate the fact that Senator THOMAS and Senator BAUCUS of Montana and I will be able to form this partnership, with many more partners in the Senate joining our effort, including the Senator from Kansas, who will be joining us. I also want to recognize that I appreciate Senator JOHN WARNER, who is the chairman of this particular subcommittee dealing with this issue of the national highway bill, for holding a hearing in the State of Idaho, for coming to Idaho so that the western perspective could be made part of the public record. Also, Senator BAUCUS, who came to that hearing in Idaho—I appreciate my neighbor from Montana coming over and making that effort; it was an excellent hearing—and, too, acknowledging Senator CHAFEE, the chairman of the full committee, making that hearing in the West a reality. So, again, it demonstrates that all of us, while we may be coming at this from slightly different views, are working together. That is important and significant.

With STARS 2000, I believe, as Senator THOMAS has pointed out, we are going to restore the integrity of what a trust fund is: a trust fund. So the money that is gathered for that dedicated purpose ought to be used for that dedicated purpose. Doesn't that sound amazing that we would have to even say that? But it is not happening. Currently we only authorize about $18 billion that are to be used on the national highway program. The full amount that could be used, the maximum, is $27 billion. So this legislation by Senator BAUCUS and Senator THOMAS and myself would authorize the full $27 billion to be used for the highways of this country, because that is why we have been collecting this highway tax.

It provides a fair distribution throughout the United States, and it is going to address the very key issues, such as extent and usage of the highways; the lane miles that are there; the poor air quality in some regions of the country, some of the cities that are having difficulty with poor air quality; the tax-exempt Federal lands, as have been referenced. In the State of Idaho we are 67 percent federally owned. In the State of Texas—I do not believe there is any federally owned land in the State of Texas. So you can see we come at this from different perspectives. Low population density—Idaho is the 13th State, as far as ranking in landmass, yet we rank 41st in population. So you can see there are not a lot of folks. Take the District of Columbia, for example, this city right here around Capitol Hill. It has a little over one-half million people. The State of Idaho has 1 million people in the entire State, versus one-half million in just this city.

It also authorizes full funding for the National Recreational Trails Act, $30 million annually, something that had been talked about and was to have occurred years ago. It has not done so. We are going to do right by that.

We also know there is this issue of the donor/donee States. Some States put in their share, and they get more than they put in. Other States put in their share, and they get less back than they put in. We address that head on by increasing the minimum allocation program from 90 percent up to 95 percent. Under STARS 2000 formulas and proposed increased funding levels, it would result in 47 States receiving greater funding than they do under the current ISTEA program. Mr. President, 47 States will actually receive more funds.

Again, as has been pointed out, we really do provide for the streamlining, for greater flexibility, so those programs, such as the Surface Transportation Act—in essence, we double the funds in that account. We double that, and then we say to the States and the local communities: Now, with that additional funding, you make the decisions of where you think your priorities are in your State, rather than people back in Washington, DC, who may never have been to your State determining how it should be spent.

This is the national highway bill that we are talking about. I want to underscore national, because it is to apply to all 50 States. That is how we are going to have good interstate commerce. The administration says they understand the needs of rural America. If they understand the needs of rural America, I question why the administration's proposed reauthorization of the highway bill cuts funding to eight of the most rural States in the country.

What is this question of rural and urban? Let me give an example, if I may, Mr. President. Here is the State of Idaho. I would use as an example highway 95 that runs, in essence, from the Canadian border virtually down to the Nevada border, a little over 500 miles. Again, the State of Idaho, population of 1 million people. Let us take relatively the same distance, and let us go from right here, Washington, DC, and if we drive to Boston, it is 463 miles—about the same distance. So I am making it a good comparison. The difference is, here you have one million people to support systems such as this. In this area, where you actually go through seven States, not one State and the District of Columbia, you have virtually 43 million people as a tax base to support that infrastructure. It just shows you that in the less densely populated areas we do need to have assistance.

Do you know there are trucking firms that enter the State of Idaho at Eastport to go through customs? Then they immediately exit the State of Idaho and they travel the Canadian highways heading toward Seattle, for example, and then reenter the United States. Why do they do that? As one trucking company, Swift Transportation, testified at our hearing out in Idaho, they have 5,000 trucks that run throughout the United States, but they said there are so many significantly unsafe portions of, for example, highway 95, they do not allow their truck drivers to go on highway 95 because of safety considerations. They said that is the only stretch of highway that they really have that sort of restriction on anywhere in the United States.

Yet this is a national highway bill. It is not the national and Canadian highway bill. So we need to address this, and that is what this does. But it is not parochial. Certainly I am trying to look out for rural America, but I reiterate, this legislation does better for 47 States than under the current program that is in existence today.

So I believe we have something here that is good for the country. It is going to put the faith back into what a trust fund is supposed to be. It is going to give greater flexibility for those of us who believe in States rights, the 10th amendment; that folks in those 50 States can make just as good if not better decisions than we do at the Federal level. So it has so much to offer to so many.

Again, I am proud to be part of this, and I thank Senator THOMAS and Senator BAUCUS for their efforts in this partnership.

Mr. BINGAMAN. Mr. President, I rise to speak briefly about the Surface Transportation Authorization and Regulatory Streamlining Act. As I do, Mr. President, I want to emphasize my belief that the Intermodal Surface Transportation Efficiency Act [ISTEA], has in large part been a great success for our Nation. ISTEA has been a revolutionary effort to distribute transportation funding to assist States in major highway, bridge, environmental, research, and safety projects. After 6 years, however, we have learned that there are areas of ISTEA in which we can make significant improvement. STARS 2000 is the best mechanism so far by which we can do that.

I am cosponsoring STARS 2000 because it reemphasizes the national interest in a national transportation system. Mr. President, each State is a vital part of the national system; without one part the whole system fails. The highway system in New Mexico for instance, serves not just its resident and industrial traffic needs, but its highways also serve as a vital link for commerce between the Pacific coast and the eastern seaboard, and between Mexico and Canada. The system of highways crossing New Mexico is also crucial for the movement of manpower,

equipment, and supplies in support of our Nation's defense. STARS 2000 offers a balanced, sensible approach so that all the States continue to play a central role to the overriding national goals.

Just as importantly, STARS 2000 effectively addresses the unique character of western, rural States and their importance to our national system of highway. New Mexico, for example, has only six-tenths of 1 percent of the total U.S. population. However, it must maintain 2 percent, 3,000 miles, of the National Highway System. Many people do not realize that road travel takes on a different meaning in the West. For instance, a trip from Farmington, NM, to Hobbs, NM, is 513 miles, and there are few options other than driving to make that tip. By contrast, that same distance would take you from Washington, DC, to Detroit, MI.

STARTS 2000 also builds on the successes of ISTEA. For instance, the Surface Transportation Program maintains Federal support for the bride replacement and rehabilitation program. STARS 2000 also maintains support for Federal lands roads, a program that is vital to States in the West where a vast majority of our Nation's Federal lands are located. Forty percent of New Mexico, for example, is Federal land. STARS 2000 eliminates the old system that penalizes a State for using Federal funds on roads located on Federal lands and Indian reservations. This is a step in the right direction and it is desperately needed in the West. I am concerned that STARS proposes only level funding for the Indian reservation road program. Although I am supporting S. 437, the American Indian Transportation Improvement Act, I will continue to try to increase funding for roads and bridges on Indian reservations.

STARS 2000 also includes a program that addresses congestion management and air quality. I am concerned, however, with the degree to which resources for this activity have been cut and the fact that it is eliminated as a separate category within STARS. CMAQ has been a significant reason cities like Albuquerque have attained and are maintaining clear air standards, and I hope we will find ways to keep this program working.

Additionally, STARS 2000 addresses the need to maintain our Nation's current system of roads and bridges. Unless the current system is sufficiently maintained, we will inevitably have to spend many more dollars to rebuild the system, something we can ill-afford. In New Mexico, like most other States, maintenance costs overwhelm the State's total highway budget. To its credit, New Mexico applies much of its highway funding to maintenance. Nevertheless, if the entire New Mexico road budget were applied to maintenance alone, only 7,500 of the State's 11,600 miles of highways could be adequately maintained. As many as 5,800 miles of New Mexico's roads have deteriorated to the point that they must be replaced at a cost of $1.15 million per mile. As a result, New Mexico, like most other States in the West, is unable to fund other critical transportation objects.

As we continue to recommit ourselves to maintaining and improving our Nation's transportation system, let me say that it is also incumbent upon the individual States to share in this ever-increasing responsibility. Clearly, there is a strong national transportation interest, but the States must recognize its own obligations. We are doing our part at the Federal level, and States must do the same.

Mr. President, I am proud to cosponsor this bill, and I commend my esteemed colleagues, Senators BAUCUS, KEMPTHORNE, and THOMAS, for working diligently to assemble this legislation. I believe that STARS is a measure that will eventually lead to a better, more efficient transportation system in our country and ultimately a stronger economy.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 533. A bill to exempt persons engaged in the fishing industry from certain Federal antitrust laws; to the Committee on the Judiciary.

THE FISHING INDUSTRY BARGAINING ACT

Mr. MURKOWSKI. Mr. President, on behalf of Senator STEVENS and myself, I am reintroducing the Fishing Industry Bargaining Act, a bill to allow antitrust immunity for certain cooperative activities involving domestic fishermen and processors.

This bill will allow collective agreement between fishermen and processors. It is patterned after legislation adopted by the Alaska State Legislature, but which requires congressional action to fully take effect.

Under existing law, fishermen are able to form associations for the purpose of collective bargaining with individual processors. This bill will allow them to work with similar associations of processors to establish first-wholesale purchase prices—that is, the prices paid to the processors for fish products, and ex-vessel prices paid to the fishermen.

This is intended to counter the fact that prices currently are all too often set by first-wholesale buyers rather than producers. As a result, processors forced to accept a price set by their buyers are in turn forced to set ex-vessel prices based on the buyers' offer, rather than prices that respond fully to other market forces.

I want to make it clear that this bill in no way would allow processors to associate solely amongst themselves to set either ex-vessel or wholesale prices. That is the kind of activity our current antitrust law is primarily designed to prevent, and this bill will leave that unchanged. Processors would continue to be prohibited from agreeing on prices unless fishermen participated in and were party to any agreement.

What the bill will accomplish is to strengthen the position of the United States seafood industry generally—fishermen and processors together. In this, it would apply to fishermen and fish processors in all parts of the country, not just in Alaska.

We look forward to a hearing which will air the views of the Alaska fishing industry and the fishing industry in other parts of the country, and urge prompt action by this Congress.

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. 533

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fishing Industry Bargaining Act".

SEC. 2. EXEMPTION FROM FEDERAL ANTITRUST LAWS.

(a) The Act of June 25, 1934 (48 Stat. 1213 and 1214, chapter 742; 15 U.S.C. 521 and 522) is amended—

(1) in section 2, by striking "If the Secretary" and inserting "Subject to section 3, if the Secretary"; and

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

"SEC. 3. PRICING.

"(a) IN GENERAL.—For purposes of section 2, a price paid pursuant to a collective agreement entered into under subsection (b) shall not constitute a monopolization or restraint of trade in interstate or foreign commerce.

"(b) COLLECTIVE AGREEMENT.—Persons described in the first undesignated paragraph of section 1, acting through one or more associations described in that section, may enter into a collective agreement with fish processors, including fish processors acting though an association of fish processors, that establishes—

"(1) the price to be paid to those persons by fish processors for an aquatic product; and

"(2) the minimum price that a fish processor may accept for the sale of an aquatic product.

"(c) RULES OF CONSTRUCTION.—

"(1) IN GENERAL.—Nothing in this section is intended to permit fish processors to collectively agree with other fish processors on a price referred to in subsection (b)(1) without entering into an agreement under subsection (b).

"(2) FEDERAL ANTITRUST LAWS.—The establishment and implementation of a collective agreement under subsection (b) shall not be construed to be a violation of any of the Federal antitrust laws, including—

"(A) the Act of July 2, 1890, commonly known as the 'Sherman Act' (26 Stat. 209 et seq., chapter 647; 15 U.S.C. 1 et seq.);

"(B) the Act of October 15, 1914, commonly known as the 'Clayton Act' (38 Stat. 730 et seq., chapter 323; 25 U.S.C. 12 et seq.);

"(C) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and

"(D) the Act of June 19, 1936, commonly known as the 'Robinson-Patman Antidiscrimination Act' (49 Stat. 1526 et seq., chapter 592; 15 U.S.C. 13, 13a, 13b, 13c, and 21a).".

By Mr. DODD:

S. 534. A bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns; to the Committee on the Judiciary.

HANDGUN SAFETY ACT OF 1997

Mr. DODD. Mr. President, I rise to speak on the need for increased attention to gun safety. Increasingly, children are gaining access to loaded and unlocked guns with fatal consequences. Recently, an 8-year-old girl in Bridgeport, CT, took a gun that was left behind a couch and shot and killed her 10-year-old sister.

These tragedies happen far too frequently. A report from the Centers for Disease Control and Prevention notes that nearly 1.2 million latch-key children have access to loaded and unlocked firearms each day. Children cause over 10,000 unintentional shootings each year in which 800 people die.

This violence is not limited to the home. The Connecticut Department of Health recently completed a survey of 12,000 Connecticut teenagers called the Voice of Connecticut Youth. More than one-third of boys in 9th and 11th grades said they either had a gun or could get one in less than a day. When you consider intentional and unintentional shootings, 16 children are killed with firearms every day in this country.

We must put an end to the tragedy of gun violence. We need to take steps to ensure that gun owners are storing their guns safely—unloaded, locked, and out of the reach of children. That is why I am cosponsoring Senator KOHL's legislation, S. 428, which requires licensed manufacturers, importers, and dealers to sell handguns with a child safety or locking device. The bill also requires a warning that the improper locking or storage of a handgun may result in civil or criminal penalties.

Today I am also introducing a separate measure that would simply add another section to Senator KOHL's bill. The section would authorize the National Institute of Justice to conduct a study on possible standards for gun locks. As we move to have greater use of gun locks, we ought to make sure that those locks are high quality.

These small steps forward could save thousands of lives. They will not affect responsible gun owners who are already doing the right thing, but they will remind careless gun owners of the need for increased safety.

My home State of Connecticut is out in front on this issue. One of our State laws requires locks on handguns, another State law requires that guns be stored away from children. But one State can only do so much. A gun bought outside our State can become an instrument of tragedy within our State. And we also need to make kids across the Nation safer. In many ways, this issue is simple—if we require safety caps on medicine to protect kids, we should clearly require safety locks on guns.

I urge my colleagues to join with me and Senator KOHL in support of these gun safety measures.

Mr. President, I ask unanimous consent that a copy of my bill, the Handgun Safety Act of 1997, be printed in the RECORD.

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

S. 534

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Handgun Safety Act of 1997".

SEC. 2. HANDGUN SAFETY.

(a) DEFINITION OF LOCKING DEVICE.—Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

"(34) The term 'locking device' means—

"(A) a device that, if installed on a firearm and secured by means of a key or a mechanically-, electronically-, or electromechanically-operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically-, electronically-, or electromechanically-operated combination lock; or

"(B) a locking mechanism incorporated into the design of a firearm that prevents discharge of the firearm by any person who does not have access to the key or other device designed to unlock the mechanism and thereby allow discharge of the firearm.".

(b) UNLAWFUL ACTS.—Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) LOCKING DEVICES AND WARNINGS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), beginning 90 days after the date of enactment of the Handgun Safety Act of 1997, it shall be unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun—

"(A) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun; or

"(B) to any person, unless the handgun is accompanied by the following warning, which shall appear in conspicuous and legible type in capital letters, and which shall be printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun:

"'THE USE OF A LOCKING DEVICE OR SAFETY LOCK IS ONLY ONE ASPECT OF RESPONSIBLE FIREARM STORAGE. FIREARMS SHOULD BE STORED UNLOADED AND LOCKED IN A LOCATION THAT IS BOTH SEPARATE FROM THEIR AMMUNITION AND INACCESSIBLE TO CHILDREN.

'FAILURE TO PROPERLY LOCK AND STORE YOUR FIREARM MAY RESULT IN CIVIL OR CRIMINAL LIABILITY UNDER STATE LAW. IN ADDITION, FEDERAL LAW PROHIBITS THE POSSESSION OF A HANDGUN BY A MINOR IN MOST CIRCUMSTANCES.'

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) the—

"(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

"(ii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off-duty); or

"(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off-duty).".

(c) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)(1), by striking "or (f)" and inserting "(f), or (p)"; and

(2) by adding at the end the following:

"(p) PENALTIES RELATING TO LOCKING DEVICES AND WARNINGS.—

"(1) IN GENERAL.—

"(A) SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.—With respect to each violation of subparagraph (A) or (B) of section 922(y)(1) by a licensee, the Secretary may, after notice and opportunity for hearing—

"(i) suspend or revoke any license issued to the licensee under this chapter; or

"(ii) subject the licensee to a civil penalty in an amount equal to not more than $10,000.

"(B) REVIEW.—An action of the Secretary under this paragraph may be reviewed only as provided in section 923(f).

"(2) ADMINISTRATIVE REMEDIES.—The suspension or revocation of a license or the imposition of a civil penalty under paragraph (1) does not preclude any administrative remedy that is otherwise available to the Secretary.".

SEC. 3. STUDY ON STANDARDS FOR LOCKING DEVICES.

Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall—

(1) conduct a study to determine the feasibility of developing minimum quality standards for locking devices (as that term is defined in section 921(a) of title 18, United States Code (as amended by this Act)); and

(2) submit to the Attorney General of the United States and the Secretary of the Treasury a report, which shall include the results of the study under paragraph (1) and any recommendations for legislative or regulatory action.

By Mr. MCCAIN (for himself, Mr. WELLSTONE, Mr. GLENN, Mr. COCHRAN, Mr. BURNS, Mr. MOYNIHAN, Mr. HARKIN, Mr. DODD, Mr. LEAHY, Mr. BOND, Mr. BINGAMAN, Mr. CAMPBELL, Mr. MACK, Mr. TORRICELLI, Mr. GRASSLEY, Mr. INOUYE, Mr. HOLLINGS, Mr. ROBB, Mr. DURBIN, Mrs. BOXER, Mr. BRYAN, Mr. DASCHLE, Mr. FORD, Mr. D'AMATO, Mr. REID, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. FAIRCLOTH, Mr. LEVIN, Ms. COLLINS, Mr. KERRY, Mrs. MURRAY, Mr. REED, Mr. KENNEDY, Mr. SANTORUM, Mrs. FEINSTEIN, and Mr. ROCKEFELLER):

S. 535. A bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease; to the Committee on Labor and Human Resources.

THE MORRIS K. UDALL PARKINSON'S RESEARCH AND EDUCATION ACT OF 1997

Mr. MCCAIN. Mr. President, today, I proudly reintroduce the Morris K. Udall Parkinson's Research and Education Act of 1997. This legislation addresses the importance of Parkinson's research by authorizing $1 million for Parkinson's research.

Approximately 1 million people in this country are afflicted with Parkinson's disease. Parkinson's disease is a debilitating, degenerative disease which is caused when nerve centers in an individual's brain lose their ability to regulate body movements. People afflicted by this disease experience tremors, loss of balance and repeated falls, loss of memory, confusion, and depression. Ultimately, this disease results in total incapacity for an individual including the inability to speak. This disease knows no boundaries, does not discriminate, and strikes without warning.

This important piece of legislation honors Mo Udall, a dear friend of mine who served as a dedicated Congressman from Arizona for 30 years. Mo is remembered most for his warmth, compassion, integrity, and his wit. He was a champion of civil rights, political reform, and a protector of the environment. In 1980, Congressman Mo Udall was diagnosed with Parkinson's disease and he began his valiant battle against this disastrous disease. Mo was forced to resign from Congress in 1991, his exemplary career prematurely ended by Parkinson's.

I was fortunate enough to have not only worked with Mo Udall as a Representative from Arizona, but to have Mo as a mentor and a close, personal friend. Mo's stewardship and integrity would not allow him to become involved in partisan politics. When I arrived in Washington, DC, as a freshman Congressman from Arizona, Mo reached across the aisle, took me under his wing and provided me with guidance, leadership, humor, and, most importantly, friendship. I can never begin to adequately thank Mo for all that he provided me and his profound impact on my early years as a Member of Congress. In some way, I hope that my efforts on his behalf and the millions of others with Parkinson's can be a token of appreciation for all that Mo has given me and our country.

Personally, I have witnessed the devastating effects and personal tolls which Parkinson's disease has on its victims, as I have watched this horrible disease wreck havoc on my dear friend, Mo. I have watched Mo, his family, and friends wage a daily battle against this painful disease. Every day, Mo and millions like him throughout the country face a disease which is physically crippling and financially devastating. I can truly empathize with the fear and frustration that Mo and others like him must be feeling as they become prisoners within their own bodies, clinging to the hope that a scientific breakthrough may soon be discovered and they will be liberated from their personal prison.

The Morris K. Udall Parkinson's Research and Education Act provides the hope Mo and millions like him are looking for. This bill will help us make significant scientific progress by increasing the Federal Government's financial investment in Parkinson's research for fiscal year 1998 by authorizing $1 million.

An important component of this legislation will be the establishment of up to 10 Morris K. Udall Centers for Research on Parkinson's Disease throughout the Nation. These centers will be responsible for conducting basic and clinical research in addition to delivering care to Parkinson's patients. Uniting these three areas will assure that research developments will be coordinated and the care delivered to patients will be effective, high quality services based upon the most recent research developments. The Morris K. Udall Centers will be structural in a manner which allows them to become a source for developing teaching programs for health care professionals and disseminating information for public use.

In addition, this bill will create a national Parkinson's Disease Information Clearinghouse to gather and store pertinent data on Parkinson's patients and their families. This collected data will facilitate and enhance knowledge and understanding of Parkinson's disease.

This bill will establish a Morris K. Udall Excellence Award to recognize publicly the investigators with a proven record of excellence and innovation in Parkinson's research and whose work has demonstrated significant potential for the diagnosis or treatment of the disease.

I am heartened by the tremendous progress scientists are making in Parkinson's research. There is significant scientific evidence indicating that there is very strong potential for major breakthroughs in the cause and treatment of Parkinson's in this decade. According to a wide array of experts, we are on the verge of substantial, groundbreaking scientific discoveries regarding the cause and potential cure of Parkinson's disease. We need to seize this rare opportunity to discover the cause, treatment, and a potential cure for one of the Nation's most disabling diseases. It is imperative that we give our scientific researchers the necessary funding and support to combat this and other neurological diseases, and to improve the lives of many Americans.

This is why we must enact the Morris K. Udall Parkinson's Research and Education Act of 1997. We can't allow this opportunity to make significant progress in the area of Parkinson's research slip away because of a lack of support for our Nation's scientific researchers.

Finally, I would like to thank the hundreds of individuals who have written or called my office in support of this measure. These individuals are committed to seeing this legislation enacted this year and are hopeful that Parkinson's research will finally receive a fair and justifiable investment from the Federal Government.

I ask unanimous consent that a small sampling of the many letters I have received in support of the Morris K. Udall Parkinson's bill from actual Parkinson's patients, family, and friends of Parkinson's patients, advocate groups, scientists, and physicians be included in the RECORD.

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

PHOENIX, AZ, *April 1, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: My friend Richard and I first met in the lobby of St. Joseph's Hospital Barrows Neurological Institute in Phoenix Arizona. I was in my late thirties, he was in his early fifties, we had both been diagnosed with Young-Onset-Parkinsons Disease. We were both afraid.

We became friends as we vowed to fight this disease which was trying to imprison us in our own bodies. We had just learned about the "Udall Bill." We had just learned that scientists promised a cure within three to five years if they received sufficient funding. The "Udall bill" could make that happen. We saw the promise of a miracle.

We talked about it in depth. We knew we had been marked for a slow death and we shared with each other how we feared for our families. I raised my three children as a single parent, and my kids were struggling under the weight that my illness had brought us. Richards' wife had just told him that she couldn't stand living with him as he slowly became a freak to observers and she couldn't stand the strain having to care for him through the pain and slow death. So she left him. He felt it wasn't her fault.

We knew the enemy. The worst thing of this disease was it's slow tortuous progression. We preferred death rather than the years of Hell we were facing. But it was not a choice. With the Udall bill, we might make it. We still had the will to fight. We grasped at hope. We hoped that we could stand the side effects of our medication and hold out until the bill was passed. Once it did, we knew it would take three years for significant improvement in care—but we grasped at the hope. We dedicated the only functioning time we thought we might have left to getting the bill passed.

We wrote letters, we visited our representatives, we put up flyers, we scrimped and saved to mail letters to friends and to travel to other states to tell them about the bill, but Richard's disease progressed very quickly. Within a year he had to have an attendant at home to feed him, bathe him, dress him. Then he had to go to a nursing home.

He was barely able to whisper, unable to walk, unable to sit up without being tied to his chair—his head hung over and his eyes reflected his suffering—He was fully aware of what was happening every minute of his torture.

I continued my advocacy efforts, including three trips from Arizona to Washington, DC to try to help our Representatives to understand why they should pass the bill. And I would go to the nursing home and report to Richard. Last year we came very close, but we didn't make it. I told Richard and his face and neck were wet with tears as I told him to try to just 'hang in there' one more year. I had told him that the year before. We both cried. We were afraid. We were alone. Richard whispered that he knew he'd never hold his grandchildren, but he'd not go down without knowing we'd "kick Parkinsons in the ass" first. Richard died of Parkinsons Disease last month.

I'm 44 years now, I have difficulty walking short distances and my strength struggles for me to sit up. Although my medication's losing effectiveness and side effects don't cease, I'm still here. Still holding on. With your help, I will see the passage of the "Udall bill for Parkinsons".

Thank you for doing all that you are, to help us "kick Parkinsons in the ass".

MARYHELEN DAVILA.

KINGWOOD, TX, *April 8, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you so much for your support and concern for the Parkinson's disease community. I have suffered with PD for 22 years. My hopes for a cure have been raised and dashed on several occasions. Without adequate funding PD will dash the hopes of millions of American as the baby boomer generation approaches the age when PD typically strikes.

Unless you experience if you can't know how awful this disease is. Day after day it takes away the very fiber of who you are, what you might be and what you might do for society your family and yourself. At the age of 52 I can no longer be counted on to perform even the basic duties of life for myself. Wheelchairs, walkers, hospital beds combined with hundreds of dollars of medicine each month are what I count on for mobility. While my husband and family and our support group have been my heroes through these 22 years, their resources are exhausted. The Udall bill gives us all the hope that we need to combat this lousy disease one day at a time until a cure if found.

Again, thank you for your support for this disease which has been so neglected for so long. In 1817 James Parkinson wrote his paper describing the most prevalent symptoms of this disease. This work 180 years later is still used today to describe in disease. Let 1997 be the year that we change all that. Let it be the year we raise the consciousness of all Americans about the devastation caused by PD and neurological disorders. Let this decade of the brain unravel the mysteries of neurological disorders and let our leaders in Washington pave the way for the cure.

Do it for Mo, and do it for me. Thanks for listening. This letter was typed by my husband Bob.

Original signed by,

NANCY MARTONE.

MANLIUS, NY, *April 1, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your support and leadership on behalf of people with Parkinson's Disease.

At the age of forty-nine I was stricken with Parkinson's Disease. I managed to continue working till I retired last year at the age of fifty-six. I was earning about $165,000.00 per year as a trial attorney.

My disability and those with early onset of the disease place a heavy financial burden on the Government and the private sector. I am applying for Social Security Disability plus private disability plans. My medical costs are $18,000.00 plus per year and in two years my medical costs will be another burden on the Social Security trust funds. I estimate that the cost of my illness to society will exceed $1,100,000 if I live to age sixty-seven when I would normally retire.

I also notice on the internet that Parkinson's Disease is striking younger and younger people and that the mean age of diagnosis is now fifty-seven years old. If this trend continues, more people will be receiving Social Security Trust Funds at an early age and fewer people than expected making contributions.

As I attend support group meetings, I see many people drained of energy, strength and who are unable to articulate their plight. Scientists and researchers express the possibility of new medicines and a cure if more research dollars are invested as proposed by the Parkinson's Bill. Let's apply more research funds to keep people with Parkinson's Disease working longer and leading a healthier life.

For those who no longer speak for themselves and myself, I wish to thank you for your support.

Very truly yours,

A. DALE SEVERANCE.

BERKELEY, CA, *March 20, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing to you regarding the Morris K. Udall Parkinson's Research and Education Bill which is going to be reintroduced in the Senate next month. As you remember the Udall Bill passed the Senate but stalled in the House in 1996. May I take a minute of your time to explain why the Udall Bill is so important to me?

My wife Frances, now 57, was diagnosed with Parkinson's Disease nine years ago. She is a clinical psychologist and Jungian analyst who still manages to work, but most people stricken with Parkinson's are not so lucky. Unfortunately 40% of the newly diagnosed cases are people under 60 years of age—this disease of the elderly is hitting middle aged people with disastrous results. The disease is incurable and progressive forcing doctors, lawyers, professors, business people, teachers and artists to give up productive lives. I have seen the devastation of families and careers first hand among the many Parkinson's patients I have met. And I have also seen unbelievable courage, intelligence and absolute brilliance as people try to find a way to live with the disease.

Without further research there is no hope to cure the disease. The current medications mask the symptoms and that is all. The present national research effort is a joke. There is no unified research agenda and the 30 million dollars allotted to the disease (compared 217 million dollars for Alzheimer's and one and a half billion dollars for AIDS) is not nearly enough. There is terrific research potential but no money. The Udall Parkinson's Research and Education Bill will provide the coordination, the research agenda, and the money. Please help us by cosponsoring the bill, or if you cannot cosponsor it, could you at least vote for it? We desperately need your help!

I would very much like to talk with you about the Bill if you have any questions (510-527-0966 or tobriner@uclink.berkeley.edu).

Thanks so much for your help.

STEPHEN TOBRINER,
Professor of Architectural History,
University of California, Berkeley.

ORINDA, CA, *March 29, 1996.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for agreeing to introduce the Morris K. Udall Parkinson's Research and Education Act to the House. I am grateful for your efforts on behalf of this bill.

My closest friend, Frances Tobriner, was diagnosed with Parkinson's Disease when she was 46 years old. She is now 57 years old and is courageously managing to work as a psychologist. I have learned that this disease is not limited to the elderly. Young, talented people are vulnerable. There is no cure for this disease and those of us who are able bodied bear helpless witness to the progressive deterioration of those we care about.

There are many research possibilities that await funding. I believe that the advances in research will help not only the many victims of Parkinson's disease, but other neurological ailments as well. To date there is no unified research agenda and the relatively small amount of money is not enough. The Udall Parkinson's Research and Education Act will help enormously.

Thank you for your efforts. Know that you have support among constituents.

Sincerely yours,

SUE N. ELKIND, *Ph.D.*

MERRIAM, KS, *April 3, 1997.*

Re Morris K. Udall Parkinson's Research, Assistance, and Education Act of 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: This is to thank you and Sen. Paul Wellstone for taking the lead in reintroducing the Udall bill in the 105th Congress, as well as the many other Senators who are already supporting the bill.

A stepped-up effort in research and coordination of that research means added hope for me and my family that a possible cure may be found in time to help me. You see, I was diagnosed with Parkinson's Disease at the age of 44, nearly 13 years ago. It was only two years after my marriage to my wonderful husband, who has stood by me "in sickness" much sooner than we ever imagined. I managed to follow through on a long-term project, as President of a Kansas City group which established a 100,000-watt FM community radio station in 1988 after 11 years of effort. I kept up with the station and other community interests and part-time teaching pretty much full force until 1990, but since then I have had to cut back more and more. You can't imagine how grateful I am for access to the internet (my husband's idea) which re-established my ability to connect to the world.

My husband who is a community college teacher of 29 years has had to take on domestic duties I once did. His daughter, 4 when we married, never remembers when I was a normal, active person. And my aging parents help drive me to the doctors, as my right side is too weak most of the time to allow me to push the gas pedal.

This disease CAN go the way of polio, tuberculosis, small pox and others—GONE. Maybe not for me, but surely for the thousands of millions who don't yet know they are at risk for it.

Sincerely,

BARBARA BLAKE-KREBS.

EAST BRUNSWICK, NJ, *March 31, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for introducing the Morris Udall Bill for Parkinson's Disease Research. I will make a special trip to Washington on April 9, 1997 to be present at your introduction.

In 1946 my grandfather, Benjamin Miller, died of complications from bedsores and infection as a result of Parkinson's Disease. He was forced to live with uncontrollable tremors, locked rigid muscles, loss of all motor function and eventually the total incapacity to care for himself. The last 10 years of his life he was in a totally rigid state and toward the end he could only move his eyes. Contrary to our religious law, my mother agreed to allow his body to be used for research believing that the help it might provide others would more than make up for this breach of tradition. She often said that because of her decision, her father played a part in the development and refinement of L-dopa.

As fate would have it, my brother is now diagnosed with Parkinson's and while his lifestyle is somewhat better than it might have been 50 years ago, his hideous fate is sealed unless the research continues until a definitive cure has been found.

Through your foresight to introduce the Udall Bill in the 105th congress there is great potential for a breakthrough in Parkinson's disease treatment and ultimately the discovery of a cure.

Thank you again.

Sincerely,

MRS. BARBARA SCHIRLOFF.

RUSH-PRESBYTERIAN-ST. LUKE'S MEDICAL CENTER, RUSH UNIVERSITY—DEPARTMENT OF NEUROLOGICAL SCIENCES, CENTER FOR BRAIN REPAIR,
Chicago, IL, April 2, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I was very pleased to hear that you have re-introduced the Udall Bill. As a researcher of Parkinson's disease for 25 years, I can assure you that the bill is timely and that the money will be well spent if the bill is passed. I have witnessed the revolution in this field from the early years of levodopa through the discovery of the neurotoxin MPTP, the implantation of adrenal tissue and now pallidotomy and neural grafting. They have been exciting and productive times and quite frankly, it has just plain been fun doing the work and actually seeing it impact the lives of our patients.

Currently, my laboratory is working on the mechanisms responsible for the neuroprotection that appears to be occurring with the drug pramipexole. Although the drug itself appears to offer the PHD patient a new and very effective addition to the antiparkinson arsenal, the more interesting aspect of our research is that the drug appears to be turning on the production of a new trophic molecule that has the potential to reverse the neurodegenerative process. We are currently trying to isolate this protein so that it can be tested. Our lab has also recently discovered important signals that influence the development of DA neurons (which die in PD). We can now take so-called progenitor cells and convert them into DA cells from grafting. If we are successful at doing this in human cells, we would be able to provide the world with adequate tissue for grafting on demand and thereby totally bypass the abortion issue since cells from only one abortion could be expanded in the lab to serve the needs of all transplant centers. Finally, we are also trying to determine in humans the cause for levodopa induced hallucinations. We know nothing about this phenomenon except that it is the number one cause for patients being placed in nursing homes and once PD patients enter a nursing home they generally die there.

As you will hopefully recognize, my laboratory is very vested in the treatment and management of PD. Our approach to this disease is, we feel, novel and appropriate to the current status of knowledge in this field. We are not restricted by ideas. We are restricted by lack of funds. I am not at all reluctant to ask the government for money for research. Having been in this business as long as I have, I have come to recognize that we in science actually spend our research dollars in a frugal and effective manner. We have so little of it we have to make it last and work effectively. I can therefore assure you that this will not be a "pork" project but will actually result in the desired and intended effects. I therefore thank you for your efforts to increase funding for my field. Even though I don't necessarily agree with the notion of legislative earmarking for research dollars, PD is a disease where throwing adequate funding at it will have a tremendous impact and likely reduce health care costs dramatically.

If I can ever be of any help to you in your efforts to make this bill a reality or if you simply need background information, please feel free to contact me. Again, thanks for your help.

Sincerely,

PAUL M. CARVEY, Ph.D.
(Associate Professor of Neurological Sciences and Pharmacology Director, Neuropharmacology Research Laboratories).

REDWOOD CITY, CA, *April 3, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am so grateful that you are sponsoring the Udall Bill. I pray that it will pass. We (I am a member of the Parkinsn (sic) Listserv) have been asked to catalog our symptoms for you, so here goes: I was diagnosed with Parkinson's 6 years ago after progressive weird symptoms which I did not realize were significant, such as loss of ability to wash my hair with my left hand, difficulty shuffling and holding cards when I play bridge, a couple of episodes of feeling like I was walking underwater, it was so hard to move; I was diagnosed immediately when seen by a neurologist and put on medication which gave me strange twisting motions of one of my feet. We lowered the dosage. The dyskinesia went away, but the medicine supposedly has a tapering off of effectiveness. So far, it works. I can once again wash my hair with my left hand thanks to the medicine. My illness is progressing, not too fast, but the changes I've had to make are accumulating: walk one mile instead of three, cut back on activities (dropped out of a bridge group, buy instead of make pies, etc., don't crochet or paint—doesn't seem worth the effort) great difficulty in doing up buttons, loss of strength, tire easily, not able to 'write' legibly, nor be heard by most people when I speak (young people can usually hear me), have difficulty standing up from chairs, usually can't taste or smell, though I can now and then which makes me impatient for THE CURE, knowing that all is apparently not lost, just somehow not available. I am terribly worried about inability to get long term care health insurance. Nobody will take me and I dread the effect on my husband if he has to spend everything to take care of me. I am blessed with a wonderful, caring husband, who never complains about my increasing dependency on him.

Bless you for what you have given your country.

Sincerely,

MRS. ELIZABETH SOUTHWOOD.

THE PARKINSON'S INSTITUTE,
Sunnyvale, CA, April 7, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC

DEAR SENATOR MCCAIN: Thank you for your unflagging support of the Udall Parkinson's Research bill. I am writing today to explain why this bill is so important to me, to my colleagues in research and clinical care, and to the patients and families who suffer from Parkinson's disease and other movement disorders.

I have been a practicing neurologist for more than 25 years and have specialized in Parkinson's disease care and research for the last 15 years. As a scientist in close touch with the international research community in the field of neurodegenerative diseases, I see tremendous potential in a dozen scientific directions for finding a cure for Parkinson's disease within the next decade. That is not a statement I make lightly, nor is it a statement that can be applied across the board to the diseases of aging. Instead, it is based on a careful assessment of the technologies that are open now and to the new technologies opening daily to the scientists who specialize in movement disorders.

As a physician who sees only patients with Parkinson's disease and related movement disorders—some of which are even more devastating—I realize that every patient I see is under a kind of death watch. Their disease is inexorably progressive; there is no cure; and even the gold standard of medications available cannot control symptoms indefinitely. I have learned, as all physicians must learn, to achieve a certain detachment from the inevitability that faces my patients, but it remains a constant trial to look at these individuals and know that my armamentarium is so limited. Part of the way to deal with this challenge, both for physician and patient, is to take comfort in the fact that there is enormous hope through the efforts of the researchers in my own laboratory and in similar institutions around the world.

What is needed to take advantage of the new technologies and the enormous pool of talented investigators waiting to use them is to make them available to a much larger

number of laboratories; to increase the probability that the critical breakthroughs will occur sooner rather than later. No one laboratory can travel every possible avenue of investigation no matter how impressive their equipment and no matter how many bright young postdoctoral fellows are on staff. Rather, we must seek to multiply the approaches to the puzzling problems that still face us by utilizing the different insights, experience, and research philosophies of a variety of laboratories across the country at academic medical centers, at NIH, and in independent research institutes like our own.

Ultimately, that takes money and that is where we turn to the Congress for help directed specifically to Parkinson's disease. You know, I'm sure, of the discrepancies in research funding per patient between Parkinson's disease and other disorders. The message I want to send to you today is that research dollars for movement disorders will not be thrown into a black hole of hopelessness, but invested in a national program with tremendous hope for the future.

Sincerely,

J. WILLIAM LANGSTON, M.D.,
President.

APDA PARKINSON'S DISEASE INFORMATION & REFERRAL CENTER AT THE UNIVERSITY OF ARIZONA,
Tucson, AZ, April 7, 1997.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: We are writing to tell you how grateful we are that you have taken on the role of lead republican sponsor in the Senate for the Morris K. Udall bill for Parkinson's Research. There is tremendous support for this bill in Arizona, not only among Parkinson's patients and their family members, but among an ever-widening circle of physicians, scientists and thoughtful members of the general public. It is clear that research holds the key to improved treatments—even a cure—for Parkinson's disease. Only through research will we find a way to reduce the human suffering and economic burden of this terrible illness.

In Arizona we have taken a special interest in the Udall bill, partly because it is our state which Mo Udall served so well, partly because our state's attractiveness as a "retirement" state means we have a higher proportion of residents in the age range most at risk for PD, and partly because several of our state's medical institutions—the University of Arizona College of Medicine in Tucson, the Barrow Neurological Institute in Phoenix, and the Mayo clinic in Scottsdale—already oversee extensive Parkinson's research programs.

Members of the Arizona Chapter of the American Parkinson Disease Association (APDA) and the staff of its associated Information & Referral Center at the University of Arizona have worked hard to educate Arizona residents about Parkinson's disease and the promise of Parkinson's research. The recent *Agenda 97* symposium at the University of Arizona brought together Parkinson's researchers, advocates and government officials for a public forum. The outstanding efforts of the APDA committee *Arizona Parkinson's Advocates*, led by Bob Dolezal, have made the Mo Udall bill a popular cause throughout the State.

We applaud your efforts and support you one hundred percent. Thank you again for leading the way to passage of the Udall bill in 1997.

Sincerely,

ERWIN B. MONTGOMERY, Jr., M.D.,
Medical Director, APDA Information & Referral Center at the University of Arizona.

CYNTHIA A. HOLMES, Ph.D,
Coordinator, APDA Information & Referral Center at the University of Arizona.

PRINCETON, NJ, *March 31, 1997.*

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Your dedication to bring about the reintroduction of the Morris K. Udall Parkinson's Disease Research and Education Act is most appreciated. The bitter sweet partial victory at the end of the 104th Congressional session was difficult to accept.

To Americans suffering from this hideous disease, the issue is so clearly defined: there are 1 to 1.5 million people struck with a disease that costs the government 6 billion dollars annually to maintain status quo; whereas an annual investment of 100 million dollars for research would yield a net savings of $124,500,000,000 in five years based on the forecast of eminent scientists who predict major advances in the treatment of or even a possible cure for Parkinson's disease.

It is with this great anticipation that I face my 17th year living with the disease. During the last number of years, managing my daily minimal activities have become more and more difficult. Since I am only 55 years old, I still have a window of opportunity to re-enter the world of participation rather than inaction. Currently my life revolves around frantically attempting to accomplish somethings during the infrequent and much too short periods of time that my medication kicks in.

I must believe that with your leadership and guidance the Udall bill will make its perileous journey through the Halls of Congress and will gain enough bi-partisan support for passage and thus insure more adequate research and development funding. For those 50,000 People with Parkinson's who received their diagnosis during this past 12 months and for my own salvation, I join you and your staff in an all-out effort to guarantee the passage of the new Udall bill.

Sincerely,

MARGARET TUCHMAN.

By Mr. GRASSLEY (for himself, Mr. DEWINE, Mr. DASCHLE, Mr. BIDEN, Mr. D'AMATO, Mr. SHELBY, Mr. KOHL, Mr. GRAHAM, Mr. CLELAND, Mr. HATCH, Mr. HARKIN, Mr. THURMOND, Mr. STEVENS, Mr. DURBIN, Mr. HUTCHINSON, Mr. ABRAHAM, Mr. REID, Mr. FEINGOLD, and Mrs. MURRAY):

S. 536. A bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes; to the Committee on the Judiciary.

THE DRUG-FREE COMMUNITIES ACT OF 1997

Mr. GRASSLEY. Mr. President, as you know the issue of drug use by our children is very important to me. I believe that we must do whatever we can to protect our children from the harmful effects of illegal drugs. The survey by the Partnership for a Drug-Free America recently released showed that children continue to cite their parents as a reliable source of information about the dangers of drugs. This confirms a 1996 study by the Center on Addiction and Substance Abuse which showed that the extent parents shouldered responsibility for their kids resisting drugs was a key indicator of whether or not their child experimented with drugs. Not Presidents, not Federal officials, not television, but parents and others who play an integral role in a child's life make the difference.

Today, in conjunction with 13 of my fellow Senators, we are introducing the Drug Free Communities Act of 1997. This act will take funds currently being spent for less productive areas of the Federal drug control budget and route them to community coalitions with proven track records. Seeking to make the most efficient use of taxpayer dollars, Federal grants will match funding efforts from the private sector and the local community.

It will put resources in the hands of those who make a difference; of the people that our children say their opinions they respect. It puts the resources at the community level, where parents, teachers, coaches, and community leaders can use these resources to educate our children about the evils of drug use.

There are four key features to this legislation, features that make it different from existing funding opportunities. First, communities must take the initiative. In order to receive support, a community coalition must demonstrate that there is a long-term commitment to address teen-drug use by having a sustainable coalition that includes the involvement of representatives from a wide variety of community activists.

In addition, every coalition must show that it will be around for a while. Community coalitions must be in existence for at least 6 months prior to applying for funds provided for in this bill, and they are only eligible to receive support if they can match these donations dollar for dollar with non-Federal funding, up to $100,000 per coalition.

The third key feature of this legislation is an assurance that the funds for this bill will come from existing legislation. We plan on working closely with the members of the Appropriations Committee to find appropriate off-sets within the current $16 billion Federal drug control budget.

An advisory commission, consisting of local community leaders, and State and National experts in the field of substance abuse, will oversee the implementation of the program at the Office of National Drug Control Policy. They will insure the funds are directed to communities and programs that make a difference in the lives of our children.

At other times I've talked about the statistics—how drug use is up again this year among teens, and how emergency room admissions are rising after years of decline, and other depressing statistics. But the bill we introduce today is in support of organizations that are on the front lines, making a difference in the lives of our children. I urge my fellow members to join my colleagues and me in supporting this legislation for our children.

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. 536

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Communities Act of 1997".

SEC. 2. NATIONAL DRUG CONTROL PROGRAM.

(a) IN GENERAL.—The National Narcotics Leadership Act of 1988 (21 U.S.C. 1501 et seq.) is amended—

(1) by inserting between sections 1001 and 1002 the following:

"CHAPTER 1—OFFICE OF NATIONAL DRUG CONTROL POLICY";

and

(2) by adding at the end the following:

"CHAPTER 2—DRUG-FREE COMMUNITIES

"SEC. 1021. FINDINGS.

"Congress finds the following:

"(1) Substance abuse among youth has more than doubled in the 5-year period preceding 1996, with substantial increases in the use of marijuana, inhalants, cocaine, methamphetamine, LSD, and heroin.

"(2) The most dramatic increases in substance abuse has occurred among 13- and 14-year-olds.

"(3) Casual or periodic substance abuse by youth of 1997 will contribute to hard core or chronic substance abuse by the next generation of adults.

"(4) Substance abuse is at the core of other problems, such as rising violent teenage and violent gang crime, increasing health care costs, HIV infections, teenage pregnancy, high school dropouts, and lower economic productivity.

"(5) Increases in substance abuse among youth are due in large part to an erosion of understanding by youth of the high risks associated with substance abuse, and to the softening of peer norms against use.

"(6)(A) Substance abuse is a preventable behavior and a treatable disease; and

"(B)(i) during the 13-year period beginning with 1979, monthly use of illegal drugs among youth 12 to 17 years of age declined by over 70 percent; and

"(ii) data suggests that if parents would simply talk to their children regularly about the dangers of substance abuse, use among youth could be expected to decline by as much as 30 percent.

"(7) Community anti-drug coalitions throughout the United States are successfully developing and implementing comprehensive, long-term strategies to reduce substance abuse among youth on a sustained basis.

"(8) Intergovernmental cooperation and coordination through national, State, and local or tribal leadership and partnerships are critical to facilitate the reduction of substance abuse among youth in communities throughout the United States.

"SEC. 1022. PURPOSES.

"The purposes of this chapter are—

"(1) to reduce substance abuse among youth in communities throughout the United States, and over time, to reduce substance abuse among adults;

"(2) to strengthen collaboration among communities, the Federal Government, and State, local, and tribal governments;

"(3) to enhance intergovernmental cooperation and coordination on the issue of substance abuse among youth;

"(4) to serve as a catalyst for increased citizen participation and greater collaboration among all sectors and organizations of a community that first demonstrates a long-term commitment to reducing substance abuse among youth;

"(5) to rechannel resources from the fiscal year 1998 Federal drug control budget to provide technical assistance, guidance, and financial support to communities that demonstrate a long-term commitment in reducing substance abuse among youth;

"(6) to disseminate to communities timely information regarding the state-of-the-art practices and initiatives that have proven to be effective in reducing substance abuse among youth;

"(7) to enhance, not supplant, local community initiatives for reducing substance abuse among youth; and

"(8) to encourage the creation of and support for community anti-drug coalitions throughout the United States.

"SEC. 1023. DEFINITIONS.

"In this chapter:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator appointed by the Director under section 1031(c).

"(2) ADVISORY COMMISSION.—The term 'Advisory Commission' means the Advisory Commission established under section 1041.

"(3) COMMUNITY.—The term 'community' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

"(4) DIRECTOR.—The term 'Director' means the Director of the Office of National Drug Control Policy.

"(5) ELIGIBLE COALITION.—The term 'eligible coalition' means a coalition that meets the applicable criteria under section 1032(a).

"(6) GRANT RECIPIENT.—The term 'grant recipient' means the recipient of a grant award under section 1032.

"(7) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"(8) PROGRAM.—The term 'Program' means the program established under section 1031(a).

"(9) SUBSTANCE ABUSE.—The term 'substance abuse' means—

"(A) the illegal use or abuse of drugs, including substances listed in schedules I through V of section 112 of the Controlled Substances Act (21 U.S.C. 812);

"(B) the abuses of inhalants; and

"(C) the use of alcohol, tobacco, or other related product prohibited by State or local law.

"(10) YOUTH.—The term 'youth' shall have the meaning provided that term by the Administrator, in consultation with the Advisory Commission.

"SEC. 1024. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to the Office of National Drug Control Policy to carry out this chapter—

"(1) $10,000,000 for fiscal year 1998;

"(2) $20,000,000 for fiscal year 1999;

"(3) $30,000,000 for fiscal year 2000;

"(4) $40,000,000 for fiscal year 2001; and

"(5) $43,500,000 for fiscal year 2002.

"(b) ADMINISTRATIVE COSTS.—Not more than the following percentages of the amounts authorized under subsection (a) may be used to pay administrative costs:

"(1) 10 percent for fiscal year 1998.

"(2) 6 percent for fiscal year 1999.

"(3) 4 percent for fiscal year 2000.

"(4) 3 percent for fiscal year 2001.

"(5) 3 percent for fiscal year 2002.

"Subchapter I—Drug-Free Communities Support Program

"SEC. 1031. ESTABLISHMENT OF DRUG-FREE COMMUNITIES SUPPORT PROGRAM.

"(a) ESTABLISHMENT.—The Director shall establish a program to support communities in the development and implementation of comprehensive, long-term plans and programs to prevent and treat substance abuse among youth.

"(b) PROGRAM.—In carrying out the Program, the Director shall—

"(1) make and track grants to grant recipients;

"(2) provide for technical assistance and training, data collection, and dissemination of information on state-of-the-art practices that the Administrator determines to be effective in reducing substance abuse; and

"(3) provide for the general administration of the Program.

"(c) ADMINISTRATION.—Not later than 30 days after receiving recommendations from the Advisory Commission under section 1042(a)(1), the Director shall appoint an Administrator to carry out the Program.

"SEC. 1032. PROGRAM AUTHORIZATION.

"(a) GRANT ELIGIBILITY.—To be eligible to receive an initial grant or a renewal grant under this subchapter, a coalition shall meet each of the following criteria:

"(1) APPLICATION.—The coalition shall submit an application to the Administrator in accordance with section 1033(a)(2).

"(2) MAJOR SECTOR INVOLVEMENT.—

"(A) IN GENERAL.—The coalition shall consist of 1 or more representatives of each of the following categories:

"(i) Youth.

"(ii) Parents.

"(iii) Businesses.

"(iv) The media.

"(v) Schools.

"(vi) Organizations serving youth.

"(vii) Law enforcement.

"(viii) Religious organizations.

"(ix) Civic and fraternal groups.

"(x) Health care professionals.

"(xi) State, local, or tribal governmental agencies with expertise in the field of substance abuse (including, if applicable, the State authority with primary authority for substance abuse).

"(xii) Other organizations involved in reducing substance abuse.

"(B) ELECTED OFFICIALS.—If feasible, in addition to representatives from the categories listed in subparagraph (A), the coalition shall have an elected official (or a representative of an elected official) from—

"(i) the Federal Government; and

"(ii) the government of the appropriate State and political subdivision thereof or the governing body or an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination Act (25 U.S.C. 450b(e))).

"(C) REPRESENTATION.—An individual who is a member of the coalition may serve on the coalition as a representative of not more than 1 category listed under subparagraph (A).

"(3) COMMITMENT.—The coalition shall demonstrate, to the satisfaction of the Administrator—

"(A) that the representatives of the coalition have worked together on substance abuse reduction initiatives for a period of not less than 6 months, acting through entities such as task forces, subcommittees, or community boards; and

"(B) substantial participation from volunteer leaders in the community involved (especially in cooperation with individuals involved with youth such as parents, teachers, coaches, youth workers, and members of the clergy).

"(4) MISSION AND STRATEGIES.—The coalition shall, with respect to the community involved—

"(A) have as its principal mission the reduction of substance abuse in a comprehensive and long-term manner, with a primary focus on youth in the community;

"(B) describe and document the nature and extent of the substance abuse problem in the community;

"(C)(i) provide a description of substance abuse prevention and treatment programs and activities in existence at the time of the grant application; and

"(ii) identify substance abuse programs and service gaps in the community;

"(D) develop a strategic plan to reduce substance abuse among youth in a comprehensive and long-term fashion; and

"(E) work to develop a consensus regarding the priorities of the community to combat substance abuse among youth.

"(5) SUSTAINABILITY.—The coalition shall demonstrate that the coalition is an ongoing concern by demonstrating that the coalition—

"(A) is—

"(i)(I) a nonprofit organization; or

"(II) an entity that the Administrator, in consultation with the Advisory Commission, determines to be appropriate; or

"(ii) part of, or is associated with, an established legal entity;

"(B) receives financial support (including, in the discretion of the Administrator, in-kind contributions) from non-Federal sources; and

"(C) has a strategy to solicit substantial financial support from non-Federal sources to ensure that the coalition and the programs operated by the coalition are self-sustaining.

"(6) ACCOUNTABILITY.—The coalition shall—

"(A) establish a system to measure and report outcomes—

"(i) consistent with common indicators and evaluation protocols established by the Administrator, in consultation with the Advisory Commission; and

"(ii) receives the approval of the Administrator;

"(B) conduct—

"(i) for an initial grant under this subchapter, an initial benchmark survey of drug use among youth (or use local surveys or performance measures available or accessible in the community at the time of the grant application); and

"(ii) biennial surveys (or incorporate local surveys in existence at the time of the evaluation) to measure the progress and effectiveness of the coalition; and

"(C) provide assurances that the entity conducting an evaluation under this paragraph, or from which the coalition receives information, has experience—

"(i) in gathering data related to substance abuse among youth; or

"(ii) in evaluating the effectiveness of community anti-drug coalitions.

"(b) GRANT AMOUNTS.—

"(1) IN GENERAL.—

"(A) GRANTS.—

"(i) IN GENERAL.—Subject to clause (iii), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

"(ii) RENEWAL GRANTS.—Subject to clause (iii), the Administrator may award a renewal grant to a grant recipient under this subparagraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year, during the 4-year period following the period of the initial grant.

"(iii) LIMITATION.—The amount of a grant award under this subparagraph may not exceed $100,000 for a fiscal year.

"(B) COALITION AWARDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Administrator may, with respect to a community, make a grant to 1 eligible coalition that represents that community.

"(ii) EXCEPTION.—The Administrator may make a grant to more than 1 eligible coalition that represents a community if—

"(I) the population of the community exceeds 2,000,000 individuals;

"(II) the eligible coalitions demonstrate that the coalitions are collaborating with one another; and

"(III) each of the coalitions has independently met the requirements set forth in section 1032(a).

"(2) RURAL COALITION GRANTS.—

"(A) IN GENERAL.—

"(i) IN GENERAL.—In addition to awarding grants under paragraph (1), to stimulate the development of coalitions in sparsely populated and rural areas, the Administrator, in consultation with the Advisory Commission, may award a grant in accordance with this section to a coalition that represents a county with a population that does not exceed 30,000 individuals. In awarding a grant under this paragraph, the Administrator, in consultation with the Advisory Commission, may waive any requirement under subsection (a) if the Administrator, in consultation with the Advisory Commission, considers that waiver to be appropriate.

"(ii) MATCHING REQUIREMENT.—Subject to subparagraph (C), for a fiscal year, the Administrator may grant to an eligible coalition under this paragraph, an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, for that fiscal year.

"(B) RENEWAL GRANTS.—The Administrator may award a renewal grant to an eligible coalition that is a grant recipient under this paragraph for each fiscal year following the fiscal year for which an initial grant is awarded, in an amount not to exceed the amount of non-Federal funds raised by the coalition, including in-kind contributions, during the 4-year period following the period of the initial grant.

"(C) LIMITATIONS.—

"(i) AMOUNT.—The amount of a grant award under this paragraph shall not exceed $50,000 for a fiscal year.

"(ii) AWARDS.—With respect to a county referred to in subparagraph (A), the Administrator may award a grant under this section to not more than 1 eligible coalition that represents the county.

"SEC. 1033. INFORMATION COLLECTION AND DISSEMINATION WITH RESPECT TO GRANT RECIPIENTS.

"(a) COALITION INFORMATION.—

"(1) GENERAL AUDITING AUTHORITY.—For the purpose of audit and examination, the Administrator—

"(A) shall have access to any books, documents, papers, and records that are pertinent to any grant or grant renewal request under this chapter; and

"(B) may periodically request information from a grant recipient to ensure that the grant recipient meets the applicable criteria under section 1032(a).

"(2) APPLICATION PROCESS.—The Administrator shall issue regulations regarding, with respect to the grants awarded under section 1032, the application process, grant renewal, and suspension or withholding of renewal grants. Each application under this paragraph shall be in writing and shall be subject to review by the Administrator.

"(3) REPORTING.—The Administrator shall, to the maximum extent practicable and in a manner consistent with applicable law, minimize reporting requirements by a grant recipient and expedite any application for a renewal grant made under this subchapter.

"(b) DATA COLLECTION AND DISSEMINATION.—

"(1) IN GENERAL.—The Administrator may collect data from—

"(A) national substance abuse organizations that work with eligible coalitions, community anti-drug coalitions, departments or agencies of the Federal Government, or State or local governments and the governing bodies of Indian tribes; and

"(B) any other entity or organization that carries out activities that relate to the purposes of the Program.

"(2) ACTIVITIES OF ADMINISTRATOR.—The Administrator may—

"(A) evaluate the utility of specific initiatives relating to the purposes of the Program;

"(B) engage in research and development activities related to the Program; and

"(C) disseminate information described in this subsection to—

"(i) eligible coalitions and other substance abuse organizations; and

"(ii) the general public.

"SEC. 1034. TECHNICAL ASSISTANCE AND TRAINING.

"(a) IN GENERAL.—

"(1) TECHNICAL ASSISTANCE AND AGREEMENTS.—With respect to any grant recipient or other organization, the Administrator may—

"(A) offer technical assistance and training; and

"(B) enter into contracts and cooperative agreements.

"(2) COORDINATION OF PROGRAMS.—The Administrator may facilitate the coordination of programs between a grant recipient and other organizations and entities.

"(b) TRAINING.—The Administrator may provide training to any representative designated by a grant recipient in—

"(1) coalition building;

"(2) task force development;

"(3) mediation and facilitation, direct service, assessment and evaluation; or

"(4) any other activity related to the purposes of the Program.

"Subchapter II—Advisory Commission

"SEC. 1041. ESTABLISHMENT OF ADVISORY COMMISSION.

"(a) ESTABLISHMENT.—There is established a commission to be known as the 'Advisory Commission on Drug-Free Communities'.

"(b) PURPOSE.—The Advisory Commission shall advise, consult with, and make recommendations to the Administrator concerning matters related to the activities carried out under the Program.

"SEC. 1042. DUTIES.

"(a) IN GENERAL.—The Advisory Commission—

"(1) shall, not later than 30 days after its first meeting, make recommendations to the Director regarding the selection of an Administrator;

"(2) may review any grant, contract, or cooperative agreement proposed to be made by the Program;

"(3) may make recommendations to the Administrator regarding the activities of the Program;

"(4) may review any policy or criteria established by the Administrator to carry out the Program;

"(5) may—

"(A) collect, by correspondence or by personal investigation, information concerning initiatives, studies, services, programs, or other activities of coalitions or organizations working in the field of substance abuse in the United States or any other country; and

"(B) with the approval of the Administrator, make the information referred to in subparagraph (A) available through appropriate publications or other methods for the benefit of eligible coalitions and the general public; and

"(6) may appoint subcommittees and convene workshops and conferences.

"(b) RECOMMENDATIONS.—If the Administrator rejects any recommendation of the Advisory Commission under subsection (a)(1), the Administrator shall notify the Advisory Commission and the Director in writing of the reasons for the rejection not later than 15 days after receiving the recommendation.

"(c) CONFLICT OF INTEREST.—A member of the Advisory Commission shall recuse himself or herself from any decision that would constitute a conflict of interest.

"SEC. 1043. MEMBERSHIP.

"(a) IN GENERAL.—The President shall appoint 15 members to the Advisory Commission as follows:

"(1) 6 members shall be appointed from the general public and shall include leaders—

"(A) in fields of youth development, public policy, law, or business; or

"(B) of nonprofit organizations or private foundations that fund substance abuse programs.

"(2) 6 members shall be appointed from the leading representatives of national substance abuse reduction organizations, of which no fewer than 4 members shall have extensive training or experience in drug prevention.

"(3) 3 members shall be appointed from the leading representatives of State substance abuse reduction organizations.

"(b) CHAIRPERSON.—The Advisory Commission shall elect a chairperson or cochairpersons from among its members.

"(c) EX OFFICIO MEMBERS.—The ex officio membership of the Advisory Commission shall consist of any 2 officers or employees of the United States that the Director determines to be necessary for the Advisory Commission to effectively carry out its functions.

"SEC. 1044. COMPENSATION.

"(a) IN GENERAL.—Members of the Advisory Commission who are officers or employees of the United States shall not receive any additional compensation for service on the Advisory Commission. The remaining members of the Advisory Commission shall receive, for each day (including travel time) that they are engaged in the performance of the functions of the Advisory Commission, compensation at rates not to exceed the daily equivalent to the annual rate of basic pay payable for grade GS–10 of the General Schedule.

"(b) TRAVEL EXPENSES.—Each member of the Advisory Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"SEC. 1045. TERMS OF OFFICE.

"(a) IN GENERAL.—Subject to subsection (b), the term of office of a member of the Advisory Commission shall be 3 years, except that, as designated at the time of appointment—

"(1) of the initial members appointed under section 1043(a)(1), 2 shall be appointed for a term of 2 years;

"(2) of the initial members appointed under section 1043(a)(2), 2 shall be appointed for a term of 2 years; and

"(3) of the initial members appointed under section 1043(a)(3), 1 shall be appointed for a term of 1 year.

"(b) VACANCIES.—Any member appointed to fill a vacancy for an unexpired term of a member shall serve for the remainder of the unexpired term. A member of the Advisory Commission may serve after the expiration of such member's term until a successor has been appointed and taken office.

"SEC. 1046. MEETINGS.

"(a) IN GENERAL.—After its initial meeting, the Advisory Commission shall meet at the call of the Chairperson (or Cochairpersons) of the Advisory Commission or a majority of its members or upon the request of the Director or Administrator of the Program for which the Advisory Commission is established.

"(b) QUORUM.—8 members of the Advisory Commission shall constitute a quorum.

"SEC. 1047. STAFF.

"The Advisory Commission may elect an executive secretary to facilitate the conduct of business of the Advisory Commission. The Administrator shall make available to the Advisory Commission such staff, information, and other assistance permitted by law as the Advisory Commission may reasonably require to carry out the functions of the Advisory Commission.

"SEC. 1048. TERMINATION.

"The Advisory Commission shall terminate on the date that is 5 years after the date of the enactment of this chapter.".

(b) REFERENCES.—Each reference in Federal law to subtitle A of the Anti-Drug Abuse Act of 1988, with the exception of section 1001 of such subtitle, in any provision of law that is in effect on the day before the date of enactment of this Act shall be deemed to be a reference to chapter 1 of the National Narcotics Leadership Act of 1988 (as so designated by this section).

Mr. DEWINE. Mr. President, I am very proud to join the Senator from Iowa in being an original cosponsor of the drug-free communities legislation. In the last 5 years, substance abuse by America's young people has more than doubled. Even more troubling, it is taking place at younger and younger ages.

We need to turn this around. And this is a challenge that requires the involvement of the whole community—young people, their parents, schools, businesspeople, the media, law enforcement, religious organizations, civic and fraternal groups, as well as professionals in the area of drug abuse treatment.

Community-based antidrug coalitions have proven their worth in the fight against drug abuse. I'm thinking of groups like the Madison County Prevention Assistance Coalition Team—or PACT—in Madison County, OH. PACT was established in a rural area in central Ohio in 1991, and rapidly inspired over 50 local substance abuse prevention initiatives.

What PACT did was mobilize the community. Middle school students acted as mentors and role models for third graders. Teachers in Head Start taught their students about drug abuse prevention. A local church held a father-son retreat.

A research team from Miami University found that Madison County's alcohol-related crime dropped by 50 percent. And students are reporting a decline in the use and availability of alcohol and other drugs.

The key is mobilizing the community. The bill we're introducing today will help tap into this resource—by redirecting Federal funding to community coalitions that have developed comprehensive programs to educate children about the dangers of drugs. A similar bill was introduced in the House by Representatives PORTMAN, HASTERT, RANGEL, and LEVIN.

This bill will channel funds from the fiscal year 1998 drug control budget—in the form of matching grants—to community coalitions with proven track records. It will enhance programs that work, without allocating new funds.

I think this is exactly the type of legislation we need. It's a sensible and cost-effective approach to solving a major problem. And I will join my colleague from Iowa in working for its enactment.

Mr. BIDEN. Mr. President, I am pleased to join in introducing today with Senator GRASSLEY and others the Drug-Free Communities Act of 1997. This legislation will help take an important step forward toward a goal we all share—keeping kids away from drugs and drugs away from kids.

This 5 year, $140 million authorization to fund local antidrug prevention

efforts could be an important catalyst to getting local groups together to plan, coordinate, and carry out the wide variety of drug prevention treatment activities we all know are necessary to reverse the rise of drug abuse among our children. By unleashing the talents and energy of local coalitions of local businesses, schools, law enforcement, religious organizations, doctors, and others we can build community-wide and community-based drug prevention efforts.

For all these reasons, I am pleased to offer my support for the concept embodied in this legislation. But, I must offer two important conditions to my support for this bill. First, as potentially valuable as antidrug coalitions can be, I do not believe it would be wise for us to "rob Peter to pay Paul" by trying to fund this drug prevention effort by cutting funding for other, worthy drug prevention efforts. It is my understanding that the other sponsors of this legislation in both the House and the Senate share this view, and I look forward to working with them to find the modest dollars necessary to fund this effort.

Second, it is also my understanding that the sponsors of this legislation are continuing to work with the Drug Director to iron out the bureaucratic details of how this effort will be undertaken at the Federal level. I am confident that none of the sponsors of this bill have any desire to establish any new layers of wasteful bureaucracy, so I look forward to working with them to pass the most efficient, effective effort possible.

This bill offers a key example of the bipartisan support for drug prevention and drug treatment efforts which exists at the grassroots level throughout our Nation. In the weeks and months ahead, I look forward to working with my colleagues in the same bipartisan fashion.

As my colleagues have heard me note on numerous occasions—our Nation stands on the edge of the "baby boomerang"—with 39 million American children under the age of 10, the greatest number since the 1960's. We must prepare for these 39 million as they enter their teen years when they will be at their greatest likelihood of falling prey to drugs and crime. If we do not, we will pay for our lack of foresight with what could be the most severe epidemic of youth drug abuse, youth violence, and youth crime our Nation has ever suffered.

Preparing each of these 39 million American children means giving them the techniques and the desire to stay away from drugs—in short, drug prevention. The Drug-Free Communities Act of 1997 is one of what must be many elements of a comprehensive, nationwide drug prevention effort. I am pleased to cosponsor this legislation and I look forward to passing it into law.

Mr. D'AMATO. Mr. President, I join my colleagues in the introduction of the Drug Free Communities Act and urge its passage. This bill responds to a distressing increase in teenage drug use by providing startup funding and technical assistance to community coalitions that work together to prevent drug use.

According to the University of Michigan's 1996 Monitoring the Future study, more than half of all high school students use illicit drugs by the time they graduate. The Office of National Drug Control Policy cited in their strategy report that nearly 1 in 4 high school seniors used marijuana on a past-month basis in 1996.

The age for which children start using drugs is declining. While the number of teenagers using marijuana increased 37 percent from 1994 to 1995, the age of first use declined from 17.8 years of age in 1987 to 16.3 years of age in 1994. There was also a drop in age for first use of cocaine from 23.3 years to 19 years old. Drug use is starting at an early age.

Drug abuse costs this country approximately $67 billion a year in social, health, and criminal costs. But the 14,000 drug-related deaths each year cannot be calculated in costs. The destruction of lives of the drug users, their families, friends, and neighbors is inevitable.

The need to correct the trend is imperative and it is communities that can do it. Community coalitions are essential for an effective prevention program. It is the community groups that see the problem first hand and know what is needed in that area to stop children from using drugs.

This bill will provide the incentive for community action groups to work together for the sole purpose of drug prevention. Groups representing youths, parents, businesses, schools, law enforcement, religious organizations, health professionals, as well as government agencies will be expected to prepare a strategy and implement it—together. But the community must be organized first, prior to receiving grant funds, in order for the coalition to prove a long-term commitment.

The grants will be distributed to organized community coalitions that have matching funds and those funds cannot be derived from the Federal Government. This requirement ensures that the coalition has support and can be sustained after the grant sunsets. This will not be another Federal program, but rather a means to support organized coalitions that devise and implement a comprehensive antidrug campaign while they get off the ground.

Several groups in my State have already endorsed this proposal including the Syracuse Police Department, the mayor of Syracuse and agencies in Onondaga County. Respected national organizations that deal with drug and alcohol abuse have also endorsed the proposal including DARE, Mothers Against Drunk Driving, Partnership for a Drug-Free America, and Empower America, among others.

This is a comprehensive strategy to a problem that is best dealt with at the local level. I urge my colleagues to closely review the merits of this bill and support its passage. Our communities need it.

Mr. GRAHAM. Mr. President, I rise today as a proud cosponsor of the Drug Free Communities Act.

The objective of this bill is to protect our greatest national resource—our children—from the deadly scourge of drug abuse. And it protects them in a way that has been proven through the centuries—by strengthening communities. This bill gives local communities the support they need to keep drugs away from their young people. And it allows them to use it in a way that has proven to be effective in their community, and not as some Washington bureaucrat dictates.

Unfortunately, recent studies of drug use in America demonstrate the need for a program such as this. The statistics on substance abuse among our Nation's children are particularly disturbing:

According to the University of Michigan's 1996 study "Monitoring the Future," half of all high school students have tried some type of illicit drug by the time they graduate. Drug use among eighth graders has risen 150 percent in the last 5 years. Overall, drug use for children between the ages of 12 and 17 has increased more than 100 percent, from 5.3 percent in 1992 to 10.9 percent in 1995.

The drug most often used by these children continues to be marijuana. More children are smoking marijuana and they are starting to do so at a younger age. According to the "Monitoring the Future" study, almost 25 percent of high school seniors had used marijuana during the previous month. Between 1994 and 1995, the rate of use among 12- to 17-year-olds increased 37 percent, from 6 percent to over 8 percent.

And the use of marijuana often leads to the use of stronger and more dangerous drugs. A study completed by Columbia University's Center on Addiction and Substance Abuse found that children who smoke marijuana are 85 times more likely to try cocaine than children who have never tried marijuana.

The use of cocaine and heroin among our children is also on the increase. Among high school seniors in 1996, over 7 percent had tried cocaine at some time. And the number of younger children experimenting with these drugs is alarming. During the last 5 years, heroin use among 8th to 12th graders and the number of 8th graders who had tried cocaine had doubled.

So what can we do to help our youth reject the temptation to use drugs? We can help families to convince kids that they must never even try illegal drugs.

That is why I am proud to be a cosponsor of the Drug-Free Communities Act of 1997, which we are here to introduce today. This bill will help communities reduce drug use among youth by providing matching grants of up to $100,000 to community coalitions for the establishment of programs designed to prevent and treat substance abuse in young people. These grants will be used to provide support to local communities who have proven their long-term commitment to reducing drug use among youth. It includes provisions for an advisory commission of substance abuse experts to oversee the program, to ensure that grants go only to those programs that have demonstrated success in keeping our children and grandchildren off drugs.

There are several reasons why every Member of Congress should support this bill:

This program helps local communities in a way that is consistent with the 1997 strategy of the Office of National Drug Control Policy. The No. 1 goal of the strategy is to encourage America's youth to reject illegal drugs by assisting community coalitions to develop programs that will accomplish this goal. The grants provided for in the Drug Free Communities Act will establish a partnership between the Federal Government and local communities.

There are safeguards to prevent abuse of the program. Only established groups that can provide matching funds will be eligible to receive funding. This ensures that only programs that have a proven track record of success in fighting drug abuse among our young people will receive funding.

I urge my colleagues to join me in supporting this important bill. Our children's future depends on keeping them free of drugs, and this legislation will help those groups who can make a difference in the lives of our youth. There is no greater service that we can provide to our country than to keep our children drug-free.

Mr. ABRAHAM. Mr. President, I am pleased to be an original cosponsor of the Drug Free Communities Act of 1997. This bill will lend a helping hand to local coalitions that are leading the fight against substance abuse.

Few would argue that substance abuse, particularly among our youth, is a growing problem in communities across our Nation. Drug use among teens has increased sharply in recent years. There is reason to believe, however, that local coalitions, reflecting a broad cross-section of the communities they serve, can do much to combat drug use among youths as well as adults.

The Drug Free Communities Act would lend important assistance to these coalitions. Specifically, the bill would authorize grants of up to $100,000 to local coalitions whose principal mission is the reduction of substance abuse. To be eligible for a grant, a coalition must include representatives from the religious, business, law enforcement, education, parental, and health care communities, as well as local government officials, in the geographic region served by the coalition. To enhance coalition accountability—and thus to direct resources to the most successful coalitions—a participating coalition would be required to conduct an initial benchmark survey of drug use in its community, followed by biennal surveys. No new funding would be needed for the bill, as grant moneys would be drawn from the existing budget of the Office of National Drug Control Policy.

In short, Mr. President, this bill recognizes that the efforts of local leaders are indispensable in the war on drugs. I am proud to support those efforts, and look forward to passage of this bill.

By Ms. MIKULSKI (for herself, Ms. SNOWE, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Ms. COLLINS, Ms. LANDRIEU, Mr. HARKIN, Mr. COCHRAN, Mr. KENNEDY, Mr. BIDEN, Mr. FAIRCLOTH, Mr. DASCHLE, Mr. WYDEN, Mr. INOUYE, Mr. SARBANES, Mr. BINGAMAN, Mr. HUTCHINSON, Mr. FORD, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. ABRAHAM, Mr. BENNETT, Mr. CHAFEE, Mr. FEINGOLD, Mr. GREGG, Mr. REED, Mr. MACK, Mr. ROBB, Mr. JEFFORDS, Mr. LEVIN, Mr. FRIST, Mr. BOND, Mr. WELLSTONE, Mr. SPECTER, Mr. BURNS, Mr. GLENN, Mr. COATS, Mr. AKAKA, and Mr. LIEBERMAN):

S. 537. A bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program; to the Committee on Labor and Human Resources.

THE MAMMOGRAPHY QUALITY STANDARDS ACT

Ms. MIKULSKI. Mr. President, I am honored to be joined by my colleagues, both men and women from both sides of the aisle, in introducing the reauthorization of the Mammography Quality Standards Act [MQSA]. The bill I am introducing today reauthorizes the original legislation which passed in 1992 with bipartisan support.

What MQSA does is require that all facilities that provide mammograms meet key safety and quality-assurance standards in the area of personnel, equipment, and operating procedures. Before the law passed, tests were misread, women were misdiagnosed, and people died as a result of sloppy work. Since 1992, MQSA has been successful in bringing facilities into compliance with the Federal standards.

What are these national, uniform quality standards for mammography? Well, facilities are required to use equipment designed specifically for mammography. Only radiological technologists can perform mammography. Only qualified doctors can interpret the results of mammography. Facilities must establish a quality assurance and control program to ensure reliability, clarity, and accurate interpretation of mammograms. Facilities must be inspected annually by qualified inspectors. Finally, facilities must be accredited by an accrediting body approved by the Secretary of Health and Human Services.

This current reauthorization makes a few minor changes to the law to ensure the following: Patients and referring physicians must be advised of any mammography facility deficiency. Women are guaranteed the right to obtain an original of their mammogram. Finally, both State and local government agencies are permitted to have inspection authority.

I like this law because it has saved lives. The frontline against breast cancer is mammography. We know that early detection saves lives. But a mammogram is worse than useless if it produces a poor-quality image or is misinterpreted. The first rule of all medical treatment is: Above all things, do no harm. And a bad mammogram can do real harm by leading a woman and her doctor to believe that nothing is wrong when something is. The result can be unnecessary suffering or even a death that could have been prevented. That is why this legislation is so important. This law must be reauthorized so that we don't go back to the old days when women's lives were in jeopardy.

I want to make sure that women's health care needs are met comprehensively. It is expected that 180,000 new cases of breast cancer will be diagnosed and about 44,000 women will die from the disease in 1997. This makes breast cancer the most common cancer among women. And only lung cancer causes more deaths in women.

We must aggressively pursue prevention in our war on breast cancer. I pledge to fight for new attitudes and find new ways to end the needless pain and death that too many American women face. This bill is an important step in that direction. On behalf of all the women of the Senate, I invite the men of the Senate who have not already cosponsored to do so. The women of America are counting on your support.

Mr. DODD. Mr. President, I rise today to voice my strong support, as an original cosponsor of the reauthorization of the Mammography Quality Standards Act [MQSA].

I first lent my support to this effort when the MQSA was initially introduced and passed in the 102nd Congress.

For the past 5 years, this critically important legislation has provided women with safe and reliable mammography services. As the Mammography Quality Standards Act comes up for reauthorization, I urge all of my fellow colleagues to once again make a commitment to the health and well being of America's women by supporting this legislation.

Breast cancer is the most common type of cancer to affect women. In fact, almost one in nine women will develop breast cancer at some point in their lives. Mammography, while not a cure for cancer, provides the best detection system for diagnosing this dangerous and deadly disease. And, early detection of breast cancer is often the key to effective treatment and recovery.

The Mammography Quality Standards Act ensures that mammography service providers comply with Federal requirements. These quality standards guard against inaccurate or inconclusive mammography results, thereby reducing the costly procedures associated with false positive diagnoses.

Before this legislation was originally enacted, women were often at the mercy of their mammography service provider, unaware if these providers lacked the necessary equipment, or even adequately trained technicians. The MQSA is helping to effectively eliminate concerns of substandard mammography and its possibly tragic results by assuring that only the correct radiological equipment is used in mammography testing. Further, this legislation is assuring women that only physicians adequately trained in this medical area are interpreting mammograms.

New to this legislation are some additional requirements which seek to further assure women that their mammogram service produces the most accurate and timely detection of any irregularities. Mammography service providers will now be required to retain women's mammogram records so that an accurate medical history is maintained. Reauthorization of these quality standards will also ensure that patients are notified about substandard mammography facilities.

I wish to commend Senator MIKULSKI for her leadership on this crucial legislation. Again, it is my pleasure to join my colleagues in ensuring that quality mammography service is readily available, and I urge the Senate to act quickly and approve this critically important measure for American women.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 538. A bill to authorize the Secretary of the Interior to convey certain facilities of the Minidoka project to the Burley Irrigation District and for other purposes; to the Committee on Energy and Natural Resources.

THE BURLEY IRRIGATION DISTRICT TRANSFER ACT

• Mr. CRAIG. Mr. President, I am today introducing a bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka irrigation project to the Burley Irrigation District. The introduction of this legislation results from a hearing I held in the Senate Energy Committee in the past Congress and is nearly identical to S. 1291 from that Congress. I am introducing this project-specific legislation because it is obvious to me a general transfer bill is not workable; each reclamation project has unique qualities, and projects should be addressed individually or in distinct groupings.

The Reclamation Act of 1902 was part of the history of Federal public land laws designed to transfer lands out of Federal ownership and to settle this Nation. The origins of that policy predate the Constitution and derive from the early debates that led to the Northwest Ordinance of 1787. The particular needs and circumstances of the arid and semiarid lands west of the 100th meridian led to various proposals to reclaim the lands, including the Desert Land Act and the Carey Act. In his State of the Union Message of 1901, President Theodore Roosevelt finally called for the Federal Government to intervene to develop the reservoirs and works necessary to accomplish such irrigation. The reclamation program was enormously successful. It grew from the irrigation program contemplated by one President Roosevelt to the massive works constructed four decades later by the second President Roosevelt. For those of us in the Northwest, there is a very personal meaning to a line from Woody Guthrie's song about the Columbia that goes: "your power is turning our darkness to dawn, so roll on Columbia, roll on."

If what is known now had been known then, some projects may have been constructed differently. However, that is not the question we have before us. The central question is whether and to what extent the Federal Government should seek to transfer the title and responsibility for these projects. Has the Federal mission been accomplished?

The best transfer case would be the single purpose irrigation or municipal and industrial [M&I] system that is fully repaid, operation has long since been transferred, and the water rights are held privately. That is the case with the Burley Irrigation District transfer.

The transfer of title is not a new idea. Authority to transfer title to the All American Canal is contained in section 7 of the Boulder Canyon Project Act of 1928. General authority is contained in the 1955 Distribution Systems Loan Act. Recently, Congress passed legislation dealing with Elephant Butte and Vermejo.

The Burley Irrigation District is part of the Minidoka project that was built under the authorization of the 1902. Reclamation Act. By a contract executed in 1926, the District assumed the operation and maintenance of the system.

All construction contracts and costs for the canals system, pumping plants, power house, transmission lines and other improvements have been paid in full. Contracts for storage space at Minidoka, American Falls, and Palisades reservoirs have been paid in full, along with all maintenance fees. This project is a perfect example of the Federal Government maintaining only a bare title, and that title should now be transferred to the project recipients who have paid for the facilities and the rights of the Burley Irrigation District.•

By Mr. BIDEN (for himself, Ms. MIKULSKI, and Mr. TORRICELLI):

S. 540. A bill to amend title XVIII of the Social Security Act to provide annual screening mammography and waive coinsurance for screening mammography for women age 65 or older under the Medicare Program; to the Committee on Finance.

THE MEDICARE MAMMOGRAPHY SCREENING EXPANSION ACT

• Mr. BIDEN. Mr. President, there is no doubt a lot of women in their forties who are awfully confused these days about whether they should receive a regular mammogram to test for breast cancer. Over the last several years—and especially over the last couple of months—the debate in the scientific community and the conflicting scientific studies have not painted a very clear picture for younger women.

But, what is perfectly clear—what is not in dispute—is that older women should receive regular mammograms. Mammograms save lives. And, the scientific studies confirm it. If all women over 50 received regular mammograms, breast cancer mortality could be reduced by one-third. The recommended screening guidelines reflect this, no matter what group's guidelines you read. The American Cancer Society, the American College of Obstetricians and Gynecologists, the American Medical Association, the American Academy of Family Physicians, and the American College of Physicians all recommend that women over 50 receive annual mammograms.

Now, here's the problem. Women 65 and over have Medicare as their health insurance. The guidelines tell them—and their doctors are telling them—to get a mammogram once a year. But, Medicare pays for mammograms only once every 2 years. This means that an elderly woman must pay the cost of every other mammogram herself—or go without a mammogram every other year. And, even when Medicare pays for the mammogram, the woman is still

responsible for at least 20 percent of the cost.

The result, Mr. President, is that too many women are following Medicare's payment rules—and not getting tested—rather than following the scientific guidelines—and being tested.

Two years ago, a study was published in the New England Journal of Medicine. It found that only 14.4 percent of women without Medicare supplemental insurance—that is, women who do not have, on top of Medicare, private insurance that may cover mammograms on an annual basis—only 14.4 percent of those women received even a mammogram once every 2 years, let alone annually. Even among those women with supplemental insurance, less than half had a mammogram over the course of 2 years. The study concluded that a woman's inability to pay a share of the costs for mammograms "is an obstacle to the effective mass screening of older women for breast cancer." And, I would add, an obstacle to saving thousands of lives.

So, Mr. President, today I am introducing the Medicare Mammography Screening Expansion Act. This bill does two things. First, it would cover mammograms under Medicare once every year, as recommended by the guidelines, instead of once every 2 years, which is now the law. Second, it would eliminate the 20-percent copayment that is currently charged to women when they receive a mammogram, so that women are not discouraged from obtaining this important preventive measure because of the cost. I should note that eliminating the copayment is not unprecedented. Medicare already does not charge copayments for flu shots and most clinical laboratory tests.

Mr. President, we know that mammograms save lives. Yet, current Medicare policy creates barriers that are preventing women from seeking this simple, life-saving procedure. I urge my colleagues to join me in making mammography screenings more available and more affordable for American women.●

By Mr. ALLARD:

S. 541. A bill to provide for an exchange of lands with the city of Greeley, CO, and the Water Supply and Storage Co. to eliminate private inholdings in wilderness areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE ROCKWELL RANCH LAND TRANSFER ACT OF 1997

Mr. ALLARD. Mr. President, today I am introducing legislation that would provide for a land exchange between the city of Greeley, the Water Supply and Storage Co., and the Forest Service. This legislation was introduced last year and was passed by the House of Representatives as part of the Presidio package. It's my hope that we can pass this legislation and have it signed into law before the session ends.

The city of Greeley and Water Supply and Storage operate eight reservoirs in the Arapaho-Roosevelt National Forest. Because of the location of the reservoirs they are operated under Forest Service supervision. This supervision has at times been controversial due to disputes concerning whether being located on Forest Service property allows them to divert water in the national forest for purposes other than the benefit of the owners. The legislation I am introducing would benefit Greeley and Water Supply and Storage by allowing them to protect these significant investments. As an additional benefit this legislation would put an end to a bitter dispute between Greeley and the Forest Service. The national forest would also greatly benefit from this legislation. It would receive 708 acres of inholdings within the forest and the wilderness area. This land has been sought by the Forest Service for some time and this exchange would finally allow them to consolidate valuable resources in Colorado.

I offered this same bill last year when I was in the House of Representatives. Unfortunately, it was caught up in election year politics, specifically, my election. This year I want to put that behind, and work toward passing this legislation as negotiated over the past several years with Greeley, and with Water Supply and Storage, and with the Forest Service.

I believe that as introduced this legislation strikes a balance between protecting the rights of my constituents in Greeley and Thornton and protecting the environment.

As currently drafted, Greeley and Thornton have not only agreed to transfer their inholdings, they have also agreed to continue to participate in negotiations with a variety of governmental organizations and environmental groups to designate habitat for the whooping crane. Furthermore, they have agreed to an improved stream flow in the Poudre River as a condition of the exchange and since many westerners would rather part with blood than water, I think they've gone the extra mile.

This legislation is win/win for all involved. We should put all the politics behind us, pass the legislation, and move on to matters that are less easily resolved.

By Mr. COVERDELL (for himself, Mr. MCCONNELL, Mr. ABRAHAM, Mr. SANTORUM, and Mr. ASHCROFT):

S. 544. A bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; to the Committee on the Judiciary.

THE VOLUNTEER PROTECTION ACT OF 1997

Mr. COVERDELL. Mr. President, in just a few weeks, on April 27–29, the Presidents' Summit for America's Future will assemble in Philadelphia, cochaired by President Clinton and President Bush. This is an effort to mobilize millions of citizens and thousands of organizations to ensure a bright future for our youth and make effective citizen service an integral part of the American way of life. A number of leading corporations and service organizations have made specific commitments of resources and volunteers to achieve the summit's goal.

The leaders at the summit will issue a great call to action for Americans, asking them to volunteer their time and efforts in community service. This is in the best tradition of America. The thread of helping your neighbor and taking an active part of civic life runs all through the history of our Nation. It is woven deeply into the fabric of our communities. It is a tie that binds us together as a robust and healthy society.

Yet many who would heed that call to participate in the great tradition of volunteerism will not do so. Not because they lack the desire or the ability to help, but for fear of punitive litigation. In a recent Gallup study one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over litigation fears.

That is why I am today introducing the Volunteer Protection Act of 1997, a bill to grant immunity from personal civil liability, under certain circumstances, to volunteers working for nonprofit organizations and governmental entities. Senators MCCONNELL, ABRAHAM, SANTORUM, and ASHCROFT have joined me as original cosponsors.

This act provides that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by the volunteer's acts or omissions on behalf of the organization. To enjoy this protection, the volunteer must be acting within the scope of his or her responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

In other words, this act provides volunteers liability protection for simple negligence only. It does not provide immunity from suit for misconduct that includes violent crimes, hate crimes, sex crimes, or civil rights violations. It does not apply where the defendant was under the influence of drugs or alcohol.

It is intended to protect volunteers who make a simple, honest mistake. The injured party will still have the recourse of suing the organization itself to be made whole. Nonprofit organizations will continue to have the duty to properly screen, train, and supervise

their volunteers. The organization's liability is not affected. But we will free the volunteers from fear of crushing lawsuits for mistakes made while trying to do a good deed.

Federalism concerns arise whenever Congress takes up tort law. Our bill gives States flexibility to impose conditions and make exceptions to the granting of liability protection. It allows States to affirmatively opt out of this law for those cases where both the plaintiff and defendant are citizens of the State.

This bill requires clear and convincing evidence of gross negligence before punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. It also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer.

Mr. President, the Volunteer Protection Act will encourage the spirit of civic involvement and volunteerism that is so crucial to a healthy civil society and stronger communities. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 544

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them and the organizations they serve;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) reform efforts should respect the role of the States in the development of civil justice rules, but recognize the national Government's role.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to—

(1) volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity; and

(2) nonprofit organizations or governmental entities.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer, nonprofit organization, or governmental entity in which all parties are citizens of the State if such State enacts a statute—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity; and

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Except as provided under subsection (e), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the volunteer was operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or vehicle owner to possess an operator's license or to maintain insurance.

(4) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(5) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES OF VOLUNTEERS, NONPROFIT ORGANIZATIONS, AND GOVERNMENTAL ENTITIES.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer, nonprofit organization, or governmental entity in an action brought for harm because of the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply to any misconduct that—

(1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(5) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, nonprofit organization, or governmental entity based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of each defendant who is a volunteer, nonprofit organization, or governmental entity for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Mr. MCCONNELL. Mr. President, volunteer service has become a high risk venture. Our "sue happy" legal culture has ensnared those selfless individuals who help worthy organizations and institutions through volunteer service. And, these lawsuits are proof that no good deed goes unpunished.

In order to relieve volunteers from this unnecessary and unfair burden of liability, I am pleased to join in the introduction of the Volunteer Protection Act.

The litigation craze is hurting the spirit of voluntarism that is an integral part of American society. From school chaperones to Girl Scout and Boy Scout troop leaders to unpaid rural doctors and nursing home aides, volunteers perform valuable services. And, these volunteers are being dragged into court and needlessly and unfairly sued. The end result? Too many people pointing fingers and too few offering a helping hand.

So, this bill creates immunity from lawsuits for those volunteers who act within the scope of their responsibilities, who are properly licensed or certified where necessary, and who do not act in a willful, criminal or grossly negligent fashion.

The bill recognizes that the States may enact their own form of volunteer protection and provides that State laws may permit the following:

A requirement that the organization or entity adhere to risk management procedures, including the training of volunteers;

A requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees;

An exemption from the liability protection in the event the volunteer is using a motor vehicle or similar instrument;

An exemption from the liability protection if the lawsuit is brought by a State or local official; and

A requirement that the liability protection applies only if the nonprofit organization or government entity provides a financially secure source of recovery, such as an insurance policy for those who suffer harm.

I look forward to the Senate's prompt consideration of this bill. Our communities are depending upon us to enact this pro-volunteer legislation. The time has come for us to help those who have given so much to all of us.

Mr. ABRAHAM. Mr. President, I am extremely pleased to rise today to join my colleagues, Senator COVERDELL and Senator MCCONNELL, in introducing the Volunteer Protection Act of 1997. I commend Senators COVERDELL and MCCONNELL for their leadership in encouraging and supporting the voluntarism that is so important to communities in Michigan and across this country.

This long overdue legislation will provide volunteers and nonprofit organizations with desperately needed relief from abusive lawsuits brought based on the activities of volunteers. Those are precisely the activities that we should be protecting and encouraging.

Last Congress, I spoke on the floor many times concerning the need for litigation reform and describing the litigation abuses that plague our small businesses, our consumers, our schools, and others. I came to Congress as a freshman Senator intending to press for lawsuit reforms, and I did. I supported the securities litigation reform legislation, which Congress successfully enacted over the President's veto, and I also supported the product liability reform bill, which the President unfortunately killed with his veto. I also introduced legislation with Senator MCCONNELL to provide broader relief in all civil cases, and offered floor amendments that would do the same.

I continue to support broader civil justice reforms and I particularly look forward to considering product liability reform legislation both in the Commerce Committee and on the floor. But I believe that our voluntary, nonprofit organizations urgently need protection from current lawsuit abuses. I encourage my colleagues to consider the problems facing our community groups and their volunteers, and to support this legislation. I hope that in this instance President Clinton will support this litigation reform bill, recognize the value of volunteers and nonprofit groups, and give them the protection they need to keep doing their good deeds.

Nonprofit organizations hold our Nation together. In them we learn to care for our neighbors. They are key to our survival as a nation and we must protect them with systemic reforms.

America has a vast interstate network of 114,000 operating nonprofit organizations, ranging from schools to hospitals to clinics to food programs.

This network's revenues totaled $388 billion in 1990. Meanwhile, revenues for the 19,000 support institutions, which raise money to fund operating organizations came to $29 billion. And total revenues for religious congregations were $48 billion. That's $465 billion worth of nonprofit activity we enjoyed in 1990 alone, Mr. President.

Nonprofit organizations rely heavily on volunteers, and Americans gladly comply. According to a 1993 report from the Independent Sector, a national coalition of 800 organizations, Americans donated 9.7 billion hours of their time to nonprofit organizations that year. This volunteer time produced the equivalent of 5.7 million full time volunteers, worth an estimated $112 billion.

Unfortunately voluntarism is declining nationwide. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993. Americans also are giving less money. The average household's charitable donation dropped from $978 in 1989 to $880 in 1993.

The decline of giving and volunteering spells danger for our voluntary organizations, for the people who depend on them, and for the social trust that is based on the spirit of association.

But why is voluntarism on the decline? Obviously there are a number of relevant factors, not least among them the need so many people today feel to work ever-harder and ever-longer to bear our growing tax burden. But one major reason for the decline is America's litigation explosion. Nonprofit organizations are forced to spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits. Thus litigation has rendered our nonprofit organizations less effective at helping people, and allowed Americans to retreat more into their private lives, and away from the public, social activity that binds us together as a people.

The litigation costs facing voluntary associations are many. John Graham, on behalf of the American Society of Association Executives [ASAE], gave testimony last year arguing that liability insurance premiums for associations have increased an average 155 percent in recent years. Some of our most revered nonprofit institutions have been put at risk by increased liability costs.

Dr. Creightin Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795 in just 5 years. Many leagues cannot afford this added expense, on top of increasing costs for helmets and other equipment. These leagues operate without insurance or disband altogether, often leaving children with no organized sports in their neighborhood.

What kind of suits add to insurance costs? ASAE reports that one New Jersey umpire was forced by a court to pay a catcher $24,000. Why? Because the catcher was hit in the eye by a softball while playing without a mask. The catcher complained that the umpire should have lent him his.

Organizations that try to escape skyrocketing insurance costs must self-insure, and Andrea Marisi of the Red Cross will describe self-insurance costs only as "huge." The result? Obviously, we have fewer funds available for providing services than would otherwise be the case."

Outside insurance generally comes with significant deductibles. Charles Kolb of the United Way points out that insurance deductibles for his organization fall into the range of $25,000–30,000. When, as has been the case in recent years, the organization is subjected to three or four lawsuits per year, $100,000 or more must be diverted from charitable programs.

And there are even more costs. Mr. Kolb reports that the costs in lost time and money spent on discovery, for example going through files for hours on end to establish who did what when, can run into the thousands of dollars. Further, as the Boy Scouts' William Cople puts it: "We bear increased costs from risk management programs of many kinds—[including] those to prevent accidents. We have higher legal bills as well. But even more of a problem is the need to find pro-bono help to quell possible lawsuits. The Scouts must spend scarce time, and use up scarce human capital in preventing suits. For example, 5 years ago the General Counsel's office, a pro-bono operation, committed less than 100 hours per year on issues relating to lawsuits. Last year we devoted about 750 hours to that duty." The Boy Scouts must do less good so that they can defend themselves from lawsuits.

Frivolous lawsuits also increase costs by discouraging voluntarism. Dottie Lewis of the Southwest Officials Association, which provides officials for scholastic games, observes, "Some of our people got to the point where they were just afraid to work because of the threat of lawsuits." What makes this fear worse is the knowledge that one need do no harm in order to be liable.

Take for example Powell versus Boy Scouts of America. While on an outing with the Sea Explorers, a scouting unit in the Boy Scouts' Cascade Pacific Council, a youth suffered a tragic, paralyzing injury in a rough game of touch football. Several adults had volunteered to supervise the outing, but none observed the game. The youth filed a personal injury lawsuit against two of the adult volunteers. The jury found the volunteers liable for some $7 million, which Oregon law reduced to about $4 million—far more than the volunteers could possibly pay.

What is more, as Cople points out, "the jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight."

One child's tragedy led a jury to impose an unreasonable standard of care on individuals who, after all, had volunteered their time and effort for an outing, not a football game.

No one can provide the meticulous oversight demanded by the jury. Thus volunteers are left at the mercy of events, and juries, beyond their control.

Such unreasonable standards of care also penalize our nonprofit organizations. Len Krugel of the Michigan Salvation Army reports that regulations and onerous legal standards often keep his organization from giving troubled youths a second chance. Because the organization is held responsible for essentially all actions by its employees and volunteers, it can take no risks in hiring. Thus the Salvation Army can neither hire nor accept voluntary services from any individual with any drug conviction, including a 0.3 reading on a breathalyzer test for alcohol consumption. As Mr. Krugel observes, "If we can't give these kids a second chance, who can?"

Then there is the problem of joint and several liability, in which one defendant is made to pay for all damages even though responsible for only a small portion. Such findings are a severe burden on the United Way, a national organization that sponsors numerous local nonprofit groups. Although it cannot control local operations, the United Way often finds itself a defendant in suits arising from injuries caused by the local entity.

Such holdings result from juries' desire to find someone with the funds necessary to pay for an innocent party's injuries. But this search for the deep pocket leads to what Ms. Marisi calls a "chilling effect" on Red Cross relations with other nonprofits. The Red Cross is now less willing to cooperate with smaller, more innovative local agencies that might make it more effective.

Thus nonprofits forbear from doing good because they cannot afford the insurance, they cannot afford the loss of volunteers, they cannot afford the risk of frivolous lawsuits.

The Volunteer Protection Act will address the danger to our nonprofit sector, Mr. President. It will not solve all the problems facing our volunteers and nonprofits, but it will provide voluntary organizations with critical protection against improper litigation, at the same time that it recognizes the ability of the States to take additional or even alternative protections in some cases. By setting the standard for the protection of volunteers outright, this bill provides much-needed lawsuit relief immediately to volunteers and nonprofits wherever they may be. Let me briefly describe what this bill does.

The bill protects volunteers from liability unless they cause harm through action that constitutes reckless misconduct, gross negligence, willful or criminal misconduct, or is in conscious, flagrant disregard for the rights

and safety of the individual harmed. This ensures that where volunteers truly exceed the bounds of appropriate conduct they will be liable. But in the many ridiculous cases I have discussed—where no real wrongdoing occurred—the volunteer will not be forced to face and defend a lawsuit.

In lawsuits based on the actions of a volunteer, the bill limits the punitive damages that can be awarded. It is unfortunate that charities and volunteers have punitive damages awarded against them in the first place, but they do—Congressman JOHN PORTER reports that in August 1990 a Chicago jury awarded $12 million to a boy who was injured in a car crash. The "negligent" party? The estate of the volunteer who gave his life attempting to save the boy.

Under this bill, punitive damages in cases involving the actions of a volunteer could be awarded against a volunteer, nonprofit organization, or government entity only upon a showing by the claimant that the volunteer's action represented willful or criminal misconduct, or showed a conscious, flagrant disregard for the rights and safety of the individual harmed.

This should ensure that punitive damages, which are intended only to punish a defendant and are not intended to compensate an injured person, will only be available in situations where punishment really is called for because of the egregious conduct of the defendant.

The bill also protects volunteers from excessive liability that they might face through joint and several liability. Under the doctrine of joint and several liability, a plaintiff can obtain full damages from a defendant who is only slightly at fault. I have spoken many times before about the unfairness that may result from the application of this legal doctrine. The injustice that results to volunteers and nonprofits is often even more acute, because they lack the resources to bear unfair judgments.

This bill strikes a balance by providing that, in cases based on the actions of a volunteer, any defendant that is a volunteer, nonprofit organization, or government entity will be jointly and severally responsible for the full share of economic damages but will only be responsible for noneconomic damages in proportion to the harm that that defendant caused. That is a fair approach.

Finally, I would like to speak for a moment about how this legislation preserves important principles of federalism and respects the role of the States. First, the bill does not preempt State legislation that provides greater protections to volunteers. In this way, it sets up outer protections from which all volunteers will benefit and permits States to do more. Second, the bill includes an opt-out provision that permits States, in cases involving only parties from that State, to affirmatively elect to opt out of the protections provided in the Volunteer Protection Act. A State can do so by enacting a statute specifically providing for that. I suspect that no States will elect to do so, but I feel that, as a matter of principle, it is important to include that provision.

In short, these reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay. Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater.

And that, Mr. President, will make for a better America.

I urge my colleagues on both sides of the aisle to support this important piece of legislation.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Tennessee [Mr. FRIST], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 6

At the request of Mr. SANTORUM, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 61

At the request of Mr. LOTT, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Ms. COLLINS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 71

At the request of Mr. DASCHLE, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes.

S. 253

At the request of Mr. LUGAR, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 253, a bill to establish the negotiating objectives and fast track procedures for future trade agreements.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 394

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. GORTON], the Senator from Texas [Mr. GRAMM], the Senator from Hawaii [Mr. INOUYE], and the Senator from Massachusetts [Mr. KENNEDY] were

added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 404

At the request of Mr. BOND, the names of the Senator from Michigan [Mr. ABRAHAM], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 404, a bill to modify the budget process to provide for separate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund.

S. 415

At the request of Mr. BAUCUS, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 415, a bill to amend the Medicare Program under title XVIII of the Social Security Act to improve rural health services, and for other purposes.

S. 428

At the request of Mr. KOHL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 436

At the request of Mr. ROTH, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

S. 479

At the request of Mr. GRASSLEY, the names of the Senator from Kansas [Mr. ROBERTS], the Senator from Kentucky [Mr. FORD], the Senator from Wyoming [Mr. THOMAS], and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 479, a bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes.

S. 493

At the request of Mr. KYL, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 494

At the request of Mr. KYL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 494, a bill to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 495

At the request of Mr. KYL, the names of the Senator from Colorado [Mr. ALLARD], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Oklahoma [Mr. INHOFE], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 495, a bill to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

SENATE JOINT RESOLUTION 24

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. BUMPERS], the Senator from New York [Mr. D'AMATO], the Senator from Kentucky [Mr. FORD], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. SESSIONS, the names of the Senator from Wyoming [Mr. ENZI], the Senator from Indiana [Mr. COATS], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

SENATE CONCURRENT RESOLUTION 19—RELATIVE TO PROPERTY CLAIMS

Mr. D'AMATO (for himself, Mr. CAMPBELL, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. LAUTENBERG, Mr. GRAHAM, Mr. REID, and Mr. FEINGOLD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 19

Whereas Fascist and Communist dictatorships have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership;

Whereas the wrongful and illegal confiscation of property perpetrated by Fascist and Communist regimes was often specifically designed to victimize people because of their religion, national or social origin, or expressed opposition to the regimes which repressed them;

Whereas Fascists and Communists often obtained possession of properties confiscated from the victims of the systems they actively supported;

Whereas Jewish individuals and communities were often twice victimized, first by the Nazis and their collaborators and then by the subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties were also destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious adherents;

Whereas Fascists, Nazis, and Communists have used foreign financial institutions to launder and hold wrongfully and illegally confiscated property and convert it to their own personal use;

Whereas some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims while denying heirs access to these assets;

Whereas refugees from communism, in addition to being wrongly stripped of their private property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating states of the Organization for Security and Cooperation in Europe have agreed to give full recognition and protection to all types of property, including private property, as well as the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, as well as the Caucasus and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the past wrongs of previous totalitarian regimes;

Whereas restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation are arbitrary and discriminatory in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws themselves must be consistent with international human rights standards: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring). That the Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative,

pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

Mr. D'AMATO. Mr. President, at the close of last Congress, I submitted a concurrent resolution addressing property claims issues in Central and Eastern Europe. Representative CHRISTOPHER H. SMITH, the cochairman of the Commission, submitted an identical resolution in the House. Today, we are resubmitting this measure, and are joined by all the members of the Helsinki Commission as original cosponsors.

Mr. President, I wish I could report to you that there has been improvement in this area since our concurrent resolution was submitted last September. Regrettably, there has not. Let me give you just two examples of the kinds of cases that moved me to submit this concurrent resolution.

In 1991, Latvia passed a restitution law after regaining its independence from the Soviet empire. This law raised the hope that those forced from their homes by the 1940 Soviet invasion, and kept out by a 50-year occupation, would finally be able to return. And this is what Eso Anton Benjamins thought, too, when in 1995 a Latvian municipal court ordered that the current occupants of the Benjamins' family home vacate the property.

Unfortunately, the current occupant is none other than the Russian Ambassador to Latvia. The Russian Government has refused to move its representative from the private property of Mr. Benjamins, notwithstanding the Latvian court's legal order to do so, and the Latvian authorities have not evicted them.

In the Czech Republic, things are not much better. Under laws adopted after the Velvet Revolution, Susan Benda is theoretically eligible for the restitution of her family property, which had been confiscated by the Nazis but which her family had been unable to reclaim at the end of World War II. Notwithstanding this eligibility under the law and the Czech Government's purported intention to restore Jewish properties that had been seized by the Nazis, the Czech Ministry of Finance has arbitrarily imposed onerous and burdensome conditions for restitution which appear to be designed to defeat the intent of the law.

So while Czech officials may tell us they have properly addressed this issue, those seeking the return of wrongfully confiscated property in Prague find that an entirely different reality awaits them.

I am also deeply troubled by recent reports that some $50 million may have been embezzled from the funds received by Ukraine from Germany for the victims of Nazi prosecution. It is imperative that the Ukrainian Government make an investigation into this matter an urgent priority. Not only must this money be found and returned to the rightful recipients, but immediate measures should be taken to ensure that this cannot happen again.

Americans who came to this country to escape persecution are discovering that, in many Central and East European countries, they are once again being penalized, this time by discriminatory laws that restrict restitution or compensation to those who currently hold the citizenship of or residency in the country in question. This is the case in the Czech Republic, Latvia, Lithuania, Romania, and Slovakia.

Mr. President, this status quo cannot continue. I know it is not possible to turn back the clock completely or erase the wrongs that have been done. I commend the many emerging democracies attempting to address this complex issue, acting on both a moral obligation to redress past wrongs and a desire to underscore the differences between their new and old systems of government. But more can and should be done—and this resolution calls for concrete steps. It deserves our support, and the victims of past wrongs in this region deserve our help.

I urge my colleagues to join with me and the other cosponsors of this concurrent resolution in pressing for a fair, just, and timely property restitution and compensation process so that the victims of the Holocaust and subsequent Communist oppression are not denied what is rightfully theirs.

SENATE RESOLUTION 69—RELATIVE TO CAMBODIA

Mr. MCCAIN (for himself, Mr. KERRY, Mr. HELMS, Mr. KERREY, Mr. ROBB, Mr. ROTH, and Mr. THOMAS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 69

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas Cambodia was the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Agreements on a Comprehensive Political Settlement of the Cambodia Conflict;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodia Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack on party officials of the Buddhist Liberal Democratic Party in 1995, and the quality of the judicial system—described in a 1996 United Nations report as "thoroughly corrupt"—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

Resolved, That the Senate—

(1) extends its sincerest sympathies to the families of the persons killed, and the persons wounded, in the March 30, 1997, terrorist grenade attack outside the Cambodia National Assembly;

(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia;

(3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack; and

(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack.

Mr. MCCAIN. Mr. President, on March 30, 1997, there was a political rally outside the Cambodian National Assembly in the capital city of Phnom Penh. One of the participants in this rally was Sam Raimsy, a prominent opposition figure and leader of the Khmer Nation Party.

In the course of the demonstration, someone lobbed grenades into the crowd. Nineteen people were killed, including one of Sam Raimsy's bodyguards. More than a 100 others were injured, one of which was an American citizen, Mr. Ron Abney. Ron works for the International Republican Institute, of which I am proud to be

chairman. For years, Ron has worked with all political parties to promote free and democratic institutions in Cambodia. We all hope for his prompt and complete recovery from his injuries.

Mr. President, this was a particularly cowardly and brutal act of political terrorism. Among the killed and injured were many women and children. In addition, the real target of this attack was Cambodia's efforts to build a peaceful and democratic future on the ruins of the devastation wrought by decades of war and tyranny.

Immediately after the attack, I wrote to Cambodia's two Co-Prime Ministers, Norodom Ranariddh and Hun Sen, expressing my outrage and demanding that the perpetrators of this attack be brought to justice. I have received a response from Prince Ranariddh, in which he calls the March 30 atrocity a "most heinous and savage criminal act committed on innocent and peace-loving people." He also said that he had ordered "immediate measures to be taken to arrest, try and sentence the criminal(s) and all those involved."

I believe, however, that it is also important for the Senate to make clear its outrage at this attack. The resolution that I have just introduced extends the Senate's sympathy to the victims of the grenade attack, condemns the bombing itself as an act of terrorism, and calls upon the governments of Cambodia and the United States to cooperate in identifying and prosecuting those individuals responsible for the attack.

I urge my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE NUCLEAR WASTE POLICY ACT OF 1997

MURKOWSKI AMENDMENT NO. 26

Mr. MURKOWSKI proposed an amendment to the bill (S. 104) to amend the Nuclear Waste Policy Act of 1982; as follows:

Beginning on page 1, strike all after the enacting clause and insert the following:

That the Nuclear Waste Policy Act of 1982 is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Nuclear Waste Policy Act of 1997'.

"(b) TABLE OF CONTENTS.—

"Sec. 1. Short title and table of contents.
"Sec. 2. Definitions.

"TITLE I—OBLIGATIONS

"Sec. 101. Obligations of the Secretary of Energy.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"Sec. 201. Intermodal transfer.
"Sec. 202. Transportation planning.
"Sec. 203. Transportation requirements.
"Sec. 204. Viability assessment and Presidential determination.
"Sec. 205. Interim storage facility.
"Sec. 206. Permanent repository.
"Sec. 207. Compliance with the National Environment Policy Act.
"Sec. 208. Land withdrawal.

"TITLE III—LOCAL RELATIONS

"Sec. 301. Financial assistance.
"Sec. 302. On-site representative.
"Sec. 303. Acceptance of benefits.
"Sec. 304. Restrictions on use of funds.
"Sec. 305. Land conveyances.

"TITLE IV—FUNDING AND ORGANIZATION

"Sec. 401. Program funding.
"Sec. 402. Office of Civilian Radioactive Waste Management.
"Sec. 403. Federal contribution.

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"Sec. 501. Compliance with other laws.
"Sec. 502. Judicial review of agency actions.
"Sec. 503. Licensing of facility expansions and transshipments.
"Sec. 504. Siting a second repository.
"Sec. 505. Financial arrangements for low-level radioactive waste site closure.
"Sec. 506. Nuclear Regulatory Commission training authority.
"Sec. 507. Emplacement schedule.
"Sec. 508. Transfer of title.
"Sec. 509. Decommissioning pilot program.
"Sec. 510. Water rights.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"Sec. 601. Definitions.
"Sec. 602. Nuclear Waste Technical Review Board.
"Sec. 603. Functions.
"Sec. 604. Investigatory powers.
"Sec. 605. Compensation of members.
"Sec. 606. Staff.
"Sec. 607. Support services.
"Sec. 608. Report.
"Sec. 609. Authorization of appropriations.
"Sec. 610. Termination of the board.

"TITLE VII—MANAGEMENT REFORM

"Sec. 701. Managing reform initiatives.
"Sec. 702. Reporting.

"TITLE VIII—MISCELLANEOUS

"Sec. 801. Sense of the Senate.
"Sec. 802. Effective date.

"SEC. 2. DEFINITIONS.

"For purposes of this Act:

"(1) ACCEPT, ACCEPTANCE.—The terms 'accept' and 'acceptance' mean the Secretary's act of taking possession of spent nuclear fuel or high-level radioactive waste.

"(2) AFFECTED INDIAN TRIBE.—The term 'affected Indian tribe' means any Indian tribe—

"(A) whose reservation is surrounded by or borders an affected unit of local government, or

"(B) whose federally defined possessory or usage rights to other lands outside of the reservation's boundaries arising out of congressionally ratified treaties may be substantially and adversely affected by the locating of an interim storage facility or a repository if the Secretary of the Interior finds, upon the petition of the appropriate governmental officials of the tribe, that such effects are both substantial and adverse to the tribe.

"(3) AFFECTED UNIT OF LOCAL GOVERNMENT.—The term 'affected unit of local government' means the unit of local government with jurisdiction over the site of a repository or interim storage facility. Such term may, at the discretion of the Secretary, include other units of local government that are contiguous with such unit.

"(4) ATOMIC ENERGY DEFENSE ACTIVITY.—The term 'atomic energy defense activity' means any activity of the Secretary performed in whole or in part in carrying out any of the following functions:

"(A) Naval reactors development.

"(B) Weapons activities including defense inertial confinement fusion.

"(C) Verification and control technology.

"(D) Defense nuclear materials production.

"(E) Defense nuclear waste and materials byproducts management.

"(F) Defense nuclear materials security and safeguards and security investigations.

"(G) Defense research and development.

"(5) CIVILIAN NUCLEAR POWER REACTOR.—The term 'civilian nuclear power reactor' means a civilian nuclear power plant required to be licensed under section 103 or 104b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)).

"(6) COMMISSION.—The term 'Commission' means the Nuclear Regulatory Commission.

"(7) CONTRACTS.—The term 'contracts' means the contracts, executed prior to the date of enactment of the Nuclear Waste Policy Act of 1997, under section 302(a) of the Nuclear Waste Policy Act of 1982, by the Secretary and any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for acceptance of such waste or fuel by the Secretary and the payment of fees to offset the Secretary's expenditures, and any subsequent contracts executed by the Secretary pursuant to section 401(a) of this Act.

"(8) CONTRACT HOLDERS.—The term 'contract holders' means parties (other than the Secretary) to contracts.

"(9) DEPARTMENT.—The term 'Department' means the Department of Energy.

"(10) DISPOSAL.—The term 'disposal' means the emplacement in a repository of spent nuclear fuel, high-level radioactive waste, or other highly radioactive material with no foreseeable intent of recovery, whether or not such emplacement permits recovery of such material for any future purpose.

"(11) DISPOSAL SYSTEM.—The term 'disposal system' means all natural barriers and engineered barriers, and engineered systems and components, that prevent the release of radionuclides from the repository.

"(12) EMPLACEMENT SCHEDULE.—The term 'emplacement schedule' means the schedule established by the Secretary in accordance with section 507(a) for emplacement of spent nuclear fuel and high-level radioactive waste at the interim storage facility.

"(13) ENGINEERED BARRIERS AND ENGINEERED SYSTEMS AND COMPONENTS.—The terms 'engineered barriers' and 'engineered systems and components,' mean man-made components of a disposal system. These terms include the spent nuclear fuel or high-level radioactive waste form, spent nuclear fuel package or high-level radioactive waste package, and other materials placed over and around such packages.

"(14) HIGH-LEVEL RADIOACTIVE WASTE.—The term 'high-level radioactive waste' means—

"(A) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste that contains fission products in sufficient concentrations; and

"(B) other highly radioactive material that the Commission, consistent with existing

law, determines by rule requires permanent isolation, which includes any low-level radioactive waste with concentrations of radionuclides that exceed the limits established by the Commission for class C radioactive waste, as defined by section 61.55 of title 10, Code of Federal Regulations, as in effect on January 26, 1983.

"(15) FEDERAL AGENCY.—The term 'Federal agency' means any Executive agency, as defined in section 105 of title 5, United States Code.

"(16) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians including any Alaska Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

"(17) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means the system developed by the Secretary for the acceptance, transportation, storage, and disposal of spent nuclear fuel and high-level radioactive waste under title II of this Act.

"(18) INTERIM STORAGE FACILITY.—The term 'interim storage facility' means a facility designed and constructed for the receipt, handling, possession, safeguarding, and storage of spent nuclear fuel and high-level radioactive waste in accordance with title II of this Act.

"(19) INTERIM STORAGE FACILITY SITE.—The term 'interim storage facility site' means the specific site within Area 25 of Nevada Test Site that is designated by the Secretary and withdrawn and reserved in accordance with this Act for the location of the interim storage facility.

"(20) LOW-LEVEL RADIOACTIVE WASTE.—The term 'low-level radioactive waste' means radioactive material that—

"(A) is not spent nuclear fuel, high-level radioactive waste, transuranic waste, or byproduct material as defined in section 11 e.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)); and

"(B) the Commission, consistent with existing law, classifies as low-level radioactive waste.

"(21) METRIC TONS URANIUM.—The terms 'metric tons uranium' and 'MTU' means the amount of uranium in the original unirradiated fuel element whether or not the spent nuclear fuel has been reprocessed.

"(22) NUCLEAR WASTE FUND.—The terms 'Nuclear Waste Fund' and 'waste fund' mean the nuclear waste fund established in the United States Treasury prior to the date of enactment of this Act under section 302(c) of the Nuclear Waste Policy Act of 1982.

"(23) OFFICE.—The term 'Office' means the Office of Civilian Radioactive Waste Management established within the Department prior to the date of enactment of this Act under the provisions of the Nuclear Waste Policy Act of 1982.

"(24) PROGRAM APPROACH.—The term 'program approach' means the Civilian Radioactive Waste Management Program Plan, dated May 6, 1996, as modified by this Act, and as amended from time to time by the Secretary in accordance with this Act.

"(25) REPOSITORY.—The term 'repository' means a system designed and constructed under title II of this Act for the geologic disposal of spent nuclear fuel and high-level radioactive waste, including both surface and subsurface areas at which spent nuclear fuel and high-level radioactive waste receipt, handling, possession, safeguarding, and storage are conducted.

"(26) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

"(27) SITE CHARACTERIZATION.—The term 'site characterization' means activities, whether in a laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations of exploratory facilities, limited subsurface lateral excavations and borings, and in situ testing needed to evaluate the licensability of a candidate site for the location of a repository, but not including preliminary borings and geophysical testing needed to assess whether site characterization should be undertaken.

"(28) SPENT NUCLEAR FUEL.—The term 'spent nuclear fuel' means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

"(29) STORAGE.—The term 'storage' means retention of spent nuclear fuel or high-level radioactive waste with the intent to recover such waste or fuel for subsequent use, processing, or disposal.

"(30) WITHDRAWAL.—The term 'withdrawal' has the same definition as that set forth in section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)).

"(31) YUCCA MOUNTAIN SITE.—The term 'Yucca Mountain site' means the area in the State of Nevada that is withdrawn and reserved in accordance with this Act for the location of a repository.

"(32) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(33) SUITABLE.—The term 'suitable' means that there is reasonable assurance that the site features of a repository and the engineered barriers contained therein will allow the repository, as an overall system, to provide containment and isolation of radionuclides sufficient to meet applicable standards for protection of public health and safety.

"TITLE I—OBLIGATIONS

"SEC. 101. OBLIGATIONS OF THE SECRETARY OF ENERGY.

"(a) DISPOSAL.—The Secretary shall develop and operate an integrated management system for the storage and permanent disposal of spent nuclear fuel and high-level radioactive waste.

"(b) INTERIM STORAGE.—The Secretary shall store spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders at an interim storage facility pursuant to section 205 in accordance with the emplacement schedule, beginning no later than 18 months after issuance of a license for an interim storage facility under section 205(g).

"(c) TRANSPORTATION.—The Secretary shall provide for the transportation of spent nuclear fuel and high-level radioactive waste accepted by the Secretary. The Secretary shall procure all systems and components necessary to transport spent nuclear fuel and high-level radioactive waste from facilities designated by contract holders to and among facilities comprising the Integrated Management System. Consistent with the Buy American Act (41 U.S.C. 10a–10c), unless the Secretary shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, all such systems and components procured by the Secretary shall be manufactured in the United States, with the exception of any transportable storage systems purchased by contract holders prior to the effective date of the Nuclear Waste Policy Act of 1997 and procured by the Secretary from such contract holders for use in the integrated management system.

"(d) INTEGRATED MANAGEMENT SYSTEM.—The Secretary shall expeditiously pursue the development of each component of the integrated management system, and in so doing shall seek to utilize effective private sector management and contracting practices.

"(e) PRIVATE SECTOR PARTICIPATION.—In administering the Integrated Management System, the Secretary shall, to the maximum extent possible, utilize, employ, procure and contract with, the private sector to fulfill the Secretary's obligations and requirements under this Act.

"(f) PRE-EXISTING RIGHTS.—Nothing in this Act is intended to or shall be construed to modify—

"(1) any right of a contract holder under section 302(a) of the Nuclear Waste Policy Act of 1982, or under a contract executed prior to the date of enactment of this Act under that section; or

"(2) obligations imposed upon the federal government by the U.S. District Court of Idaho in an order entered on October 17, 1995 in *United States* v. *Batt* (No. 91-0054-S-EJL).

"(g) LIABILITY.—Subject to subsection (f), nothing in this Act shall be construed to subject the United States to financial liability for the Secretary's failure to meet any deadline for the acceptance or emplacement of spent nuclear fuel or high-level radioactive waste for storage or disposal under this Act.

"TITLE II—INTEGRATED MANAGEMENT SYSTEM

"SEC. 201. INTERMODAL TRANSFER.

"(a) ACCESS.—The Secretary shall utilize heavy-haul truck transport to move spent nuclear fuel and high-level radioactive waste from the mainline rail line at Caliente, Nevada, to the interim storage facility site.

"(b) CAPABILITY DATE.—The Secretary shall develop the capability to commence rail to truck intermodal transfer at Caliente, Nevada, no later than 18 months after issuance of a license under section 205(g) for an interim storage facility designated under section 204(c)(1). Intermodal transfer and related activities are incidental to the interstate transportation of spent nuclear fuel and high-level radioactive waste.

"(c) ACQUISITIONS.—The Secretary shall acquire lands and rights-of-way necessary to commence intermodal transfer at Caliente, Nevada.

"(d) REPLACEMENTS.—The Secretary shall acquire and develop on behalf of, and dedicate to, the City of Caliente, Nevada, parcels of land and right-of-way within Lincoln County, Nevada, as required to facilitate replacement of land and city wastewater disposal facilities necessary to commence intermodal transfer pursuant to this Act. Replacement of land and city wastewater disposal activities shall occur no later than 2 years after the effective date of this section.

"(e) NOTICE AND MAP.—No later than 6 months after the effective date of this section, the Secretary shall—

"(1) publish in the Federal Register a notice containing a legal description of the sites and rights-of-way to be acquired under this subsection; and

"(2) file copies of a map of such sites and rights-of-way with the Congress, the Secretary of the Interior, the State of Nevada, the Archivist of the United States, the Board of Lincoln County Commissioners, the Board of Nye County Commissioners, and the Caliente City Council.

Such map and legal description shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors and legal descriptions and make minor adjustments in the boundaries.

"(f) IMPROVEMENTS.—The Secretary shall make improvements to existing roadways selected for heavy-haul truck transport between Caliente, Nevada, and the interim storage facility site as necessary to facilitate year-round safe transport of spent nuclear fuel and high-level radioactive waste.

"(g) LOCAL GOVERNMENT INVOLVEMENT.—The Commission shall enter into a Memorandum of Understanding with the City of Caliente and Lincoln County, Nevada, to provide advice to the Commission regarding intermodal transfer and to facilitate on-site representation. Reasonable expenses of such representation shall be paid by the Secretary.

"(h) BENEFITS AGREEMENT.—

"(1) IN GENERAL.—The Secretary shall offer to enter into an agreement with the City of Caliente and Lincoln County, Nevada concerning the integrated management system.

"(2) AGREEMENT CONTENT.—Any agreement shall contain such terms and conditions, including such financial and institutional arrangements, as the Secretary and agreement entity determine to be reasonable and appropriate and shall contain such provisions as are necessary to preserve any right to participation or compensation of the City of Caliente and Lincoln County, Nevada.

"(3) AMENDMENT.—An agreement entered into under this subsection may be amended only with the mutual consent of the parties to the amendment and terminated only in accordance with paragraph (4).

"(4) TERMINATION.—The Secretary shall terminate the agreement under this subsection if any major element of the integrated management system may not be completed.

"(5) LIMITATION.—Only 1 agreement may be in effect at any one time.

"(6) JUDICIAL REVIEW.—Decisions of the Secretary under this section are not subject to judicial review.

"(i) CONTENT OF AGREEMENT.

"(1) SCHEDULE.—In addition to the benefits to which the City of Caliente and Lincoln County is entitled to under this title, the Secretary shall make payments under the benefits agreement in accordance with the following schedule:

BENEFITS SCHEDULE

[amounts in millions]

Event	Payment
(A) Annual payments prior to first receipt of spent fuel	$2.5
(B) Annual payments beginning upon first spent fuel receipt	5
(C) Payment upon closure of the intermodal transfer facility	5

"(2) DEFINITIONS.—For purposes of this section, the term—

"(A) 'spent fuel' means high-level radioactive waste or spent nuclear fuel; and

"(B) 'first spent fuel receipt' does not include receipt of spent fuel or high-level radioactive waste for purposes of testing or operational demonstration.

"(3) ANNUAL PAYMENTS.—Annual payments prior to first spent fuel receipt under paragraph (1)(A) shall be made on the date of execution of the benefits agreement and thereafter on the anniversary date of such execution. Annual payments after the first spent fuel receipt until closure of the facility under paragraph (1)(C) shall be made on the anniversary date of such first spent fuel receipt.

"(4) REDUCTION.—If the first spent fuel payment under paragraph (1)(B) is made within 6 months after the last annual payment prior to the receipt of spent fuel under paragraph (1)(A), such first spent fuel payment under paragraph (1)(B) shall be reduced by an amount equal to 1/12 of such annual payment under paragraph (1)(A) for each full month less than 6 that has not elapsed since the last annual payment under paragraph (1)(A).

"(5) RESTRICTIONS.—The Secretary may not restrict the purposes for which the payments under this section may be used.

"(6) DISPUTE.—In the event of a dispute concerning such agreement, the Secretary shall resolve such dispute, consistent with this Act and applicable State law.

"(7) CONSTRUCTION.—The signature of the Secretary on a valid benefits agreement under this section shall constitute a commitment by the United States to make payments in accordance with such agreement under section 401(c)(2).

"(j) INITIAL LAND CONVEYANCES.

"(1) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after enactment of this Act, all right, title and interest of the United States in the property described in paragraph (2), and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Lincoln, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date of enactment that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Lincoln under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Lincoln County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(2) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, shall be conveyed under paragraph (1) to the County of Lincoln, Nevada:

Map 10: Lincoln County, Parcel M, Industrial Park Site

Map 11: Lincoln County, Parcel F, Mixed Use Industrial Site

Map 13: Lincoln County, Parcel J, Mixed Use, Alamo Community Expansion Area

Map 14: Lincoln County, Parcel E, Mixed Use, Pioche Community Expansion Area

Map 15: Lincoln County, Parcel B, Landfill Expansion Site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in paragraph (2) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Lincoln, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"(k) This section shall become effective on the date on which the Secretary submits a license application under section 205 for an interim storage facility at a site designated under section 204(c)(1).

"SEC. 202. TRANSPORTATION PLANNING.

"(a) TRANSPORTATION READINESS.—The Secretary—

"(1) shall take such actions as are necessary and appropriate to ensure that the Secretary is able to transport safely spent nuclear fuel and high-level radioactive waste from sites designated by the contract holders to mainline transportation facilities and from the mainline transportation facilities to the interim storage facility or repository, using routes that minimize, to the maximum practicable extent consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas; and

"(2) not later than 24 months after the Secretary submits a license application under section 205 for an interim storage facility shall, in consultation with the Secretary of Transportation and affected States and tribes, and after an opportunity for public comment, develop and implement a comprehensive management plan that ensures safe transportation of spent nuclear fuel and high-level radioactive waste from the sites designated by the contract holders to the interim storage facility site.

"(b) TRANSPORTATION PLANNING.—

"(1) IN GENERAL.—In conjunction with the development of the logistical plan in accordance with subsection (a), the Secretary shall update and modify, as necessary, the Secretary's transportation institutional plans to ensure that institutional issues are addressed and resolved on a schedule to support the commencement of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility.

"(2) MATTERS TO BE ADDRESSED.—Among other things, planning under paragraph (1) shall provide a schedule and process for addressing and implementing, as necessary—

"(A) transportation routing plans;

"(B) transportation contracting plans;

"(C) transportation training in accordance with section 203;

"(D) public education regarding transportation of spent nuclear fuel and high level radioactive waste; and

"(E) transportation tracking programs.

"(c) SHIPPING CAMPAIGN TRANSPORTATION PLANS.—

"(1) IN GENERAL.—The Secretary shall develop a transportation plan for the implementation of each shipping campaign (as that term is defined by the Secretary) from each site at which high-level nuclear waste is stored, consistent with the principles and procedures stated in Department of Energy Order No. 460.2 and the Program Manager's Guide.

"(2) REQUIREMENTS.—A shipping campaign transportation plan shall—

"(A) be fully integrated with State and tribal government notification, inspection, and emergency response plans along the preferred shipping route or State-designated alternative route identified under subsection (d) (unless the Secretary certifies in the plan that the State or tribal government has failed to cooperate in fully integrating the shipping campaign transportation plan with the applicable State or tribal government plans); and

"(B) be consistent with the principles and procedures developed for the safe transportation of transuranic waste to the Waste Isolation Pilot Plant (unless the Secretary certifies in the plan that a specific principle or procedure is inconsistent with a provision of this Act).

"(d) SAFE SHIPPING ROUTES AND MODES.—

"(1) IN GENERAL.—The Secretary shall evaluate the relative safety of the proposed shipping routes and shipping modes from each shipping origin to the interim storage facility or repository compared with the safety of alternative modes and routes.

"(2) CONSIDERATIONS.—The evaluation under paragraph (1) shall be conducted in a manner consistent with regulations promulgated by the Secretary of Transportation under authority of chapter 51 of title 49, United States Code, and the Nuclear Regulatory Commission under authority of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), as applicable.

"(3) DESIGNATION OF PREFERRED SHIPPING ROUTE AND MODE.—Following the evaluation under paragraph (1), the Secretary shall designate preferred shipping routes and modes from each civilian nuclear power reactor and Department of Energy facility that stores spent nuclear fuel or other high-level defense waste.

"(4) SELECTION OF PRIMARY SHIPPING ROUTE.—If the Secretary designates more than 1 preferred route under paragraph (3), the Secretary shall select a primary route after considering, at a minimum, historical accident rates, population, significant hazards, shipping time, shipping distance, and mitigating measures such as limits on the speed of shipments.

"(5) USE OF PRIMARY SHIPPING ROUTE AND MODE.—Except in cases of emergency, for all shipments conducted under this Act, the Secretary shall cause the primary shipping route and mode or State-designated alternative route under chapter 51 of title 49, United States Code, to be used. If a route is designated as a primary route for any reactor or Department of Energy facility, the Secretary may use that route to transport spent nuclear fuel or high-level radioactive waste from any other reactor or Department of Energy facility.

"(6) TRAINING AND TECHNICAL ASSISTANCE.—Following selection of the primary shipping routes, or State-designated alternative routes, the Secretary shall focus training and technical assistance under section 203(c) on those routes.

"(7) PREFERRED RAIL ROUTES.—

"(A) REGULATION.—Not later than 1 year after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary of Transportation, pursuant to authority under other provisions of law, shall promulgate a regulation establishing procedures for the selection of preferred routes for the transportation of spent nuclear fuel and nuclear waste by rail.

"(B) INTERIM PROVISION.—During the period beginning on the date of enactment of the Nuclear Waste Policy Act of 1997 and ending on the date of issuance of a final regulation under subparagraph (A), rail transportation of spent nuclear fuel and high-level radioactive waste shall be conducted in accordance with regulatory requirements in effect on that date and with this section.

"SEC. 203. TRANSPORTATION REQUIREMENTS.

"(a) PACKAGE CERTIFICATION.—No spent nuclear fuel or high-level radioactive waste may be transported by or for the Secretary under this Act except in packages that have been certified for such purposes by the Commission.

"(b) STATE NOTIFICATION.—The Secretary shall abide by regulations of the Commission regarding advance notification of State and tribal governments prior to transportation of spent nuclear fuel or high-level radioactive waste under this Act.

"(c) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—

"(A) STATES AND INDIAN TRIBES.—As provided in paragraph (3), the Secretary shall provide technical assistance and funds to States and Indian tribes for training of public safety officials of appropriate units of State, local, and tribal governments. A State shall allocate to local governments within the State a portion any funds that the Secretary provides to the State for technical assistance and funding.

"(B) EMPLOYEE ORGANIZATIONS.—The Secretary shall provide technical assistance and funds for training directly to nonprofit employee organizations and joint labor-management organizations that demonstrate experience in implementing and operating worker health and safety training and education programs and demonstrate the ability to reach and involve in training programs target populations of workers who are or will be directly engaged in the transportation of spent nuclear fuel and high-level radioactive waste, or emergency response or post-emergency response with respect to such transportation.

"(C) TRAINING.—Training under this section—

"(i) shall cover procedures required for safe routine transportation of materials and procedures for dealing with emergency response situations;

"(ii) shall be consistent with any training standards established by the Secretary of Transportation under subsection (g); and

"(iii) shall include—

"(I) a training program applicable to persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste;

"(II) instruction of public safety officers in procedures for the command and control of the response to any incident involving the waste; and

"(III) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving spent nuclear fuel or high-level radioactive waste being transported.

"(2) NO SHIPMENTS IF NO TRAINING.—(A) There will be no shipments of spent nuclear fuel and high-level radioactive waste through the jurisdiction of any State or the reservation lands of any Indian Tribe eligible for grants under paragraph (3)(B) unless technical assistance and funds to implement procedures for the safe routine transportation and for dealing with emergency response situations under paragraph (1)(A) have been available to a State or Indian Tribe for at least 3 years prior to any shipment: Provided, however, That the Secretary may ship spent nuclear fuel and high-level radioactive waste if technical assistance or funds have not been made available due to (1) an emergency, including the sudden and unforeseen closure of a highway or rail line or the sudden and unforeseen need to remove spent fuel from a reactor because of an accident, or (2) the refusal to accept technical assistance by a State or Indian Tribe, or (3) fraudulent actions which violate Federal law governing the expenditure of Federal funds.

"(B) In the event the Secretary is required to transport spent fuel or high level radioactive waste through a jurisdiction prior to 3 years after the provision of technical assistance or funds to such jurisdiction, the Secretary shall, prior to such shipment, hold meetings in each State and Indian reservation through which the shipping route passes in order to present initial shipment plans and receive comments. Department of Energy personnel trained in emergency response shall escort each shipment. Funds and all Department of Energy training resources shall be made available to States and Indian Tribes along the shipping route no later than three months prior to the commencement of shipments: Provided, however, That in no event shall such shipments exceed 1,000 metric tons per year, And provided further, That no such shipments shall be conducted more than four years after the effective date of the Nuclear Waste Policy Act of 1997.

"(3) GRANTS.—

"(A) IN GENERAL.—To implement this section, grants shall be made under section 401(c)(2).

"(B) GRANTS FOR DEVELOPMENT OF PLANS.—

"(i) IN GENERAL.—The Secretary shall make a grant of at least $150,000 to each State through the jurisdiction of which and each federally recognized Indian tribe through the reservation lands of which a shipment of spent nuclear fuel or high-level radioactive waste will be made under this Act for the purpose of developing a plan to prepare for such shipments.

"(ii) LIMITATION.—A grant shall be made under clause (i) only to a State or a federally recognized Indian tribe that has the authority to respond to incidents involving shipments of hazardous material.

"(C) GRANTS FOR IMPLEMENTATION OF PLANS.—

"(i) IN GENERAL.—Annual implementation grants shall be made to States and Indian tribes that have developed a plan to prepare for shipments under this Act under subparagraph (B). The Secretary, in submitting the annual department budget to Congress for funding of implementation grants under this section, shall be guided by the State and tribal plans developed under subparagraph (B). As part of the Department of Energy's annual budget request, the Secretary shall report to Congress on—

"(I) the funds requested by States and federally recognized Indian tribes to implement this subsection;

"(II) the amount requested by the President for implementation; and

"(III) the rationale for any discrepancies between the amounts requested by States and federally recognized Indian tribes and the amounts requested by the President.

"(ii) ALLOCATION.—Of funds available for grants under this subparagraph for any fiscal year—

"(I) 25 percent shall be allocated by the Secretary to ensure minimum funding and program capability levels in all States and Indian tribes based on plans developed under subparagraph (B); and

"(II) 75 percent shall be allocated to States and Indian tribes in proportion to the number of shipment miles that are projected to be made in total shipments under this Act through each jurisdiction.

"(4) AVAILABILITY OF FUNDS FOR SHIPMENTS.—Funds under paragraph (1) shall be provided for shipments to an interim storage facility or repository, regardless of whether the interim storage facility or repository is operated by a private entity or by the Department of Energy.

"(d) PUBLIC EDUCATION.—The Secretary shall conduct a program to educate the public regarding the transportation of spent nuclear fuel and high-level radioactive waste, with an emphasis upon those States, units of local government, and Indian tribes through whose jurisdiction the Secretary plans to transport substantial amounts of spent nuclear fuel or high-level radioactive waste.

"(e) COMPLIANCE WITH TRANSPORTATION REGULATIONS.—Any person that transports spent nuclear fuel or high-level radioactive waste under the Nuclear Waste Policy Act of 1997, pursuant to a contract with the Secretary, shall comply with all requirements governing such transportation issued by the Federal, State and local governments, and Indian tribes, in the same way and to the same extent that any person engaging in that transportation that is in or affects interstate commerce must comply with such requirements, as required by 49 U.S.C. sec. 5126.

"(f) EMPLOYEE PROTECTION.—Any person engaged in the interstate commerce of spent nuclear fuel or high-level radioactive waste under contract to the Secretary pursuant to this Act shall be subject to and comply fully with the employee protection provisions of 49 U.S.C. 20109 (in the case of employees of railroad carriers) and 49 U.S.C. 31105 (in the case of employees operating commercial motor vehicles), or the Commission (in the case of all other employees).

"(g) TRAINING STANDARD.—(1) No later than 12 months after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary of Transportation, pursuant to authority under other provisions of law, in consultation with the Secretary of Labor and the Commission, shall promulgate a regulation establishing training standards applicable to workers directly involved in the removal and transportation of spent nuclear fuel and high-level radioactive waste. The regulation shall specify minimum training standards applicable to workers, including managerial personnel. The regulation shall require that the employer possess evidence of satisfaction of the applicable training standard before any individual may be employed in the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(2) If the Secretary of Transportation determines, in promulgating the regulation required by subparagraph (1), that regulations promulgated by the Commission establish adequate training standards for workers, then the Secretary of Transportation can refrain from promulgating additional regulations with respect to worker training in such activities. The Secretary of Transportation and the Commission shall work through their Memorandum of Understanding to ensure coordination of worker training standards and to avoid duplicative regulation.

"(3) The training standards required to be promulgated under subparagraph (1) shall, among other things deemed necessary and appropriate by the Secretary of Transportation, include the following provisions—

"(A) a specified minimum number of hours of initial off site instruction and actual field experience under the direct supervision of a training, experienced supervisor;

"(B) a requirement that onsite managerial personnel receive the same training as workers, and a minimum number of additional hours of specialized training pertinent to their managerial responsibilities; and

"(C) a training program applicable to persons responsible for responding to and cleaning up emergency situations occurring during the removal and transportation of spent nuclear fuel and high-level radioactive waste.

"(4) There is authorized to be appropriated to the Secretary of Transportation, from general revenues, such sums as may be necessary to perform his duties under this subsection.

"SEC. 204. VIABILITY ASSESSMENT AND PRESIDENTIAL DETERMINATION.

"(a) VIABILITY ASSESSMENT.—No later than December 1, 1998, the Secretary shall provide to the President and to the Congress a viability assessment of the Yucca Mountain site. The viability assessment shall include—

"(1) the preliminary design concept for the critical elements of the repository and waste package;

"(2) a total system performance assessment, based upon the preliminary design concept in paragraph (1) of this subsection and the scientific data and analysis available on June 30, 1998, describing the probable behavior of the repository relative to the overall system performance standard under section 206(f) of this Act or, if the standard under section 206(f) has not been promulgated, relative to an estimate by the Secretary of an overall system performance standard that is consistent with section 206(f);

"(3) a plan and cost estimate for the remaining work required to complete the license application under section 206(c) of this Act, and

"(4) an estimate of the costs to construct and operate the repository in accordance with the preliminary design concept in paragraph (1) of this subsection.

"(b) PRESIDENTIAL DETERMINATION.—No later than March 1, 1999, the President, in his sole and unreviewable discretion, may make a determination disqualifying the Yucca Mountain site as a repository, based on the President's views that the preponderance of information available at such time indicates that the Yucca Mountain site is not suitable for development of a repository of useful size. If the President makes a determination under this subsection,

"(1) the Secretary shall cease all activities (except necessary termination activities) at the Yucca Mountain site and section 206 of this Act shall cease to be in effect; and

"(2) no later than 6 months after such determination, the Secretary shall report to Congress on the need for additional legislation relating to the permanent disposal of nuclear waste.

"(c) PRELIMINARY SECRETARIAL DESIGNATION OF INTERIM STORAGE FACILITY SITES.—

"(1) If the President does not make a determination under subsection (b) of this section, no later than March 31, 1999, the Secretary shall make a preliminary designation of a specific site within Area 25 of the Nevada Test Site for planning and construction of an interim storage facility under section 205.

"(2) Within 18 months of a determination by the President that the Yucca Mountain site is unsuitable for development as a repository under subsection (b), the President shall designate a site for the construction of an interim storage facility. The President shall not designate the Hanford Nuclear Reservation in the State of Washington as a site for construction of an interim storage facility. If the President does not designate a site for the construction of an interim storage facility, or the construction of an interim storage facility at the designated site is not approved by law within 24 months of the President's determination that the Yucca Mountain site is not suitable for development as a repository, the interim storage facility site as defined in section 2(19) of this Act is designated as the interim storage facility site for purposes of section 205. The interim storage facility site shall be deemed to be approved by law for purposes of this paragraph.

"SEC. 205. INTERIM STORAGE FACILITY.

"(a) NON-SITE-SPECIFIC ACTIVITIES.—As soon as practicable after the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary shall submit to the Commission a topical safety analysis report containing a generic design for an interim storage facility. If the Secretary has submitted such a report prior to such date of enactment, the report shall be deemed to have satisfied the requirement in the preceding sentence. No later than December 31, 1998, the Commission shall issue a safety evaluation report approving or disapproving the generic design submitted by the Secretary.

"(b) SITE-SPECIFIC AUTHORIZATION.—The Secretary shall design, construct, and operate a facility for the interim storage of spent nuclear fuel and high-level radioactive waste at the interim storage facility site designated under section 204 and licensed by the Commission under this section. The Commission shall license the interim storage facility in accordance with the Commission's regulations governing the licensing of independent storage of spent nuclear fuel and high-level radioactive waste (10 CFR part 72). Such regulations shall be amended by the Commission as necessary to implement the provisions of this Act. The Commission may amend 10 CFR part 72 with regard to facilities not covered by this Act as deemed appropriate by the Commission.

"(c) LIMITATIONS AND CONDITIONS.—

"(1) The Secretary shall not commence construction of an interim storage facility (which shall mean taking actions within the meaning of the term "commencement of construction" contained in the Commission's regulations in section 72.3 of title 10, Code of Federal Regulations) before the Commission, or an appropriate officer or Board of the Commission, makes the finding under section 72.40(b) of title 10, Code of Federal Regulations.

"(2) After the Secretary makes the preliminary designation of an interim storage site under section 204, the Secretary may commence site data acquisition activities and design activities necessary to complete license application and environmental report under subsection (d) of this section.

"(3) Notwithstanding any other applicable licensing requirement, the Secretary may utilize facilities owned by the Federal government on the date of enactment of the Nuclear Waste Policy Act of 1997 and located within the boundaries of the interim storage site, in connection with addressing any imminent and substantial endangerment to public health and safety at the interim storage facility site, prior to receiving a license from the Commission for the interim storage facility, for purposes of fulfilling requirements for retrievability during the first five years of operation of the interim storage facility.

"(d) LICENSE APPLICATION.—No later than 30 days after the date on which the Secretary makes a preliminary designation of an interim storage facility site under section 204, the Secretary shall submit a license application and an environmental report in accordance with applicable regulations (subpart B of part 72 of title 10, Code of Federal Regulations, and subpart A of part 51 of title 10, Code of Federal Regulations, respectively). The license application—

"(1) shall be for a term of 40 years; and

(2) shall be for a quantity of spent nuclear fuel or high-level radioactive waste equal to the quantity that would be emplaced under section 507 prior to the date that the Secretary estimates, in the license application, to be the date on which the Secretary will receive and store spent nuclear fuel and high-level radioactive waste at the permanent repository.

"(e) DESIGN.—

"(1) The design for the interim storage facility shall provide for the use of storage technologies which are licensed, approved, or certified by the Commission, to ensure compatibility between the interim storage facility and contract holders' spent nuclear fuel and facilities, and to facilitate the Secretary's ability to meet the Secretary's obligations under this Act.

"(2) The Secretary shall consent to an amendment to the contracts to provide for reimbursement to contract holders for transportable storage systems purchased by contract holders if the Secretary determines that it is cost effective to use such transportable storage systems as part of the integrated management system, provided that the Secretary shall not be required to expend any funds to modify contract holders' storage or transport systems or to seek additional regulatory approvals in order to use such systems.

"(f) LICENSE AMENDMENTS.—

"(1) The Secretary may seek such amendments to the license for the interim storage facility as the Secretary may deem appropriate, including amendments to use new storage technologies licensed by the Commission or to respond to changes in Commission regulations.

"(2) After receiving a license from the Commission to receive and store spent nuclear fuel and high-level radioactive waste in the permanent repository, the Secretary shall seek such amendments to the license for the interim storage facility as will permit the optimal use of such facility as an integral part of a single system with the repository.

"(g) COMMISSION ACTIONS.—

"(1) The issuance of a license to construct and operate an interim storage facility shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Prior to issuing a license under this section, the Commission shall prepare a final environmental impact statement in accordance with the National Environmental Policy Act of 1969, the Commission's regulations, and section 207 of this Act. The Commission shall ensure that this environmental impact statement is consistent with the scope of the licensing action and shall analyze the impacts of transportation of spent nuclear fuel and high-level radioactive waste to the interim storage facility in a generic manner.

"(2) The Commission shall issue a final decision granting or denying a license for an interim storage facility not later than 32 months after the date of submittal of the application for such license.

"(3) No later than 32 months following the date of enactment of the Nuclear Waste Policy Act of 1997, the Commission shall make any amendments necessary to the definition of 'spent nuclear fuel' in section 72.4 of title 10, Code of Federal Regulations, to allow an interim storage facility to accept (subject to such conditions as the Commission may require in a subsequent license)—

"(A) spent nuclear fuel from research reactors;

"(B) spent nuclear fuel from naval reactors;

"(C) high-level radioactive waste of domestic origin from civilian nuclear reactors that have permanently ceased operation before such date of enactment; and

"(D) spent nuclear fuel and high-level radioactive waste from atomic energy defense activities.

Following any such amendments, the Secretary shall seek authority, as necessary, to store such fuel and waste at the interim storage facility. None of the activities carried out pursuant to this paragraph shall delay, or otherwise affect, the development, licensing, construction, or operation of the interim storage facility.

"SEC. 206. PERMANENT REPOSITORY.

"(a) REPOSITORY CHARACTERIZATION.—

"(1) CHARACTERIZATION OF THE YUCCA MOUNTAIN SITE.—The Secretary shall carry out site characterization activities at the Yucca Mountain site in accordance with the Secretary's program approach to site characterization. Such activities shall be limited to only those activities which the Secretary considers necessary to provide the data required for evaluation of the suitability of such site for an application to be submitted to the Commission for a construction authorization for a repository at such site, and for compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(2) GUIDELINES.—The Secretary shall amend the guidelines in part 960 of title 10, Code of Federal Regulations, to base any conclusions regarding whether a repository site is suitable on, to the extent practicable, an assessment of total system performance of the repository.

"(b) ENVIRONMENTAL IMPACT STATEMENT.—

"(1) PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT.—Construction and operation of the repository shall be considered a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall prepare an environmental impact statement on the construction and operation of the repository and shall submit such statement to the Commission with the license application. The Secretary shall supplement such environmental impact statement as appropriate.

"(2) SCHEDULE.—

"(A) No later than September 30, 2000, the Secretary shall publish the final environmental impact statement under paragraph (1) of this subsection.

"(B) No later than October 31, 2000, the Secretary shall publish a record of decision on applying for a license to construct and operate a repository at the Yucca Mountain site.

"(c) LICENSE APPLICATION.—

"(1) SCHEDULE.—No later than October 31, 2001, the Secretary shall apply to the Commission for authorization to construct a repository at the Yucca Mountain site.

"(2) MAXIMIZING CAPACITY.—In developing an application for authorization to construct the repository, the Secretary shall seek to maximize the capacity of the repository, in the most cost-effective manner, consistent with the need for disposal capacity.

"(3) DECISION NOT TO APPLY FOR A LICENSE FOR THE YUCCA MOUNTAIN SITE.—If, at any time prior to October 31, 2001, the Secretary determines that the Yucca Mountain site is not suitable or cannot satisfy the Commission's regulations applicable to the licensing of a geological repository, the Secretary shall—

"(A) notify the Congress and the State of Nevada of the Secretary's determinations and the reasons therefor; and

"(B) promptly take the actions described in paragraphs (1) and (2) of section 204(b).

"(d) REPOSITORY LICENSING.—The Commission shall license the repository according to the following procedures:

"(1) CONSTRUCTION AUTHORIZATION.—The Commission shall grant the Secretary a construction authorization for the repository, subject to such requirements or limitations as the Commission may incorporate pursuant to its regulations, upon determining that there is reasonable assurance that spent nuclear fuel and high-level radioactive waste can be disposed of in the repository—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(2) LICENSE.—Following the filing by the Secretary of any additional information needed by the Commission to issue a license to receive and possess source, special nuclear, or byproduct material at a geologic repository operations area the Commission shall issue a license to dispose of spent nuclear fuel and high-level radioactive waste in the repository, subject to such requirements or limitations as the Commission may incorporate pursuant to its regulations, if the Commission determines that the repository has been constructed and will operate—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(3) CLOSURE.—After emplacing spent nuclear fuel and high-level radioactive waste in the repository and collecting sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with the Commission's regulations applicable to the licensing of a repository, as modified in accordance with this Act, the Secretary shall apply to the Commission to amend the license to permit permanent closure of the repository. The Commission shall grant such license amendment, subject to such requirements or limitations as the Commission may incorporate pursuant to its regulations, upon finding that there is reasonable assurance that the repository can be permanently closed—

"(A) in conformity with the Secretary's application, the provisions of this Act, and the regulations of the Commission;

"(B) without unreasonable risk to the health and safety of the public; and

"(C) consistent with the common defense and security.

"(4) POST-CLOSURE.—The Secretary shall take those actions necessary and appropriate at the Yucca Mountain site to prevent any activity at the site subsequent to repository closure that poses an unreasonable risk of—

"(A) breaching the repository's engineered or geologic barriers; or

"(B) increasing the risk of the repository beyond the standard established in subsection (f)(1).

"(5) APPLICATION OF HEALTH AND SAFETY STANDARDS.—The licensing determination of the Commission with respect to risk to the health and safety of the public under paragraphs (1), (2), or (3) of this subsection shall be based solely on a finding whether the repository can be operated in conformance with the overall performance standard in subsection (f)(1) of this section, applied in accordance with the provisions of subsection (f)(2) of this section and the standards established by the Administrator under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note).

"(e) MODIFICATION OF THE COMMISSION'S REPOSITORY LICENSING REGULATIONS.—The Commission shall amend its regulations governing the disposal of spent nuclear fuel and high-level radioactive waste (10 CFR part 60), as necessary, to be consistent with the provisions of this Act. The Commission's regulations shall provide for the modification of the repository licensing procedure in subsection (d) of this section, as appropriate, in the event that the Secretary seeks a license to permit the emplacement in the repository, on a retrievable basis, of spent nuclear fuel or high-level radioactive waste as is necessary to provide the Secretary with sufficient confirmatory data on repository performance to reasonably confirm the basis for repository closure consistent with applicable regulations.

"(f) REPOSITORY LICENSING STANDARDS AND ADDITIONAL PROCEDURES.—In complying with the requirements of section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall achieve consistency with the findings and recommendations of the National Academy of Sciences, and the Commission shall amend its regulations with respect to licensing standards for the repository, as follows:

"(1) ESTABLISHMENT OF OVERALL SYSTEM PERFORMANCE STANDARD.—

"(A) RISK STANDARD.—The standard for protection of the public from releases of radioactive material or radioactivity from the repository shall limit the lifetime risk, to the average member of the critical group, of premature death from cancer due to such releases to approximately, but not greater than, 1 in 1000. The comparison to this standard shall use the upper bound of the 95-percent confidence interval for the expected value of lifetime risk to the average member of the critical group.

"(B) FORM OF STANDARD.—The standard promulgated by the Administrator under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be an overall system performance standard. The Administrator shall not promulgate a standard for the repository in the form of release limits or contaminant levels for individual radionuclides discharged from the repository.

"(C) ASSUMPTIONS USED IN FORMULATING AND APPLYING THE STANDARD.—In promulgating the standard under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), the Administrator shall consult with the Secretary of Energy and the Commission. The Commission, after consultation with the Secretary, shall specify, by rule, values for all of the assumptions considered necessary by the Commission to apply the standard in a licensing proceeding for the repository before the Commission, including the reference biosphere and size and characteristics of the critical group.

"(D) DETENTION.—As used in this subsection, the term 'critical group' means a small group of people that is—

"(i) representative of individuals expected to be at highest risk of premature death from cancer as a result of discharges of radionuclides from the permanent repository;

"(ii) relatively homogeneous with respect to expected radiation dose, which shall mean that there shall be no more than a factor of ten in variation in individual dose among members of the group; and

"(iii) selected using reasonable assumptions—concerning lifestyle, occupation, diet, and eating and drinking habits, technological sophistication, or other relevant social and behavioral factors—that are based on reasonably available information, when the group is defined, on current inhabitants and conditions in the area of 50-mile radius surrounding Yucca Mountain contained within a line drawn 50 miles beyond each of the boundaries of the Yucca Mountain site."

"(2) APPLICATION OF OVERALL SYSTEM PERFORMANCE STANDARD.—The Commission shall issue the construction authorization, license, or license amendment, as applicable, if it finds reasonable assurance that for the first 10,000 years following the closure of the repository, the overall system performance standard will be met based on a probabilistic evaluation, as appropriate, of compliance with the overall system performance standard in paragraph (1).

"(3) FACTORS.—For purposes of establishing the overall system performance standard in paragraph (1) and making the finding in paragraph (2),—

"(A) the Administrator and the Commission shall not consider climate regimes that are substantially different from those that have occurred during the previous 100,000 years at the Yucca Mountain site;

"(B) the Administrator and the Commission shall not consider catastrophic events where the health consequences of individual events themselves to the critical group can be reasonably assumed to exceed the health consequences due to impact of the events on repository performance; and

"(C) the Administrator and the Commission shall not base the standard in paragraph (1) or the finding in paragraph (2) on scenarios involving human intrusion into the repository following repository closure.

"(4) CONGRESSIONAL REVIEW.—

"(A) Any standard promulgated by the Administrator under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note) shall be deemed a major rule within the meaning of section 804(2) of title 5, United States Code, and shall be subject to the requirements and procedures pertaining to a major rule in chapter 8 of such title.

"(B) The effective date of the construction authorization for the repository shall be 90 days after the issuance of such authorization by the Commission, unless Congress is standing in adjournment for a period of more than one week on the date of issuance, in which case the effective date shall be 90 days after the date on which Congress is expected to reconvene after such adjournment.

"(5) REPORT TO CONGRESS.—At the time that the Commission issues a construction authorization for the repository, the Commission shall submit a report to Congress—

"(A) analyzing the overall system performance of the repository through the use of probabilistic evaluations that use best estimate assumptions, data, and methods for the period commencing after the first 10,000 years after repository closure and including the time after repository closure of maximum risk to the critical group of premature death from cancer due to repository releases.

"(B) analyzing the consequences of a single instance of human intrusion into the repository, during the first 1,000 years after repository closure, on the ability of the repository to perform its intended function."

"(g) ADDITIONAL ACTIONS BY THE COMMISSION.—The Commission shall take final action on the Secretary's application for construction authorization for the repository no later than 40 months after submission of the application.

"SEC. 207. COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.

"(a) PRELIMINARY ACTIVITIES.—Each activity of the Secretary under section 203, 204, section 205(a), section 205(c), section 205(d), and section 206(a) shall be considered a preliminary decision making activity. No such activity shall be considered final agency action for purposes of judicial review. No activity of the Secretary or the President under sections 203, 204, 205, or 206(a) shall require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act (42 U.S.C. 4332(2)(E) or (F)).

"(b) STANDARDS AND CRITERIA.—The promulgation of standards or criteria in accordance with the provisions of this title, or under section 801 of the Energy Policy Act of 1992 (42 U.S.C. 10141 note), shall not require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) or any environmental review under subparagraph (E) or (F) of section 102(2) of such Act (42 U.S.C. 4332(2)(E) or (F)).

"(c) REQUIREMENTS RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.—

"(1) With respect to the requirements imposed by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.),—

"(A) in any final environmental impact statement under sections 205 or 206, the Secretary or the Commission, as applicable, shall not be required to consider the need for a repository or any interim storage facility; the time of initial availability of a repository of interim storage facility; the alternatives to geological disposal or centralized interim storage; or alternative sites to the Yucca Mountain site or the interim storage facility site designated under section 204(c)(1); and

"(B) compliance with the procedures and requirements of this title shall be deemed adequate consideration of the need for centralized interim storage or a repository; the time of initial availability of centralized interim storage or the repository or centralized interim storage, and all alternatives to centralized interim storage and permanent isolation of high-level radioactive waste and spent nuclear fuel in an interim storage facility or a repository, respectively.

"(2) The final environmental impact statement for the repository prepared by the Secretary and submitted with the license application for a repository under section 206(c) shall, to the extend practicable, be adopted by the Commission in connection with the issuance by the Commission of a construction authorization and license for such repository. To the extent such statement is adopted by the Commission, such adoption shall be deemed to satisfy the responsibilities of the Commission under the National Environmental Policy Act of 1969 and no further consideration shall be required, except that nothing in this subsection shall affect any independent responsibilities of the Commission to protect the public health and safety under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"(c) CONSTRUCTION WITH OTHER LAWS.—Nothing in this Act shall be construed to amend or otherwise detract from the licensing requirements of the Nuclear Regulatory Commission established in title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.).

"(d) JUDICIAL REVIEW.—Judicial review under section 502 of this Act of any environmental impact statement prepared or adopted by the Commission shall be consolidated with the judicial review of the licensing decision to which it relates.

"SEC. 208. LAND WITHDRAWAL.

"(a) WITHDRAWAL AND RESERVATION.—

"(1) WITHDRAWAL.—Subject to valid existing rights, the interim storage facility site and the Yucca Mountain site, as described in subsection (b), are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including the mineral leasing laws, the geothermal leasing laws, the material sale laws, and the mining laws.

"(2) JURISDICTION.—Jurisdiction of any land within the interim storage facility site and the Yucca Mountain site managed by the Secretary of the Interior or any other Federal officer is transferred to the Secretary.

"(3) RESERVATION.—The interim storage facility site and the Yucca Mountain site are reserved for the use of the Secretary for the construction and operation, respectively, of the interim storage facility and the repository and activities associated with the purposes of this title.

"(b) LAND DESCRIPTION.—

"(1) BOUNDARIES.—The boundaries depicted on the map entitled "Interim Storage Facility Site Withdrawal Map," dated March 13, 1996, and on file with the Secretary, are established as the boundaries of the Interim Storage Facility site.

"(2) BOUNDARIES.—The boundaries depicted on the map entitled 'Yucca Mountain Site Withdrawal Map,' dated July 9, 1996, and on file with the Secretary, are established as the boundaries of the Yucca Mountain site.

(3) NOTICE AND MAPS.—Concurrent with the Secretary's designation of an interim storage facility site under section 204(c)(1), the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the interim storage facility site; and

"(B) file copies of the maps described in paragraph (1), and the legal description of the interim storage facility site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(4) NOTICE AND MAPS.—Concurrent with the Secretary's application to the Commission for authority to construct the repository, the Secretary shall—

"(A) publish in the Federal Register a notice containing a legal description of the Yucca Mountain site; and

"(B) file copies of the maps described in paragraph (2), and the legal description of the Yucca Mountain site with the Congress, the Secretary of the Interior, the Governor of Nevada, and the Archivist of the United States.

"(5) CONSTRUCTION.—The maps and legal descriptions of the interim storage facility site and the Yucca Mountain site referred to in this subsection shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"TITLE III—LOCAL RELATIONS

"SEC. 301. FINANCIAL ASSISTANCE.

"(a) GRANTS.—The Secretary is authorized to make grants to any affected Indian tribe or affected unit of local government for purposes of enabling the affected Indian tribe or affected unit of local government—

"(1) to review activities taken with respect to the Yucca Mountain site for purposes of determining any potential economic, social, public health and safety, and environmental impacts of the integrated management system on the affected Indian tribe or the affected unit of local government and its residents;

"(2) to develop a request for impact assistance under subsection (c);

"(3) to engage in any monitoring, testing, or evaluation activities with regard to such site;

"(4) to provide information to residents regarding any activities of the Secretary, or the Commission with respect to such site; and

"(5) to request information from, and make comments and recommendations to, the Secretary regarding any activities taken with respect to such site.

"(b) SALARY AND TRAVEL EXPENSES.—Any salary or travel expense that would ordinarily be incurred by any affected Indian tribe or affected unit of local government may not be considered eligible for funding under this section.

"(c) FINANCIAL AND TECHNICAL ASSISTANCE.—

"(1) ASSISTANCE REQUESTS.—The Secretary is authorized to offer to provide financial and technical assistance to any affected Indian tribe or affected unit of local government requesting such assistance. Such assistance shall be designed to mitigate the impact on the affected Indian tribe or affected unit of local government of the development of the integrated management system.

"(2) REPORT.—Any affected Indian tribe or affected unit of local government may request assistance under this section by preparing and submitting to the Secretary a report on the economic, social, public health and safety, and environmental impacts that are likely to result from activities of the integrated management system.

"(d) OTHER ASSISTANCE.—

"(1) TAXABLE AMOUNTS.—In addition to financial assistance provided under this subsection, the Secretary is authorized to grant to any affected Indian tribe or affected unit of local government an amount each fiscal year equal to the amount such affected Indian tribe or affected unit of local government, respectively, would receive if authorized to tax integrated management system activities, as such affected Indian tribe or affected unit of local government taxes the non-Federal real property and industrial activities occurring within such affected unit of local government.

"(2) TERMINATION.—Such grants shall continue until such time as all such activities, development, and operations are terminated at such site.

"(3) ASSISTANCE TO INDIAN TRIBES AND UNITS OF LOCAL GOVERNMENT.—

"(A) PERIOD.—Any affected Indian tribe or affected unit of local government may not receive any grant under paragraph (1) after the expiration of the 1-year period following the date on which the Secretary notifies the affected Indian tribe or affected unit of local government of the termination of the operation of the integrated management system.

"(B) ACTIVITIES.—Any affected Indian tribe or affected unit of local government may not receive any further assistance under this section if their integrated management system activities at such site are terminated by the Secretary or if such activities are permanently enjoined by any court.

"SEC. 302. ON-SITE REPRESENTATIVE.

"The Secretary shall offer to the unit of local government within whose jurisdiction a site for an interim storage facility or repository is located under this Act an opportunity to designate a representative to conduct on-site oversight activities at such site. The Secretary is authorized to pay the reasonable expenses of such representative.

"SEC. 303. ACCEPTANCE OF BENEFITS.

"(a) CONSENT.—The acceptance or use of any of the benefits provided under this title by any affected Indian tribe or affected unit of local government shall not be deemed to be an expression of consent, express, or implied, either under the Constitution of the State or any law thereof, to the siting of an interim storage facility or repository in the State of Nevada, any provision of such Constitution or laws to the contrary notwithstanding.

"(b) ARGUMENTS.—Neither the United States or any other entity may assert any argument based on legal or equitable estoppel, or acquiescence, or wavier, or consensual involvement, in response to any decision by the State to oppose the siting in Nevada of an interim storage facility or repository premised upon or related to the acceptance or use of benefits under this title.

"(c) LIABILITY.—No liability of any nature shall accrue to be asserted against any official of any governmental unit of Nevada premised solely upon the acceptance or use of benefits under this title.

"SEC. 304. RESTRICTIONS ON USE OF FUNDS.

"None of the funding provided under this title may be used—

"(1) directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code;

"(2) for litigation purposes; and

"(3) to support multistate efforts or other coalition-building activities inconsistent with the purposes of this Act.

"SEC. 305. LAND CONVEYANCES.

"(a) CONVEYANCES OF PUBLIC LANDS.—One hundred and twenty days after the effective date of the construction authorization issued by the Commission for the repository under section 206(g), all right, title and interest of the United States in the property described in subsection (b) and improvements thereon, together with all necessary easements for utilities and ingress and egress to such property, including, but not limited to, the right to improve those easements, are conveyed by operation of law to the County of Nye, Nevada, unless the county notifies the Secretary of Interior or the head of such other appropriate agency in writing within 60 days of such date that it elects not to take title to all or any part of the property, except that any lands conveyed to the County of Nye under this subsection that are subject to a Federal grazing permit or lease or a similar federally granted permit or lease shall be conveyed between 60 and 120 days of the earliest time the Federal agency administering or granting the permit or lease would be able to legally terminate such right under the statutes and regulations existing at the date of enactment of this Act, unless Nye County and the affected holder of the permit or lease negotiate an agreement that allows for an earlier conveyance.

"(b) SPECIAL CONVEYANCES.—Notwithstanding any other law, the following public lands depicted on the maps and legal descriptions dated October 11, 1995, and on file with the Secretary shall be conveyed under subsection (a) to the County of Nye, Nevada:

Map 1: Proposed Pahrump Industrial Park Site

Map 2: Proposed Lathrop Wells (Gate 510) Industrial Park Site

Map 3: Pahrump Landfill Sites

Map 4: Amargosa Valley Regional Landfill Site

Map 5: Amargosa Valley Municipal Landfill Site

Map 6: Beatty Landfill/Transfer Station Site

Map 7: Round Mountain Landfill Site

Map 8: Tonopah Landfill Site

Map 9: Gabbs Landfill Site.

"(3) CONSTRUCTION.—The maps and legal descriptions of special conveyances referred to in subsection (b) shall have the same force and effect as if they were included in this Act. The Secretary may correct clerical and typographical errors in the maps and legal descriptions and make minor adjustments in the boundaries of the sites.

"(4) EVIDENCE OF TITLE TRANSFER.—Upon the request of the County of Nye, Nevada, the Secretary of the Interior shall provide evidence of title transfer.

"TITLE IV—FUNDING AND ORGANIZATION

"SEC. 401. PROGRAM FUNDING.

"(a) CONTRACTS.—

"(1) AUTHORITY OF THE SECRETARY.—In the performance of the Secretary's functions under this Act, the Secretary is authorized to enter into contracts with any person who generates or holds title to spent nuclear fuel or high-level radioactive waste of domestic origin for the acceptance of title and possession, transportation, interim storage, and disposal of such waste or spent fuel. Such contracts shall provide for payment of fees to the Secretary in the amounts set under paragraphs (2), (3), and (4), sufficient to offset expenditures described in subsection (c)(2). Subsequent to the enactment of the Nuclear Waste Policy Act of 1997, the contracts executed under section 302(a) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act, provided that the Secretary shall consent to an amendment to such contracts as necessary to implement the provisions of this Act.

"(2) NUCLEAR WASTE OFFSETTING COLLECTION.—

"(A) For electricity generated by civilian nuclear power reactors and sold during an offsetting collection period, the Secretary shall collect an aggregate amount of fees under this paragraph equal to the annual level of appropriations for expenditures on those activities consistent with subsection (d) for each fiscal year in the offsetting collection period, minus—

"(i) any unobligated balance collected pursuant to this paragraph during the previous fiscal year; and

"(ii) the percentage of such appropriation required to be funded by the Federal Government pursuant to section 403.

"(B) The Secretary shall determine the level of the annual fee for each civilian nuclear power reactor based on the amount of electricity generated and sold.

"(C) For purposes of this paragraph, the term 'offsetting collection period' means—

"(i) the period beginning on October 1, 1999 and ending on September 30, 2003; and

"(ii) the period on and after October 1, 2006.

"(3) NUCLEAR WASTE MANDATORY FEE.—

"(A) Except as provided in subparagraph (C) of this paragraph, for electricity generated by civilian nuclear power reactors and sold on or after January 7, 1983, the fee paid to the Secretary under this paragraph shall be equal to—

"(i) 1.0 mill per kilowatt-hour generated and sold, minus

"(ii) the amount per kilowatt-hour generated and sold paid under paragraph (2);

"Provided, that if the amount under clause (ii) is greater than the amount under clause (i) the fee under this paragraph shall be equal to zero.

"(B) No later than 30 days after the beginning of each fiscal year, the Secretary shall determine whether insufficient or excess revenues are being collected under this subsection, in order to recover the costs incurred by the Federal government that are specified in subsection (c)(2). In making this determination the Secretary shall—

"(i) rely on the 'Analysis of the Total System Life Cycle Cost of the Civilian Radioactive Waste Management Program,'' dated September 1995, or on a total system life-cycle cost analysis published by the Secretary (after notice and opportunity for public comments) after the date of enactment of the Nuclear Waste Policy of 1997, in making any estimate of the costs to be incurred by the government under subsection (c)(2);

"(ii) rely on projections from the Energy Information Administration, consistent with the projection contained in the reference case in the most recent 'Annual Energy Outlook' published by such administration in making any estimate of future nuclear power generation; and

"(iii) take into account projected balance in, and expenditures from, the Nuclear Waste Fund.

"(C) If the Secretary determines under subparagraph (B) that either insufficient or excess revenue are being collected, the Secretary shall, at the time of the determination, transmit to Congress a proposal to adjust the amount in subparagraph (A)(i) to ensure full cost recovery. The amount in subparagraph (A)(i) shall be adjusted, by operation of law, immediately upon enactment of a joint resolution of approval under paragraph (5) of this subsection.

"(D) The Secretary shall, by rule, establish procedures necessary to implement this paragraph.

"(4) ONE-TIME FEE.—For spent nuclear fuel or solidified high-level radioactive waste derived from spent nuclear fuel, which fuel was used to generate electricity in a civilian nuclear power reactor prior to January 7, 1983, the fee shall be in an amount equivalent to an average charge of 1.0 mill per kilowatt-hour for electricity generated by such spent nuclear fuel, or such solidified high-level waste derived therefrom. Payment of such one-time fee prior to the date of enactment of the Nuclear Waste Policy Act of 1997 shall satisfy the obligation imposed under this paragraph. Any one-time fee paid and collected subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997 pursuant to the contracts, including any interest due pursuant to the contracts, shall be paid to the Nuclear Waste Fund no later than September 30, 2002. The Commission shall suspend the license of any licensee who fails or refuses to pay the full amount of the fees assessed under this subsection, on or before the date on which such fees are due, and the license shall remain suspended until the full amount of the fees assessed under this subsection is paid. The person paying the fee under this paragraph to the Secretary shall have no further financial obligation to the Federal Government for the long-term storage and permanent disposal of spent fuel or high-level radioactive waste derived from spent nuclear fuel used to generate electricity in a civilian power reactor prior to January 7, 1983.

"(4) EXPENDITURES IF SHORTFALL.—If, during any fiscal year on or after October 1, 1997, the aggregate amount of fees assessed under this subsection is less than the annual level of appropriations for expenditures on those activities specified in subsection (d) for that fiscal year, minus—

"(A) any unobligated balance collected pursuant to this section during the previous fiscal year; and

"(B) the percentage of such appropriations required to be funded by the Federal Government pursuant to section 403—

the Secretary may make expenditures from the Nuclear Waste Fund up to the level equal to the difference between the amount appropriated and the amount of fees assessed under this subsection.

"(5) EXPEDITED PROCEDURES FOR APPROVAL OF CHANGES TO THE NUCLEAR WASTE MANDATORY FEE.—

"(A) At any time after the Secretary transmits a proposal for a fee adjustment under paragraph (3)(C) of this subsection, a joint resolution may be introduced in either House of Congress, the matter after the resolving clause of which is as follows: 'That Congress approves the adjustment to the basis for the nuclear waste mandatory fee, submitted by the Secretary on XX.' (The blank space being appropriately filled in with a date).

"(B) A joint resolution described in subparagraph (A) shall be referred to the committees in each House of Congress with jurisdiction.

"(C) In the Senate, if the committee to which is referred a joint resolution described in subparagraph (A) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the date on which it is introduced, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

"(D) In the Senate, the procedure under section 802(d) of title 5, United States Code, shall apply to a joint resolution described under subparagraph (A).

"(b) ADVANCE CONTRACTING REQUIREMENT.—

"(1) IN GENERAL.—

"(A) LICENSE ISSUANCE AND RENEWAL.—The Commission shall not issue or renew a license to any person to use a utilization or production facility under the authority of section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) unless—

"(i) such person has entered into a contract under subsection (a) with the Secretary; or

"(ii) the Secretary affirms in writing that such person is actively and in good faith negotiating with the Secretary for a contract under this section.

"(B) PRECONDITION.—The Commission, as it deems necessary or appropriate, may require as a precondition to the issuance or renewal of a license under section 103 or 104 of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134) that the applicant for such license shall have entered into an agreement with the Secretary for the disposal of spent nuclear fuel and high-level radioactive waste that may result from the use of such license.

"(2) DISPOSAL IN REPOSITORY.—Except as provided in paragraph (1), no spent nuclear fuel or high-level radioactive waste generated or owned by any person (other than a department of the United States referred to in section 101 or 102 of title 5, United States Code) may be disposed of by the Secretary in the repository unless the generator or owner of such spent fuel or waste has entered into a contract under subsection (a) with the Secretary by not later than the date on which such generator or owner commences generation of, or takes title to, such spent fuel or waste.

"(3) ASSIGNMENT.—The rights and duties of contract holders are assignable.

"(c) NUCLEAR WASTE FUND.—

"(1) IN GENERAL.—The Nuclear Waste Fund established in the Treasury of the United States under section 302(c) of the Nuclear Waste Policy Act of 1982 shall continue in effect under this Act and shall consist of—

"(A) the existing balance in the Nuclear Waste Fund on the date of enactment of the Nuclear Waste Policy Act of 1997; and

"(B) all receipts, proceeds, and recoveries realized under subsections (a)(3), (a)(4), and (c)(3) subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997, which shall be deposited in the Nuclear Waste Fund immediately upon their realization.

"(2) PURPOSES OF THE NUCLEAR WASTE FUND AND THE NUCLEAR WASTE OFFSETTING COLLECTION—Subject to subsections (d) and (e) of this section, the Secretary may make expenditures from the Nuclear Waste Fund or the Nuclear Waste Offsetting Collection in section 401(a)(2) only for—

"(A) identification, development, design, licensing, construction, acquisition, operation, modification, replacement, decommissioning, and post-decommissioning maintenance and monitoring of the integrated management system or parts thereof;

"(B) the administrative cost of the integrated management system, including the Office of Civilian Radioactive Waste Management under section 402, the Nuclear Waste Technical Review Board under section 602, and those offices under the Commission involved in regulation of the integrated management system or parts thereof; and

"(C) the provision of assistance and benefits to States, units of general local government, nonprofit organizations, joint labor-management organizations, and Indian tribes under title II of this Act.".

"(3) ADMINISTRATION OF NUCLEAR WASTE FUND.—

"(A) IN GENERAL.—The Secretary of the Treasury shall hold the Nuclear Waste Fund and, after consultation with the Secretary, annually report to the Congress on the financial condition and operations of the Nuclear Waste Fund during the preceding fiscal year.

"(B) AMOUNTS IN EXCESS OF CURRENT NEEDS.—If the Secretary determines that the Nuclear Waste Fund contains at any time amounts in excess of current needs, the Secretary may request the Secretary of the Treasury to invest such amounts, or any portion of such amounts as the Secretary determines to be appropriate, in obligations of the United States—

"(i) having maturities determined by the Secretary of the Treasury to be appropriate to the needs of the Nuclear Waste Fund;

"(ii) bearing interest at rates determined to be appropriate by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such investments, except that the interest rate on such investments shall not exceed the average interest rate applicable to existing borrowings, and

"(ii) interest earned on these obligations shall be credited to the Nuclear Waste Fund.

"(C) EXEMPTION.—Receipts, proceeds, and recoveries realized by the Secretary under this section, and expenditures of amounts from the Nuclear Waste Fund, shall be exempt from annual apportionment under the provisions of subchapter II of chapter 15 of title 31, United States Code.

"(d) BUDGET.—The Secretary shall submit the budget for implementation of the Secretary's responsibilities under this Act to the Office of Management and Budget annually along with the budget of the Department of Energy submitted at such time in accordance with chapter 11 of title 31, United States Code. The budget shall consist of the estimates made by the Secretary of expenditures under this Act and other relevant financial matters for the succeeding 3 fiscal years, and shall be included in the budget of the United States Government.

"(e) APPROPRIATIONS.—The Secretary may make expenditures from the Nuclear Waste Fund and the Nuclear Waste Offsetting Collection, subject to appropriations, which shall remain available until expended.

"SEC. 402. OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT.

"(a) ESTABLISHMENT.—There hereby is established within the Department of Energy an Office of Civilian Radioactive Waste Management. The Office shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) FUNCTIONS OF DIRECTOR.—The Director of the Office shall be responsible for carrying out the functions of the Secretary under this Act, subject to the general supervision of the Secretary. The Director of the Office shall be directly responsible to the Secretary.

"SEC. 403. FEDERAL CONTRIBUTION.

"(a) ALLOCATION.—No later than one year from the date of enactment of the Nuclear Waste Policy Act of 1997, acting pursuant to section 553 of title 5, United States Code, the Secretary shall issue a final rule establishing the appropriate portion of the costs of managing spent nuclear fuel and high-level radioactive waste under this Act allocable to the interim storage or permanent disposal of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors. The share of costs allocable to the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors shall include,

"(1) an appropriate portion of the costs associated with research and development activities with respect to development of an interim storage facility and repository; and

"(2) as appropriate, interest on the principal amounts due calculated by reference to the appropriate Treasury bill rate as if the payments were made at a point in time consistent with the payment dates for spent nuclear fuel and high-level radioactive waste under the contracts.

"(b) APPROPRIATION REQUEST.—In addition to any request for an appropriation from the Nuclear Waste Fund, the Secretary shall request annual appropriations from general revenues in amounts sufficient to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

"(c) REPORT.—In conjunction with the annual report submitted to Congress under Section 702, the Secretary shall advise the Congress annually of the amount of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, requiring management in the integrated management system.

"(d) AUTHORIZATION.—There is authorized to be appropriated to the Secretary, from general revenues, for carrying out the purposes of this Act, such sums as may be necessary to pay the costs of the management of spent nuclear fuel and high-level radioactive waste from atomic energy defense activities and spent nuclear fuel from foreign research reactors, as established under subsection (a).

"TITLE V—GENERAL AND MISCELLANEOUS PROVISIONS

"SEC. 501. COMPLIANCE WITH OTHER LAWS.

"(a) CONFLICTING REQUIREMENTS.—Except as provided in subsection (b) of this section, a requirement of a State, political subdivision of a State, or Indian tribe is preempted if—

"(1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this Act or a regulation prescribed under this Act is not possible; or

"(2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this Act or a regulation prescribed under this Act.

"(b) SUBJECTS EXPRESSLY PREEMPTED.—Except as otherwise provided in this Act, a law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe about any of the following subjects, that is not substantively the same as a provision of this Act or a regulation prescribed under this Act, is preempted:

"(1) The designation, description, and classification of spent fuel or high-level radioactive waste.

"(2) The packing, repacking, handling, labeling, marketing, and placarding of spent nuclear fuel or high-level radioactive waste.

"(3) The siting, design, or licensing of—

"(A) an interim storage facility;

"(B) a repository;

"(C) the capability to conduct intermodal transfer of spent nuclear fuel under section 201.

"(4) The withdrawal or transfer of the interim storage facility site, the intermodal transfer site, or the repository site to the Secretary of Energy.

"(5) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of packaging or a container represented, marked, certified, or sold as qualified for use in transporting or storing spent nuclear fuel or high-level radioactive waste.

"SEC. 502. JUDICIAL REVIEW OF AGENCY ACTIONS.

"(a) JURISDICTION OF THE UNITED STATES COURTS OF APPEALS.—

"(1) ORIGINAL AND EXECUTIVE JURISDICTION.—Except for review in the Supreme Court of the United States, and except as otherwise provided in this Act, the United States courts of appeals shall have original and exclusive jurisdiction over any civil action—

"(A) for review of any final decision or action of the Secretary, the President, or the Commission under this Act;

"(B) alleging the failure of the Secretary, the President, or the Commission to make any decision, or take any action, required under this Act;

"(C) challenging the constitutionality of any decision made, or action taken, under any provision of this Act; or

"(D) for review of any environmental impact statement prepared or environmental assessment pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this Act or alleging a failure to prepare such statement with respect to any such action.

"(2) VENUE.—The venue of any proceeding under this section shall be in the judicial circuit in which the petitioner involved resides

or has its principal office, or in the United States Court of Appeals for the District of Columbia Circuit.

"(b) DEADLINE FOR COMMENCING ACTION.—A civil action for judicial review described under subsection (a)(1) may be brought no later than 180 days after the date of the decision or action or failure to act involved, as the case may be, except that if a party shows that he did not know of the decision or action complained of (or of the failure to act), and that a reasonable person acting under the circumstances would not have known, such party may bring a civil action no later than 180 days after the date such party acquired actual or constructive knowledge or such decision, action, or failure to act.

"(c) APPLICATION OF OTHER LAW.—The provisions of this section relating to any matter shall apply in lieu of the provisions of any other Act relating to the same matter.

"SEC. 503. LICENSING OF FACILITY EXPANSIONS AND TRANSSHIPMENTS.

"(a) ORAL ARGUMENT.—In any Commission hearing under section 189 of the Atomic Energy Act of 1954 (42 U.S.C. 2239) on an application for a license, or for an amendment to an existing license, filed after January 7, 1983, to expand the spent nuclear fuel storage capacity at the site of a civilian nuclear power reactor, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent nuclear fuel to another civilian nuclear power reactor within the same utility system, the construction of additional spent nuclear fuel pool capacity or dry storage capacity, or by other means, the Commission shall, at the request of any party, provide an opportunity for oral argument with respect to any matter which the Commission determines to be in controversy among the parties. The oral argument shall be preceded by such discovery procedures as the rules of the Commission shall provide. The Commission shall require each party, including the Commission staff, to submit in written form, at the time of the oral argument, a summary of the facts, data, and arguments upon which such party proposes to rely that are known at such time to such party. Only facts and data in the form of sworn testimony or written submission may be relied upon by the parties during oral argument. Of the materials that may be submitted by the parties during oral arguments, the Commission shall only consider those facts and data that are submitted in the form of sworn testimony or written submission.

"(b) ADJUDICATORY HEARING.—

"(1) DESIGNATION.—At the conclusion of any oral argument under subsection (a), the Commission shall designate any disputed question of fact, together with any remaining questions of law, for resolution in an adjudicatory hearing only if it determines that—

"(A) there is a genuine and substantial dispute of fact which can only be resolved with sufficient accuracy by the introduction of evidence in an adjudicatory hearing; and

"(B) the decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

"(2) DETERMINATION.—In making a determination under this subsection, the Commission—

"(A) shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute; and

"(B) shall not consider—

"(i) any issue relating to the design, construction, or operation of any civilian nuclear power reactor already licensed to operate at such site, or any civilian nuclear power reactor to which a construction permit has been granted at such site, unless the Commission determines that any such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered; or

"(ii) any siting or design issue fully considered and decided by the Commission in connection with the issuance of a construction permit or operating license for a civilian nuclear power reactor at such site, unless

"(I) such issue results from any revision of siting or design criteria by the Commission following such decision; and

"(II) the Commission determines that such issue substantially affects the design, construction, or operation of the facility or activity for which such license application, authorization, or amendment is being considered.

"(3) APPLICATION.—The provisions of paragraph (2)(B) shall apply only with respect to licenses, authorizations, or amendments to licenses or authorizations, applied for under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) before December 31, 2005.

"(4) CONSTRUCTION.—The provisions of this section shall not apply to the first application for a license or license amendment received by the Commission to expand onsite spent fuel storage capacity by the use of a new technology not previously approved for use at any nuclear power plant by the Commission.

"(c) JUDICIAL REVIEW.—No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by the Commission to use a particular procedure pursuant to this section unless—

"(1) an objection to the procedure used was presented to the Commission in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection; and

"(2) the court finds that such failure has precluded a fair consideration and informed resolution of a significant issue of the proceeding taken as a whole.

"SEC. 504. SITING A SECOND REPOSITORY.

"(a) CONGRESSIONAL ACTION REQUIRED.—The Secretary may not conduct site-specific activities with respect to a second repository unless Congress has specifically authorized and appropriated funds for such activities.

"(b) REPORT.—The Secretary shall report to the President and to Congress on or after January 1, 2007, but not later than January 1, 2010, on the need for a second repository.

"SEC. 505. FINANCIAL ARRANGEMENTS FOR LOW-LEVEL RADIOACTIVE WASTE SITE CLOSURE.

"(a) FINANCIAL ARRANGEMENTS.—

"(1) STANDARDS AND INSTRUCTIONS.—The Commission shall establish by rule, regulation, or order, after public notice, and in accordance with section 181 of the Atomic Energy Act of 1954 (42 U.S.C. 2231), such standards and instructions as the Commission may deem necessary or desirable to ensure in the case of each license for the disposal of low-level radioactive waste that an adequate bond, surety, or other financial arrangement (as determined by the Commission) will be provided by a licensee to permit completion of all requirements established by the Commission for the decontamination, decommissioning, site closure, and reclamation of sites, structures, and equipment used in conjunction with such low-level radioactive waste. Such financial arrangements shall be provided and approved by the Commission, or, in the case of sites within the boundaries of any agreement State under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021), by the appropriate State or State entity, prior to issuance of licenses for low-level radioactive waste disposal or, in the case of licenses in effect on January 7, 1983, prior to termination of such licenses.

"(2) BONDING, SURETY, OR OTHER FINANCIAL ARRANGEMENTS.—If the Commission determines that any long-term maintenance or monitoring, or both, will be necessary at a site described in paragraph (1), the Commission shall ensure before termination of the license involved that the licensee has made available such bonding, surety, or other financial arrangements as may be necessary to ensure that any necessary long-term maintenance or monitoring needed for such site will be carried out by the person having title and custody for such site following license termination.

"(b) TITLE AND CUSTODY.—

"(1) AUTHORITY OF SECRETARY.—The Secretary shall have authority to assume title and custody of low-level radioactive waste and the land on which such waste is disposed of, upon request of the owner of such waste and land and following termination of the license issued by the Commission for such disposal, if the Commission determines that—

"(A) the requirements of the Commission for site closure, decommissioning, and decontamination have been met by the licensee involved and that such licensee is in compliance with the provisions of subsection (a);

"(B) such title and custody will be transferred to the Secretary without cost to the Federal Government; and

"(C) Federal ownership and management of such site is necessary or desirable in order to protect the public health and safety, and the environment.

"(2) PROTECTION.—If the Secretary assumes title and custody of any such waste and land under this subsection, the Secretary shall maintain such waste and land in a manner that will protect the public health and safety, and the environment.

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site.

"SEC. 506. NUCLEAR REGULATORY COMMISSION TRAINING AUTHORIZATION.

"The Commission is authorized and directed to promulgate regulations, or other appropriate regulatory guidance, for the training and qualifications of civilian nuclear power plant operators, supervisors, technicians, and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power plant operator licenses and for operator requalification programs; requirements governing Commission administration of requalification examinations; requirements for operating tests at civilian nuclear power

plant simulators, and instructional requirements for civilian nuclear power plant licensee personnel training programs.

"SEC. 507. EMPLACEMENT SCHEDULE.

"(a) The emplacement schedule shall be implemented in accordance with the following:

"(1) Emplacement priority ranking shall be determined by the Department's annual 'Acceptance Priority Ranking' report.

"(2) Subject to the conditions contained in the license for the interim storage facility, the Secretary's spent fuel and high-level radioactive waste emplacement rate shall be no less than the following: 1,200 MTU in fiscal year 2003 and 1,200 MTU in fiscal year 2004; 2,000 MTU in fiscal year 2005 and 2000 MTU in fiscal year 2006; 2,700 MTU in fiscal year 2007; and 3,000 MTU annually thereafter.

"(3) Subject to the conditions contained in the license for the interim storage facility, of the amounts provided for in paragraph (2) for each year, not less than one-sixth shall be—

"(A) spent nuclear fuel or high-level radioactive waste of domestic origin from civilian nuclear power reactors that have permanently ceased operation on or before the date of enactment of the Nuclear Waste Policy Act of 1997.

"(B) spent nuclear fuel from foreign research reactors, as necessary to promote nonproliferation activities; and

"(C) spent nuclear fuel, including spent nuclear fuel from naval reactors, and high-level radioactive waste from research or atomic energy defense activities; Provided, however, that the Secretary shall accept not less than five percent of the total quantity of fuel and high-level radioactive waste accepted in any year from the categories of radioactive materials described in subparagraphs (B) and (C).

"(b) If the Secretary is unable to begin emplacement by June 30, 2003 at the rates specified in subsection (a), or if the cumulative amount emplaced in any year thereafter is less than that which would have been accepted under the emplacement rate specified in subsection (a), the Secretary shall, as a mitigation measure, adjust the emplacement schedule upward such that within 5 years of the start of emplacement by the Secretary,

"(1) the total quantity accepted by the Secretary is consistent with the total quantity that the Secretary would have accepted if the Secretary had began emplacement in fiscal year 2003, and

"(2) thereafter the emplacement rate is equivalent to the rate that would be in place pursuant to paragraph (a) above if the Secretary had commenced emplacement in fiscal year 2003.

"SEC. 508. TRANSFER OF TITLE.

"(a) Acceptance by the Secretary of any spent nuclear fuel or high-level radioactive waste shall constitute a transfer of title to the Secretary.

"(b) No later than 6 months following the date of enactment of the Nuclear Waste Policy Act of 1997, the Secretary is authorized to accept all spent nuclear fuel withdrawn from Dairyland Power Cooperative's La Crosse Reactor and, upon acceptance, shall provide Dairyland Power Cooperative with evidence of the title transfer. Immediately upon the Secretary's acceptance of such spent nuclear fuel, the Secretary shall assume all responsibility and liability for the interim storage and permanent disposal thereof and is authorized to compensate Dairyland Power Cooperative for any costs related to operating and maintaining facilities necessary for such storage from the date of acceptance until the Secretary removes the spent nuclear fuel from the La Crosse Reactor site."

"SEC. 509. DECOMMISSIONING PILOT PROGRAM.

"(a) AUTHORIZATION.—The Secretary is authorized to establish a Decommissioning Pilot Program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas.

"(b) FUNDING.—No funds from the Nuclear Waste Fund may be used for the Decommissioning Pilot Program.

"SEC. 510. WATER RIGHTS.

"(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising under this Act.

"(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER NEVADA LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities under this Act pursuant to the substantive and procedural requirements of the State of Nevada. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands.

"(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER NEVADA LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Nevada State laws.

"SEC. 511. DRY STORAGE TECHNOLOGY.

"The Commission is authorized to establish, by rule, procedures for the licensing of any technology for the dry storage of spent nuclear fuel by rule and without, to the maximum extent possible, the need for site-specific approvals by the Commission. Nothing in this Act shall affect any such procedures, or any licenses or approvals issued pursuant to such procedures in effect on the date of enactment of the Nuclear Waste Policy Act of 1997.

"TITLE VI—NUCLEAR WASTE TECHNICAL REVIEW BOARD

"SEC. 601. DEFINITIONS.

"For purposes of this title—

"(1) CHAIRMAN.—The term 'Chairman' means the Chairman of the Nuclear Waste Technical Review Board.

"(2) BOARD.—The term 'Board' means the Nuclear Waste Technical Review Board continued under section 602.

"SEC. 602. NUCLEAR WASTE TECHNICAL REVIEW BOARD.

"(a) CONTINUATION OF THE NUCLEAR WASTE TECHNICAL REVIEW BOARD.—The Nuclear Waste Technical Review Board, established under section 502(a) of the Nuclear Waste Policy Act of 1982 as constituted prior to the date of enactment of the Nuclear Waste Policy Act of 1997, shall continue in effect subsequent to the date of enactment of the Nuclear Waste Policy Act of 1997.

"(b) MEMBERS.—

"(1) NUMBER.—The Board shall consist of 11 members who shall be appointed by the President not later than 90 days after December 22, 1987, from among persons nominated by the National Academy of Sciences in accordance with paragraph (3).

"(2) CHAIR.—The President shall designate a member of the Board to serve as Chairman.

"(3) NATIONAL ACADEMY OF SCIENCES.—

"(A) NOMINATIONS.—The National Academy of Sciences shall, not later than 90 days after December 22, 1987, nominate not less than 22 persons for appointment to the Board from among persons who meet the qualifications described in subparagraph (C).

"(B) VACANCIES.—The National Academy of Sciences shall nominate not less than 2 persons to fill any vacancy on the Board from among persons who meet the qualifications described in subparagraph (C).

"(C) NOMINEES.—

"(i) Each person nominated for appointment to the Board shall be—

"(I) eminent in a field of science or engineering, including environmental sciences; and

"(II) selected solely on the basis of established records of distinguished service.

"(ii) The membership of the Board shall be representatives of the broad range of scientific and engineering disciplines related to activities under this title.

"(iii) No person shall be nominated for appointment to the Board who is an employee of—

"(I) the Department of Energy;

"(II) a national laboratory under contract with the Department of Energy; or

"(III) an entity performing spent nuclear fuel or high-level radioactive waste activities under contract with the Department of Energy.

"(4) VACANCIES.—Any vacancy on the Board shall be filled by the nomination and appointment process described in paragraphs (1) and (3).

"(5) TERMS.—Members of the Board shall be appointed for terms of 4 years, each such term to commence 120 days after December 22, 1987, except that of the 11 members first appointed to the Board, 5 shall serve for 2 years and 6 shall serve for 4 years, to be designated by the President at the time of appointment, except that a member of the Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

"SEC. 603. FUNCTIONS.

"The Board shall evaluate the technical and scientific validity of activities undertaken by the Secretary after December 22, 1987, including—

"(1) site characterization activities; and

"(2) activities relating to the packaging or transportation of high-level radioactive waste or spent nuclear fuel.

"SEC. 604. INVESTIGATORY POWERS.

"(a) HEARINGS.—Upon request of the Chairman or a majority of the members of the Board, the Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(b) PRODUCTION OF DOCUMENTS.—

"(1) RESPONSE TO INQUIRIES.—Upon the request of the Chairman or a majority of the members of the Board, and subject to existing law, the Secretary (or any contractor of the Secretary) shall provide the Board with such records, files, papers, data, or information as may be necessary to respond to any inquiry of the Board under this title.

"(2) AVAILABILITY OF DRAFTS.—Subject to existing law, information obtainable under paragraph (1) shall not be limited to final work products of the Secretary, but shall include drafts of such products and documentation of work in progress.

"SEC. 605. COMPENSATION OF MEMBERS.

"(a) IN GENERAL.—Each member of the Board shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) such member is engaged in the work of the Board.

"(b) TRAVEL EXPENSES.—Each member of the Board may receive travel expenses, including per diem in lieu of subsidence, in the

same manner as is permitted under sections 5702 and 5703 of title 5, United States Code.

"SEC. 606. STAFF.

"(a) CLERICAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraph (2), the Chairman may appoint and fix the compensation of such clerical staff as may be necessary to discharge the responsibilities of the Board.

"(2) PROVISIONS OF TITLE 5.—Clerical staff shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 3 of such title relating to classification and General Schedule pay rates.

"(b) PROFESSIONAL STAFF.—

"(1) AUTHORITY OF CHAIRMAN.—Subject to paragraphs (2) and (3), the Chairman may appoint and fix the compensation of such professional staff as may be necessary to discharge the responsibilities of the Board.

"(2) NUMBER.—Not more than 10 professional staff members may be appointed under this subsection.

"(3) TITLE 5.—Professional staff members may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 607. SUPPORT SERVICES.

"(a) GENERAL SERVICES.—To the extent permitted by law requested by the Chairman, the Administrator of General Services shall provide the Board with necessary administrative services, facilities, and support on a reimbursable basis.

"(b) ACCOUNTING, RESEARCH, AND TECHNOLOGY ASSESSMENT SERVICES.—The Comptroller General and the Librarian of Congress shall, to the extent permitted by law and subject to the availability of funds, provide the Board with such facilities, support, funds and services, including staff, as may be necessary for the effective performance of the functions of the Board.

"(c) ADDITIONAL SUPPORT.—Upon the request of the Chairman, the Board may secure directly from the head of any department or agency of the United States information necessary to enable it to carry out this title.

"(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(e) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Board, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS–18 of the General Schedule.

"SEC. 608. REPORT.

"The Board shall report not less than 2 times per year to Congress and the Secretary its findings, conclusions, and recommendations.

"SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

"Notwithstanding section 401(d), and subject to section 401(e), there are authorized to be appropriated for expenditures from amounts in the Nuclear Waste Fund under section 401(c) such sums as may be necessary to carry out the provisions of this title.

"SEC. 610. TERMINATION OF THE BOARD.

"The Board shall cease to exist not later than one year after the date on which the Secretary begins disposal of spent nuclear fuel or high-level radioactive waste in the repository.

"TITLE VII—MANAGEMENT REFORM

"SEC. 701. MANAGEMENT REFORM INITIATIVES.

"(a) IN GENERAL.—The Secretary is directed to take actions as necessary to improve the management of the civilian radioactive waste management program to ensure that the program is operated, to the maximum extent practicable, in like manner as a private business.

"(b) AUDITS.—

"(1) STANDARD.—The Office of Civilian Radioactive Waste Management, its contractors, and subcontractors at all tiers, shall conduct, or have conducted, audits and examinations of their operations in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects consistent with its role in the program.

"(2) TIME.—The management practices and performances of the Office of Civilian Radioactive Waste Management shall be audited every 5 years by an independent management consulting firm with significant experience in similar audits of private corporations engaged in large nuclear construction projects. The first such audit shall be conducted 5 years after the enactment of the Nuclear Waste Policy Act of 1997.

"(3) TIME.—No audit contemplated by this subsection shall take longer than 30 days to conduct. An audit report shall be issued in final form no longer than 60 days after the audit is commenced.

"(4) PUBLIC DOCUMENTS.—All audit reports shall be public documents and available to any individual upon request.

"(d) VALUE ENGINEERING.—The Secretary shall create a value engineering function within the Office of Civilian Radioactive Waste Management that reports directly to the Director, which shall carry out value engineering functions in accordance with the usual and customary practices of private corporations engaged in large nuclear construction projects.

"(e) SITE CHARACTERIZATION.—The Secretary shall employ, on an on-going basis, integrated performance modeling to identify appropriate parameters for the remaining site characterization effort and to eliminate studies of parameters that are shown not to affect long-term repository performance.

"SEC. 702. REPORTING.

"(a) INITIAL REPORT.—Within 180 days of enactment of this section, the Secretary shall report to Congress on its planned actions for implementing the provisions of this Act, including the development of the Integrated Waste Management System. Such report shall include—

"(1) an analysis of the Secretary's progress in meeting its statutory and contractual obligation to accept title to, possession, of, and delivery of spent nuclear fuel and high-level radioactive waste in accordance with the emplacement schedule under section 507;

"(2) a detailed schedule and timeline showing each action that the Secretary intends to take to meet the Secretary's obligations under this Act and the contracts;

"(3) a detailed description of the Secretary's contingency plans in the event that the Secretary is unable to meet the planned schedule and timeline; and

"(4) an analysis by the Secretary of its funding needs for the five fiscal years beginning after the fiscal year in which the date of enactment of the Nuclear Waste Policy Act of 1997 occurs.

"(b) ANNUAL REPORTS.—On each anniversary of the submittal of the report required by subsection (a), the Secretary shall make annual reports to the Congress for the purpose of updating the information contained in such report. The annual reports shall be brief and shall notify the Congress of:

"(1) any modifications to the Secretary's schedule and timeline for meeting its obligations under this Act;

"(2) the reasons for such modifications, and the status of the implementation of any of the Secretary's contingency plans; and

"(3) the Secretary's analysis of its funding needs for the ensuing 5 fiscal years.

"TITLE VIII—MISCELLANEOUS

"SEC. 801. SENSE OF THE SENATE.

It is the sense of the Senate that the Secretary and the petitioners in *Northern States Power (Minnesota)*, v. *Department of Energy*, pending before the United States Court of Appeals for the District of Columbia Circuit (No. 97–1064), should enter into a settlement agreement to resolve the issues pending before the court in that case prior to the date of enactment of the Nuclear Waste Policy Act of 1997.

"SEC. 802. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act shall become effective one day after enactment.".

THURMOND (AND HOLLINGS) AMENDMENT NO. 27

Mr. THURMOND (for himself and Mr. HOLLINGS) proposed an amendment to amendment No. 26 proposed by Mr. MURKOWSKI to the bill, S. 104, supra; as follows:

On page 28, line 16, after "Washington" insert the following: ", and the Savannah River Site and Barnwell County in the State of South Carolina,".

NOTICE OF HEARING

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Friday, April 11, 1997, 10 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Food and Drug Administration [FDA] reform. For further information, please call the committee, 202/224–5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, April 29, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony from the General Accounting Office on their evaluation of the development of the draft Tongass land management plan.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC

20510. For further information, please call Judy Brown or Mark Rey at (202) 224-6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 9, 1997, at 9:30 a.m. on the nomination of Kenneth Mead to be inspector general of Department of Transportation.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 9, 1997, at 10 a.m. on aviation accidents: investigations and responses.

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

COMMITTEE ON FINANCE

Mr. GRAMS. Mr. President, the Finance Committee requests unanimous consent for the full committee to hold a hearing on Medicare payment policies for post-acute care on Wednesday, April 9, 1997, beginning at 10 a.m. in room SD-215.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 9, 1997, at 1:30 p.m. for a hearing on the role of the Department of Commerce in the Federal statistical system, and opportunities for reform and consolidation.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRAMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, April 9, 1997, at 10 a.m. in open session, to receive testimony on unmanned aerial vehicle programs, operations and modernization effort in review of S. 450, the National Defense Authorization Act for fiscal years 1998 and 1999.

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

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Housing Opportunity and Community Development, of the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, to conduct a hearing on S. 462, the Public Housing Reform and Responsibility Act of 1997.

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

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 9, 1997, to hold a hearing.

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

ADDITIONAL STATEMENTS

CONGREGATION KOL HAVERIM

• Mr. LIEBERMAN. Mr. President, I rise today to honor Congregation Kol Haverim of Glastonbury, CT, in recognition of the groundbreaking for its new synagogue building held on April 13, 1997. Through sheer determination, a singleness of purpose and spirit, as well as the considerable generosity of its members and the community at large, this congregation of 200 families is now realizing a dream that no one would have thought possible only a few short years ago.

Congregation Kol Haverim was formed only 13 years ago by a handful of Jewish families in the Glastonbury area, worshiping initially in the backroom of a local grocery store, and later purchasing a former Knights of Columbus hall that serves as its present one room home. Over the past 2 years, the congregation has raised over $1.3 million and its architects have designed a new building, to be added as an addition to the existing facility, that has been praised by local town planning and zoning officials as a model of design for new construction in the area.

In addition to attending to the spiritual needs of its members through worship services and its ever-growing religious school, Congregation Kol Haverim has always tried to attend to the needs of the local community and Greater Hartford, as well, through its various adult education, community outreach, and other programs. Whether through sponsoring a lecture or the volunteers it regularly provides to local soup kitchens or its participation in area-wide food or clothing drives, Congregation Kol Haverim, like other houses of worship in the area, has always strived to give of itself to the surrounding communities from which it draws its strength. The new building will provide a pleasant and welcoming new home for sacred study, communal worship, and social action.

I congratulate Congregation Kol Haverim, as it begins this new chapter in its existence. I thank its members for their initiative and all the good work they have done over the past 13 years, and I encourage them to continue to address all the good work that remains to be done.•

IN HONOR OF THE FALLEN AIRMEN OF THE 440TH AIRLIFT WING

• Mr. KOHL. Today, Mr. President, I would like to take a moment to remember the men and women of the 440th Airlift Wing, based at Mitchell Field in Milwaukee, who died and were injured in the course of their duty on April 1, 1997. At a treacherous airport in Honduras, far from home, three airmen made the ultimate sacrifice for their country. On a routine resupply mission, their C-130 skidded off the end of the runway while attempting to land at Tocontin International Airport in Tegucigalpa. The plane burst into flames killing Senior M. Sgt. Leland Rassmussen, S. Sgt. Vicki Clifton, and Senior Airman Samuel Keene. Also injured in the crash were T. Sgt. Joseph Martynski, Capt. Ian Kincaid, M. Sgt. Steven Hilger, T. Sgt. Danny Formanski, Capt. Michael Butler, S. Sgt. Dean Ackmann, and Capt. Robert Woodard.

The 440th flies out of my hometown, Milwaukee, WI and I am proud of their commitment to excellence. Over the years they have been called on many times to serve their country in foreign lands and dangerous circumstances. They are an example of the best the Reserve system has to offer, and I was deeply saddened to hear of their loss.

Too often we take for granted the risks members of the military run on a day-to-day basis. We assume that because the United States is at peace soldiers do not face danger. While in fact, everyday men and women in our armed services put their lives on the line. They do it quietly and without fanfare. It seems that only when tragedy strikes do we take a moment to appreciate their courage and sacrifice.

I would also like to take a moment to thank those brave Honduran citizens who risked their lives to help victims

of the crash. With the wreckage burning only 100 yards from two gas stations, these good Samaritans waded into the fiery crash site to rescue complete strangers. Because of their selfless courage, lives were saved and crippling injuries avoided.

Those injured in the accident have my best wishes for a speedy and complete recovery. My heart goes out to the families of Leland, Vicki, and Samuel. Over the years these three airmen have foregone time with their families in order to serve their country, and now the Nation owes them a debt it can never fully repay. All we can offer is our deepest sympathy and highest esteem.•

CHRISTOPHER REEVE ON MEDICAL RESEARCH

• Mr. HARKIN. Mr. President, on March 13, 1997, along with Senator ARLEN SPECTER, I introduced bipartisan legislation, S. 441, the National Fund for Health Research Act. This important bill would provide additional resources for health research over and above those provided to the National Institutes of Health in the annual appropriations process. The fund will help eradicate some of the illnesses that now strike millions of Americans.

At this time I would like to submit for the RECORD a letter from Christopher Reeve endorsing the National Fund for Health Research Act. Christopher Reeve has worked tirelessly since his accident to increase funding for medical research. We all owe Christopher Reeve a debt of gratitude for bringing health care concerns to the attention of all Americans. He and I both realize that the Fund for Health Research Act could hold the key to finding successful treatments for hundreds of diseases. In his letter, Christopher Reeve states that S. 441 will give our best researchers the funds they need to stay ahead of a developing crisis. I agree wholeheartedly with his assessment and urge the Senate to move quickly on this legislation. I now ask that the text of Christopher Reeve's letter be printed in the RECORD.

The letter follows:

CHRISTOPHER REEVE,
March 20, 1997.

President CLINTON,
The White House, Washington, DC.

DEAR MR. CLINTON. I was sorry to hear about your unfortunate accident but glad to know you will make a full recovery and that your activities won't be limited in the future. The sight of you in a wheelchair was very moving but also a helpful image for all Americans particularly the disabled.

At the risk of becoming a pest, I'm taking this opportunity to ask your support for legislation introduced last week by Senators Specter and Harkin which would require insurance companies to donate 1 penny out of every dollar they receive in premiums to the NIH. It is estimated that this would provide an additional $6 billion dollars annually for research.

I feel it is an excellent proposal because it does not raise taxes, the insurance companies can afford it and they ultimately receive the additional benefit of having to pay for fewer claims. And as I am sure you're aware, recent studies have shown the cost effectiveness of research, is of course a crucial factor in the balanced budget debate. As America ages, the attendant health problems will not go away unless we give our best researchers the funds they need to stay ahead of a developing crisis.

Thank you again for all the helpful comments you have made so far about research since the convention last year. Now is the time for all of us to push into high gear.

With best wishes for a speedy recovery.

Sincerely,

CHRISTOPHER REEVE
(Signed by Michael Manganiello,
Special Assistant to Christopher Reeve).•

COMMEMORATING THE CITY OF NASSAU BAY'S ASTRONAUT DAY FESTIVAL

• Mrs. HUTCHISON. Mr. President, I rise to commend the city of Nassau Bay for its efforts to celebrate the development of space exploration and the international cooperation associated with it. Nassau Bay is hosting a special day of recognition for America's astronauts and their Russian counterparts on April 12, 1997. In addition, the State of Texas has proudly honored these brave men and women by declaring April 12th "Space Explorers' Day" in Texas. I rise today to appropriately recognize this day in the U.S. Senate.

Nassau Bay is located near NASA's Lyndon B. Johnson Center. The community has been integrally involved in this Nation's space exploration activities since we began the space program a generation ago. Nassau Bay residents were among those to walk on the Moon and provide the technical and managerial support necessary for America's successful space program. Today, Nassau Bay is still critical to NASA's manned space mission. Nassau Bay rightfully celebrates the continuation of that mission by hosting "Astronaut Day" on April 12.

Astronaut Day celebrates the men and women who have expanded humankind's horizons and recognizes the technological advances resulting from their work that have been incorporated into our everyday lives. I join Nassau Bay and the State of Texas in honoring the many dedicated men and women who devote their time and talents to helping this Nation realize the cherished dream of space exploration. They have truly broadened the frontiers of knowledge and their outstanding accomplishments are worthy of special recognition.

Mr. President, I appreciate this opportunity to give Nassau Bay the recognition it deserves in the U.S. Senate. I urge my colleagues to join me, the city of Nassau Bay, and the State of Texas in reflecting on the important contributions our space pioneers and explorers have made to history, science, and the quality of our lives on this planet.•

GIRL SCOUTS AND BOY SCOUTS OF RHODE ISLAND, 1996

• Mr. CHAFEE. Mr. President, it is with great pleasure that I present to you Rhode Island's outstanding recipients of the highest honors for Girl Scouts and Boy Scouts. They have distinguished themselves as community leaders, service volunteers, and mentors for their peers.

For more than 50 years, artist Norman Rockwell captured in his paintings the spirit and sense of America and its people. A large number of these paintings portrayed Scouts and Scouting. Few other childhood activities better represent the commitment to God, country, and community that is inherent in Scouting.

Providing girls and boys with tools and leadership skills that will be useful throughout their lives, Scouting is indelibly linked with transforming youths into able, educated, well-rounded adults. Activities like camping, service projects, and weekly meetings aim to build character, encourage responsible citizenship, and develop physical, mental, and emotional fitness.

The highest honors that a Girl Scout can earn are the Gold and Silver Awards, which are presented to those girls who have shown exemplary commitments to personal excellence and unwavering public service. Likewise, the Eagle Award is the highest honor that can be earned by a Boy Scout. Recipients have displayed the highest achievable skills in outdoor activities and incomparable service records.

Behind every Girl Scout and Boy Scout troop is a group of similarly dedicated parents and leaders who guide the youths through their achievements.

It is for all these reasons that I am proud to honor the recipients of Girl Scouts' Gold and Silver Awards and the Boy Scouts' Eagle Scout Award. The outstanding achievements of these young recipients warrant our praise, admiration, and thanks. So that we all may know who they are, I ask that the complete list of awardees be printed in the RECORD.

The list follows:

GIRL SCOUT 1996 GOLD AWARD RECIPIENTS

CUMBERLAND, RI

Nicole Tetreault.

JOHNSTON, RI

Shannon Quigley, Sandra Shackford.

NARRAGANSETT, RI

Kate Hohman, Renee Johnson, Jill Raggio.

NORTH PROVIDENCE, RI

Marissa Borrelli.

SAUNDERSTOWN, RI

Angela Briggs.

SMITHFIELD, RI

Heather Harkness, Christina Riccio.

WAKEFIELD, RI

Meghan Higgins.

WOONSOCKET, RI

Melissa Brin.

GIRL SCOUT 1996 SILVER AWARD RECIPIENTS

BRISTOL, RI

Sara Belisle, Kathleen Cahill, Sandra Koch, Afiya Samuel.

CRANSTON, RI

Robin Grady, Bethany Lavigne, Kathryn Mullican, Jessica Sanchez.

CUMBERLAND, RI

Suzanne Gustafson, Elizabeth Rivard.

EAST GREENWICH, RI

Elissa Carter.

EXETER, RI

Laura Moriarty.

KENYON, RI

Tracy Williams.

LINCOLN, RI

Johanna Simpson.

LITTLE COMPTON, RI

Ruth Gordon.

MIDDLETOWN, RI

Meredity Benvenuto, Meghan Franklin, Elizabeth Mack, Heather Markman, Casey Serls.

NARRAGANSETT, RI

Lucia Marotta.

NEWPORT, RI

Mary Ann Compton, Amanda Grosvenor, Jennifer Sawyer.

NORTH KINGSTOWN, RI

Kelly Blinkhorn.

NORTH PROVIDENCE, RI

Nicole Aiello, Beth Bader, Bonnie Bryden, Sarah Cardin, Jenifer DeGrace, Laura Ann DiTommaso, Jean Ann Douglas, Valeria Ferrara, Sabra Integlia, Alison Kole, Carissa Leal, Candida Linares, Karen Linares, Summer Lockett, Pamela Ricci, Dawn Shurtleff, Stephanie Swartz.

NORTH SMITHFIELD, RI

Maureen McPherson, Laura Peach, Sarah Peach, Lisa Rowey, Heather Senecal.

PAWTUCKET, RI

Briana Fishbein, Nicole Gendron, Alyssa Nunes.

PORTSMOUTH, RI

Jennifer Lake, Carrie Miller, Elizabeth Nunes.

PROVIDENCE, RI

Arielle Ascrizzi, Mika Clark, Angela Fayerweather, Rita McCartney, Stacy Montvilo.

SAUNDERSTOWN, RI

Karena Burnham.

WARREN, RI

April Lau, Nicole Peck, Jody Valente.

WARWICK, RI

Carolyn Beagan, Sara Berman, Amanda Cadden, Becky Csizmesia, Justine Evans, Kristen Giza, Bethany Linden, Amanda Marcoccio, Kerri McLaughlin, Lauren Ramieri, Catherine Rousseau, Leah Wallick.

WEST GREENWICH, RI

Rachel Fontaine.

WEST KINGSTON, RI

Audra Criscione.

WEST WARWICK, RI

Tracyjo Jorgensen, Jennifer Malaby, Kerrin Massey.

WESTERLY, RI

Jamie Hanson, Karen McGrath, Heather Norman.

WYOMING, RI

Kelly Marie Henry.

BOY SCOUT 1996 EAGLE AWARD RECIPIENTS

BARRINGTON, RI

John Eugene McCann IV, Curtis G. Barton, Thayer Harris, Bretton R. McDonough, Benjamin A. Rasmussen, William Prescott Read, Christopher J. Ryan, Jeffrey J. Previdi, Brian Wood, Casey M. O'Donnell, Nicholas C. Seadale, Brian C. Keeney, N. Ross Kiely.

BLACKSTONE, MA

Kevin M. Boyko, Timothy P. Doyle.

BRISTOL, RI

Michael David Blank, Raymond B. Murray.

BURRIVILLE, RI

Kenneth DeBlois.

CENTRAL FALLS, RI

Daniel Joseph Malenfant.

COVENTRY, RI

Michael B. Sullivan, Jeffrey A. Taylor.

CRANSTON, RI

Zaven R. Norigian, Benjamin Mark Terry, Michael Frank Ferraro, Seth Benjamin Kahn, Michael P. Gallo, Michael W. Libby, Kevin Michael Thurber, Joshua A. Terry, David O. Ober, Matthew Brian Beltrami.

CUMBERLAND, RI

Sven John Myeberg, Adam Ryan Dau, Albert R. Greene III.

EAST GREENWICH, RI

William R. Sequino, J. David C. M. Whittingham, Derrick James Mong, Derek L. Flock, Matthew V. Cawley, Matthew Lundsten, Matthew Wolcott, Mark A. Fondi.

FOSTER, RI

Adam C. Copp, Nickolas A. Charrette.

GLOCESTER, RI

Scott Adam Carpenter, Steven Bruce Nelson.

HOPKINTON, RI

James M. Lord.

JOHNSTON, RI

Robert F. Amato, Daniel C. Ullucci, Donald J. Bressette, William J. Giblin, Jr., Steven E. Piccotte, Jr.

KINGSTON, RI

Dana Clark Seaton.

MANVILLE, RI

Christopher Scott Horton.

MIDDLETOWN, RI

Michael A. Incze.

NEWPORT, RI

Jesse Silvia, Michael A. Thomas, Jr., Robert A. Zeuge, Doug M. Nelson, Roland E. Zeuge, John Kenneth Mossey.

NORTH KINGSTOWN, RI

Andrew J. Vanasse, Donald T. Braman, Nicholas J. Veasey.

NORTH SCITUATE, RI

Mark Ullucci.

NORTH SMITHFIELD, RI

Joshua S. Mowry, Timothy M. Reilly, David R. Katz.

PAWTUCKET, RI

Jonathan A. Bray, Jupesi Gonzalez, Jessie Alan Dyer.

PORTSMOUTH, RI

Jason C. Weida, Michael David Andrews, Samuel Magrath IV, Scott R. Obara, Douglas M. Doherty, Kenneth E. Hoffman, Jr., Christopher Cardoza, Jason J. Reynolds.

PROVIDENCE, RI

Andrew P. Magyar, Peter N. Wood, Jr., Brendan R. Foley-Marsello, Jeremy S. Harkey, Matthew T. Whitman, Michael Edward Winiarski, Nicholas Q. Emlan, Damon G. Cotter, Luke C. Doyle, William David Garrahan, Richard James Marcoux, Andrew M. Good.

RIVERSIDE, RI

Michael W. Caine, Michael L. Robertson, Kevin J. Smith, Matthew Michael Hodges, Eric Olson.

SAUNDERSTOWN, RI

Joshua J. Gabriel.

SCITUATE, RI

Scott D. Bear, Jared A. Fasteson, Wayne F. Smith.

SEEKONK, MA

Matthew James Schupp, Zebulon P. Fox, Andrew L. Libby.

WARWICK, RI

Jon Thomas Selby, Marc A. Berman, Chris C. Schreib, Joseph Michael Bizon, Michael J. Narowicz, Joseph M. O'Connor, Michael A. Milner, Jason G. Naylor, Steven M. Sullivan.

WEST GREENWICH, RI

Edward C. Morgan, Geoffrey Albro.

WEST WARWICK, RI

Steven R. Bentley, John Richard Ferri, Joshua Joseph Roch, Paul Ambrose Lague, Brendon M. Warner, Jonathan Santini, Eric R. Bosworth, Dana P. Graves, Jacob James Cahalan, Charles Gardner.

WESTERLY, RI

Peter E. Cabral.•

SIXTH ANNIVERSARY OF THE RE-INDEPENDENCE OF THE REPUBLIC OF GEORGIA

• Mr. MCCONNELL. Mr. President, I rise today to commemorate the sixth anniversary of the re-independence of the Republic of Georgia.

Georgia has a rich cultural heritage spanning over 2,000 years, and recent history provides a remarkable story in the struggle against communism. First annexed by Russia in 1801, Georgia experienced a brief glimpse of independence in 1918 when Georgia relinquished its ancient monarchy for a democratically elected government. In 1921, however, the iron curtain descended on this small, yet proud country, and over the next 70 years suffered terribly under the heavy hand of Soviet communism and its centrally planned economy. Through it all, the Georgian people never gave up their hope or desire for freedom and independence.

On April 9, 1989, violence erupted in the Georgian capitol of Tbilisi, as Soviet troops swarmed the city and fell on 10,000 peaceful citizens demonstrating for independence. During the ensuing violence, more than 200 people were injured and 19 killed. Some, including women and children, were tragically beaten to death with shovels. This event marked the beginning of the end of Soviet domination. Exactly 2 years later, on April 9, 1991,

Georgia officially declared its independence, a day which is remembered as the anniversary on which Georgia's long fight for freedom was again realized.

Since then, under the leadership of President Eduard Shevardnadze, Georgia has made remarkable strides toward a free market economy and democratic rule of law. A constitution founded on democratic principles and values has been adopted, and free and fair presidential and parliamentary elections were held. A new generation of young, energetic democratic leaders has emerged, led by 34-year-old Zurab Zhvania, Chairman of the Parliament, who I recently met with. On the economic front, Georgia's new currency, the lari, has remained stable since its introduction in 1995. The International Monetary Fund and the U.S. Department of State have praised Georgia's economic initiatives and their significant progress in developing a free-market economy. Several U.S. corporations have already established a presence in Georgia, spurring jobs and economic growth in both nations.

Mr. President, I encourage everyone to note this historic day, and congratulate Georgia on its extraordinary progress toward democracy and free-market principles.•

RAISING ACADEMIC STANDARDS AND LOWERING COLLEGE COSTS AT WEST MESA HIGH SCHOOL, ALBUQUERQUE, NM

• Mr. BINGAMAN. Mr. President, I rise to honor the achievements of the students and educators at West Mesa High School in Albuquerque, NM, and especially its growing Advanced Placement [AP] program.

On Tuesday, April 1, I had the opportunity to visit West Mesa and speak with students and teachers participating in the school's AP program. Several State legislators and business leaders joined me in a short but invaluable group discussion and class visit.

Perhaps most impressive was the visit to one of Mr. Tomas Fernandez' AP English classes, where students explained in their own words why AP courses are so important. In this class, the students don't ask for less home work or "dumbed-down" classes; they are demanding more challenging classes and higher academic expectations for all students. While AP classes are new to many, and set a very high standard, the students had found that they could succeed.

Principal Milton Baca and a growing number of West Mesa teachers are responding to this demand by providing more and more challenging classes in the school's growing AP program. For example, West Mesa recently added an AP Calculus course in addition to its AP English course, and five teachers attended AP teacher training institutes last summer. More teachers are planning to attend AP training courses this summer so they can start an AP science course in the next school year. I applaud all of these efforts.

For college-bound students, taking AP courses and passing AP exams can translate into valuable college credits for advanced high school work. For those AP students who decide not to go to college, they and their prospective employers can be confident that they are better prepared academically and will have an advantage as they compete for jobs and enter the work force.

Because AP programs are so beneficial to both work- and college-bound students, I have been working on efforts to expand these programs, as part of the solution to our State's clear need for immediate, measurable education reform. To show the importance of strong academic skills to employers, I am working with several businesses in New Mexico to develop employment incentives for students who take and pass AP exams, especially in the core academic areas of English, math, and science. In addition, I am gratified that the State legislature increased funding for the AP New Mexico program to $200,000 next year, as I requested in testimony before the relevant committees.

Despite this important progress, West Mesa High School and New Mexico have a long way to go to more fully utilize the AP program as a way to challenge high school students, raise academic achievement to higher levels, and improve our long-term economic productivity. In New Mexico, roughly 5,000 students took AP classes in 1996—up 22 percent from 2 years ago—with a 20-percent increase in AP tests taken, but this is still below the national average. New Mexico's per-capita participation rate remains 20 percent lower than Arizona's and 40 percent below the national average.

We are facing an uphill struggle to improve our schools and students' academic performance in several areas, including making better use of the AP program. But the strides that West Mesa High School is making are compelling evidence that we can make real and lasting positive change in our schools. I congratulate West Mesa's students and teachers on their accomplishments so far, wish them well on further advancement, and offer my assistance as they continue to improve.•

UNIVERSAL SERVICE IMPLEMENTATION

• Mr. McCAIN. Mr. President, I have read the report in the Wall Street Journal that Federal Communications Commission Chairman Reed E. Hundt proposes to implement only a portion of the new universal service fund rules by the statutory deadline of May 8. Specifically, he suggests delaying the adoption of rules assuring reasonable rates for telephone subscribers in rural and high-cost areas, although he would proceed to implement a new $3 billion yearly fund to wire schools, libraries, and health care facilities through an unspecified tax on telephone company revenues.

Last January I wrote to Chairman Hundt about his apparent desire to implement these provisions prior to implementing the remainder of the universal service provisions of the statute. At that time, I stated that sound implementation of the Telecommunications Act requires that the Commission resolve all the related issues involved in universal service carefully and contemporaneously.

Apparently Chairman Hundt has not changed his view, Mr. President, but neither have I.

Implementing universal service funding in separate stages would be incompatible with the law. The Telecommunications Act of 1996 states clearly and unambiguously that the FCC "shall initiate a single proceeding to implement the recommendations from the Joint Board * * * and shall complete such proceeding" by May 8, 1997.

It would be consistent with this unequivocal statutory requirement for the FCC to adopt specific new rules on May 8 and have them take effect in the future. It would also be consistent with the statute for the FCC to adopt general outlines of new rules on May 8, and fill in specific details by subsequent order. The FCC can, and in my judgment should, avail itself of these courses of action if it finds, for whatever reason, that it cannot adopt final rules on all aspects of universal service on May 8. But one thing the FCC cannot do by law is pick and choose some statutory requirements to put into effect on May 8, and delay the rest till later.

Let me be clear. I can understand the possible problem Chairman Hundt faces: too much proposed subsidy, and not enough revenue to handle it without raising rates for telephone service. I emphatically am not suggesting that he simply proceed to adopt final universal service fund rules and thereby raise telephone rates on May 8. But if, after studying universal service as extensively as it has, the FCC has concluded that it cannot implement the universal service provisions of the statute without increasing telephone rates or incurring similar unacceptable outcomes, it must defer from implementing any universal service rules until it can satisfactorily demonstrate to both the Congress and the public that any rate increases that would result are inevitable in fact and appropriate in amount.

Unless and until the FCC can do that, the Commission should take no final action on universal service. To try and

evade the issue by implementing the parts of universal service that may be politically desirable while dodging the rest because it appears politically unpalatable would be a dereliction of the Commission's duty under law.•

HONORING LARA GREEN SPECTOR

• Mr. LAUTENBERG. Mr. President, I rise to honor Lara Green Spector, the Tobacco-Free Kids East Regional Youth Advocate of the Year. Lara is a ninth grader from Montclair High School in New Jersey who truly exemplifies the old adage that one person can make a difference.

Lara was the motivating force behind Montclair's recently passed ordinance banning cigarette vending machines and self-service displays. Who knows how many Montclair teenagers and children may not take up smoking because cigarettes are now more difficult to obtain. And local public officials, school advisers and residents all agree that this ordinance would never have become a reality without Lara's initiative, leadership and tenacity.

Lara also organized a townwide program for the Great American Smokeout in November 1996. Her program included a poster contest in the local elementary schools and a quiz contest in the middle schools. She also created and distributed a fact sheet to every Montclair student. For years, tobacco companies have used youth oriented advertisements, like Joe Camel, to send a false message to young people that smoking is cool and glamorous. Education campaigns like Lara's help blow away their smoke screens and demonstrate that cigarettes are addictive and deadly.

Mr. President, for years, I have led the crusade in this Chamber against teenage and youth smoking. I am certainly happy to have an exceptional foot soldier like Lara join me in the fight.

By working to stop children and young people from smoking, Lara Green Spector is enhancing lives and saving lives. She is an outstanding student, activist, and citizen, and I have a feeling that we have not heard the last from her on Capitol Hill.•

COMMEMORATING THE 50th ANNIVERSARY OF JACKIE ROBINSON'S DEBUT IN PROFESSIONAL BASEBALL

• Mrs. FEINSTEIN. Mr. President, 50 years ago a true American hero walked onto Ebbets Field one afternoon and forever shattered the color barrier with one swing of his bat. His name was Jack Roosevelt Robinson.

On that day, 7 years before Brown versus the Board of Education allowed school children of all colors to sit in the same classroom, 16 years before Martin Luther King Jr. spoke of his dreams at the foot of the Lincoln Memorial, and 18 years before the Civil Rights Act became the law of the land, Jackie Robinson did more for the equal rights movement and the sport of baseball than had anyone before him.

Jackie Robinson on April 15, 1947, became the first professional black athlete to play America's pastime, baseball. In his Brooklyn Dodgers uniform, he not only broke the color barrier, but he also broke numerous baseball records during his 10-year professional career.

By the end of his tenure as a player, Jackie Robinson would become one of America's most celebrated and honored athletes. He became major league baseball's first Rookie of the Year—an award now named after him, the national league's Most Valuable Player, holder of the coveted batting title, a six-time member of Dodgers' World Series teams, a member of the 1955 world champion Dodgers, and a member of the Baseball Hall of Fame.

As the senior U.S. Senator representing California, I am particularly proud of the fact that Jackie Robinson was from the Golden State, raised in Pasadena, and was a star athlete at the University of California at Los Angeles. At UCLA, Robinson became the first athlete ever to win varsity letters in four sports: baseball, basketball, football, and track.

Such an amazing and talented athlete, however, was not welcomed into the arms of American baseball fans or of its players back in the spring of 1947.

Jackie Robinson fought prejudice and harassment with every base he ran, every ball he hit, and every victory he helped win for his team. Players and coaches yelled racial slurs at him, and one team even threatened to strike in protest of Robinson's presence in their city. But Robinson, remembering how his mother refused to sell their family home and move away amid protests from white neighbors, persevered.

He faced hatred and racism with courage and conviction, proving to teammates, opponents and fans alike that he had earned the right to play professional baseball through his sheer athleticism. Along the way, Robinson became the role model for future baseball icons such as Hank Aaron and Willie Mayes.

Shortly after his retirement from baseball in 1957, Jackie Robinson helped to further the rights of all African-Americans by becoming a spokesman and fundraiser for the National Association for the Advancement of Colored people [NAACP]. He traveled the country urging black communities to work together for equal rights, educating and encouraging them to participate in the new civil rights movement. He became a role model all over again, this time to millions of men and women who saw inequality and wanted to change it.

Jackie Robinson represents everything good with baseball, and everything great with America. By commemorating his achievements and his entrance onto the professional baseball fields, his legacy lives on, inspiring yet another generation of fans to realize their dreams and break new ground along the way.

Jackie Robinson once said, "A life is not important except in the impact it has on other lives." By that standard, Jackie Robinson's life was as important as America's greatest heroes throughout history, and we as a nation are all grateful and proud of his accomplishments.

Major league baseball has recognized Jackie Robinson's achievements by dedicating the 1997 season to his memory. As part of these festivities, last week's opening day games were played in all major league stadiums with a Jackie Robinson commemorative baseball. Just last weekend, the Los Angeles Dodgers paid tribute to the Hall of Famer in a pregame ceremony attended by Rachel Robinson, Jackie's widow.

The Dodgers plan many other activities throughout the year such as a Jackie Robinson poster distributed to all Los Angeles district schools, a special section devoted to Robinson on the Dodgers' official web site, a salute to Jackie Robinson scholarship winners, an historic Robinson display at Dodger Stadium and assistance with the Jackie Robinson Foundation Golf Classic. Additionally, President Clinton will honor his memory with Rachel Robinson in an April 15 ceremony at Shea Stadium during a game between the Dodgers and the New York Mets.

I salute the memory of Jackie Robinson on this, the 50th anniversary of his becoming the first black baseball player in the major leagues.•

MEASURE READ THE FIRST TIME—S. 543

Mr. LOTT. Madam President, I understand that S. 543, introduced today by Senator COVERDELL, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Mr. LOTT. I now ask for its second reading and object to my own request on behalf of Senators on the Democratic side of the aisle.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR THURSDAY, APRIL 10, 1997

Mr. LOTT. Madam President, I ask unanimous consent that when the Senate completes its business today, it

stand in adjournment until the hour of 9:30 a.m. on Thursday, April 10.

I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of the Thurmond amendment to S. 104, the Nuclear Policy Act.

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

PROGRAM

Mr. LOTT. Madam President, for the information of all Senators, tomorrow at 9:30 a.m. the Senate will resume consideration of the Thurmond amendment to the Nuclear Policy Act. Thus far, we have made, I think, some progress on this important legislation. It is my hope that the Senate will be able to make additional progress during tomorrow's session and that we will be able to bring it to conclusion. But I do want to advise Senators that we do expect the likelihood of votes on amendments tomorrow and possibly even final passage, although that is still being discussed.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Thursday, April 10, 1997, at 9:30 a.m.

EXTENSIONS OF REMARKS

COMMITTED TO REAL PEACE IN THE MIDDLE EAST REGION

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. GINGRICH. Mr. Speaker, the United States has been, and will continue to be, committed to seeing real peace in the Middle East region. All Americans need to look at the daily events in that region with as full an understanding as possible of what is happening and why. For that purpose, I enter into the CONGRESSIONAL RECORD my comments yesterday to the American-Israeli Public Affairs Committee.

REMARKS BY HOUSE SPEAKER NEWT GINGRICH TO THE AMERICAN ISRAELI PUBLIC AFFAIRS COMMITTEE

Speaker GINGRICH. Thank you very, much for that remarkable welcome. Although I must warn you that one of the dangers of Washington is you sit here and you listen to the kind of introduction that Bubba Mitchell just gave me, is that as you—as it builds, you start to get excited and you get forward to hearing from the person, and then you realize it's yourself, and there's a sort of immediate letdown. So—(laughter).

One of the nice things about working with Bubba is that you always end up looking better than you remembered as he explains whatever the role was. But it is—it's great to be here and to have a chance to be with you, and to be with Melvin. And I appreciate very much all the leadership, the team that has come together here. We work very closely with Howard Core (sp). And as I think many of you know, Arne Christenson, who is the speaker's chief of staff, has a long record. Where's Arne? He's down there. Let me also say that it's great to be back—I look out—I don't want to go through a long list of names and start forgetting people. Ed Levy, who first came to me, I think in 1978, and helped us because he saw a commercial on what was then a brand new innovation called the Superstation, and said this is a guy we want to support. Larry Weinberg, who's been a great friend, out in Los Angeles—we were with recently.

I'm told that Harriet Zimmerman, who really has been, from an Atlanta standpoint, terribly important, had a back problem and is not here. So I hope those of you—I'm going to try to give her a call, but I hope all of you—I saw Herb Schwartzman was with us a few minutes ago. And just so many friends from all over the country who have been part of the extended family. Many of you have heard me say this before, but it bears repeating, particularly for the younger, newer members. AIPAC is extraordinarily vital to all of American foreign policy. You are the—You are the only institution I know of at the grassroots level which in an effective, consistent manner supports the role of America in the entire world, helps members get to learn about the world. Congressman John Linder took a group again in January and began the process of getting them to realize the realities of power, the realities of distance, and the uniquences of Jerusalem and of the Israeli experience of democracy in the Middle Eastern context.

And so, far from the foreign aid program and American military programs somehow being burdened by our relationship with Israel, I believe it is fair to say, as a congressional leader, that without your hard work and your grassroots effort and your education programs, the entire foreign aid program would dramatically decline. And it is indeed the aid to the rest of the world which rides on the back of the work you do, and not the aid to Israel which in any way affects what we do around the world.

So what you're doing strengthens America by educating members of Congress into the importance of our international role and into the importance of leadership, and into the principles that are at the heart of the survival of freedom.

And that's what I want to talk about today, because we need a principled debate over honesty versus appeasement, over a willingness to tell the truth versus a consistent and deliberate slanting, over keeping your word versus breaking your word and then simply moving on with the new demand. And I think the debate is that simple.

There are military threats and intelligence threats, and I want to talk about them briefly. But I think there's a much deeper threat facing Israel today, and I want to spend more time on that topic. Let me talk first, though, briefly about the military threat.

We have an absolute obligation to our young men and women in uniform and to our allies around the world to provide the best defense that science and engineering can develop. And we must not allow lawyers and diplomats to cripple our missile defense by setting phony standards based on a phony deal. This is exactly what happened in the '20s and '30s in the Pacific when we signed agreements with the Japanese which they violated while we kept them. It's exactly what happened in Europe where the Allies signed agreements which the Germans broke while the Allies kept them. And I don't want to lose a city, I don't want to lose a single soldier, sailor, airman or airwoman or Marine because we relied on lawyers and diplomats when, in fact, our engineers and scientists could have gotten the job done.

I also think it is tremendously important to look at the recent Helsinki agreement and understand how dangerous it is because we don't live in a world where the most likely threat is Boris Yeltsin's government. Now, you don't have to suggest that diplomacy is an inadequate protector when you look at how shaky that government is.

But forget Russia. Assume Russia didn't exist. An agreement that says the Russians won't threaten us is irrelevant if the largest threat on the planet's from Iran. Now, I don't want some legalese by a bunch of diplomats and lawyers, with Russians, preventing us from providing over Tel Aviv or providing over an American air base, or providing over an American expeditionary force, the finest technology that science and engineering can develop. We can defeat Iranian missiles if we allow our scientists and engineers to do our job and if we work with the Arrow Program and Israel; and if we pay attention to capability, not promises.

I also believe we have to be honest about terrorism. Terrorism is not impossible to defeat, but it requires a couple of things. It requires a bigger investment in human intelligence. It requires a commitment to placing people for a very long periods of time in very dangerous areas. It requires a deep commitment to keep secrets in the United States so people don't get killed because they're risking their lives to penetrate terrorist organizations while people back here babble. It requires principles that say, "If you're a terrorist, you should not expect to live very long." It requires a commitment to preemptive strikes when we deem them appropriate, to avoid weapons of mass destruction. And it requires a willingness to focus energy and resources on weak states, like Sudan, as a warning to stronger states not to mess with the forces of democracy and freedom.

Ronald Reagan understood the power of strength to multiply itself, which is why, when the United States Navy shot down two Libyan aircraft, the United States's sense of being insecure disappeared. And across the planet, people began to back off and realized we were determined. And we have to be prepared to use our strength, not just talk about it. And we need to be prepared to say, "No state terrorism will go unpunished on this planet, and we will take on those states that use terrorism as a tool."

Look, I take the military threat seriously. And most years, I would have come and focused on that. But I really want to break some new ground here today intellectually and talk about something which, interestingly, I mentioned first at the Foreign Diplomat School in Beijing a week ago, and that's the concept of information warfare and information diplomacy as the necessary new tools of the 21st century.

Now, many of you have read or seen things about information warfare, which all too often is defined by the military too narrowly in terms of computer systems and all that stuff.

I originally began working on information warfare in the early 1980s, based on the concept that with CNN in every living room on the planet in real time, you could lose the war on television, even if you won it on the battlefield. And the great challenge we face is that Arafat and the forces of terrorism are in a coalition, engaged in an information warfare campaign against Israel, a campaign in which the American news media is serving as the witting or unwitting ally of Arafat.

And if you want to see how successful—and I think this is, frankly, the fault of the Israeli government and the American government for not recognizing with sufficient intellectual rigor the new nature of the world in the information age. And I do not mean that as an attack on either President Clinton or Prime Minister Netanyahu, but I mean it as an institutional criticism of all of us. We are now in a world where our opponents plan long campaigns, campaigns that are vicious, dishonest and that exploit our vulnerabilities. We react to each incident. So

something happens which they've thought through and moves the game a half-step their way, and we react only momentarily, then we forget. Then something happens and we react, and then something happens. And it's definition creep.

Consider the difference—you know, Marianne and I were in Israel weeks before the signing of the Oslo Accords. And while the secret agreement in Oslo took the world by surprise, in the weeks before it occurred there was a genuine sense of hope, a seed that something might happen.

Israel stood in a strong position in the region. Iraq had been shattered militarily by the Americans and the coalition forces. Syria, Israel's foe to the north, had lost its patron, the Soviet Union. While terrorists continued to operate out of Syria's vassal's state, Lebanon, Jordan seemed poised for a closer relationship with Israel. And the hope for progress, if not a breakthrough, with the Palestinians seemed very real.

Several weeks later, the Oslo Accords were announced to the world, and the ceremony on the White House lawn seemed to foreshadow a new era of hope and peace. I remember being in a meeting with Arafat in the Capitol and thinking maybe this truly is a breakthrough, maybe something real will happen. I stand before you today at a far more somber time. Today Israel is not enduring a cold peace. Israel is enduring war by other means. And that's what we're faced with.

And it's important to understand exactly what is happening in the Middle East. Israel's enemies in the region are attempting to achieve through terror and coordinated propaganda what their armies could not achieve in battle—the defeat of Israel. Their active accomplice in this campaign is Israel's so-called "partner" in the peace process, Yasser Arafat. What Arafat has failed to live up to is clear. More than three years after Oslo, he still has not fulfilled his promise to amend the PLO Chapter and remove its call for the destruction of Israel.

And let me emphasize this for a second. How can you have a partner, who three years after the beginning of the partnership is still calling for your destruction? How can you treat seriously, how can the American government claim any possible sense of moral equality between a genuine democracy seeking peace at the risk of lives of its citizens, and a force which after three years has refused to renounce the destruction of Israel?

Arafat's most recent excuse, in a long career of excuses, is that Israel doesn't have a written Constitution. And, of course, neither does Great Britain. But that's not the point. Presumably, Arafat knew that before he signed the Oslo Accord. The fact is, we should not tolerate his making excuses. We should demand he keep his word, which he gave in Oslo three years ago.

But far more damaging than words have been actions. It is clear that Arafat has been unwilling to control terror. In the 3½ years since Oslo, over 230 Israelis have been killed in terrorist attacks, including the recent bombing of a Tel Aviv cafe that killed four Israelis and wounded 42. And notice the total lack of symmetry. Israel builds housing on empty land. Terrorists kill Israelis. Israel is to blame. A total lack of balance, a total lack of symmetry. And Arafat's involvement and responsibility in tolerating the existence of terrorism is clear. Far from just failing to act decisively in stopping terrorism, Arafat's recent actions have amounted to a green light for those who would kill and maim innocent civilians to achieve their political aims.

On March 7th, Arafat met with representatives of Hamas and three other radical groups that reject the peace process. Now remember, the people who accept the peace process have not given up their claim to destroy Israel, but the people who don't even like the peace process while destroying Israel are the ones we're talking about. These are the harder line of the hard line. Because it's important not to kid yourselves. There is at the present time no visible evidence of any serious commitment to a true peace in which Israel lives in peace and security and freedom in the region.

But here's what Arafat did. On March 10th, having met three days earlier with leaders of Hamas, he released from prison the head of Hamas military wing—the exact opposite of what he should have been doing. The number one goal of the Palestinians should have been to end the terrorism so Israel could negotiate in security and comfort that it had a neighbor that cared about its lives, and Arafat has taken the opposite position. As tensions rose throughout March, Arafat did not use his public statements or his security forces to diminish the threat. Instead, he sinisterly raised the possibility of spontaneous outbreaks of terror that might occur if Israel did not change its policies. On March 21, a Tel Aviv cafe experienced such a spontaneous outbreak of violence. When the smoke cleared, four Israelis were dead, 42 wounded.

And what is the latest so-called "provocation" of which Israel is guilty? What has it done to make it responsible for the most recent spate of terrorism? Israel has begun the construction of a housing development on a barren hilltop in Jerusalem, situated between two existing Jewish neighborhoods. Israel is guilty of building on land owned by Jews within the boundaries of the city that every Israeli government, and the Congress of the United States, has recognized as Israel's eternal, undivided capital.

Let me be clear: Har Homa is not, as the media attempt to insist, a "settlement." It is a Jewish neighborhood in the city Israel has chosen as her capital. And let me say, I hope that no official of the American government, at any level, anywhere uses the term "settlement" to describe a legitimate housing development of the people of Israel. While Arafat ignores his commitments to change the PLO Charter and control terrorism, Israel is flogged in the international community for not making unilateral concessions beyond the demands of the Oslo Accord. As the columnist Saul Singer has said, "Israel is being asked to unilaterally abide by Oslo-Plus, while the Palestinians feel free to act as if they had signed Oslo-Minus." That is wrong, and we should reject that formulation. Every friend of Israel must recognize that her future does not rest solely on military preparedness and diplomatic toughness. It rests on how Israel and her friends combat a focused, coordinated campaign of propaganda to vilify Israel in the international community and through the worldwide media. When the American news media shows a rioting crowd and attributes the violence to Israel's decision on Har Homa, they undermine Israel's security.

When the American news media misrepresents the facts, speaking of Har Homa as a Jewish settlement in, quote, "Arab East Jerusalem," they undermine Israel's security.

And let me note that Charles Krauthammer, two weeks ago, wrote the definitive column on the falsehoods that I saw as recently as yesterday on the American television networks as they talked once again about "Arab East Jerusalem" which is false and should be opposed and complained about every single time it is used.

And frankly, when the Clinton-Gore administration treats with moral equivalence Palestinian violence and Israeli housing, they undermine Israel's security. There should be no question of any pressure on the Israeli government to make any concessions until Arafat has met the demands of 3½ years ago in Oslo, and the burden should be placed by the American government on Arafat and the Palestinian Authority to keep the word they already gave 3½ years ago before a word is said to Israel.

Let me try to formulate this as clearly as I can for a minute, because I think this—I think this is—no, there's core principle here that we have forgotten, that Ronald Reagan understood brilliantly because he had learned it from Winston Churchill. It is extraordinarily dangerous to confuse the aggressor and the victim. It is extraordinarily dangerous to confuse the terrorist and the democracy. It is extraordinarily dangerous to always impose the burden on those who are your friends because you're too timid to tell the truth to those who are your enemies.

Ever since Beirut, the press has been increasingly willing to cover Israel with a bias and on a one-sided manner. We can't afford 10 more years of systematic misinformation in which somehow the Palestinians are always innocent, they are always totally free of guilt, they're always trying hard, their weakness becomes the excuse for their failure, their inability to deliver is proof of why they need further assistance, their willingness to scream loudly is proof of why they need to be pacified, and nothing is demanded of them.

While Israel, an open society with a free political system and honest elections, is somehow gradually drug into the mud so that any legitimate domestic activity of a free people becomes attackable, while any secret, sinister terrorism of a people who live in fear becomes defendable. And that's what is happening in the world today, and this is, I believe, the most desperate moment for Israel since Yom Kipper in 1973.

I think there are three principles that we need to impose. First, never allow a wedge to be driven between the United States and Israel. (Cheers, applause.) Second, hold Yasser Arafat to his promises. And third, take an active role in combating the false images of Israel in the press. Let me—. Let me very briefly explain what I mean.

First of all, we should never allow a wedge to be driven between the two democracies. And we certainly should not allow that wedge to be driven by those who condone and sustain terrorism.

Now, I was very dissappointed—and we sent a letter expressing in advance our disappointment—that the United States would attend a conference convened by Yasser Arafat in March in Gaza, a conference that explicitly excluded Israel. I hope this administration will make clear that it will never again, ever attend a one-sided, anti-Israeli conference to the exclusion of Israel. If Israel can't be in the room, why should America walk in and teach the Arab world that they don't need to deal with Israel?

You know, last year we—last Congress we passed the legislation to move our embassy to Jerusalem. And certainly, one of the most moving moments, I think of my entire life, was the ceremony we had in the Rotunda at which Prime Minister Rabin—it was the last time I saw him—celebrated the 3000th anniversary of the founding of Jerusalem by King

David. And you had the sense there that you were touching history in the deepest and most real sense. And if you've never read his speech that day, I would really commend it to you. It made the loss of his assassination much deeper and much more painful. I think it's important that the United States simply and unequivocally, as we have in the Congress, that we recognize the undivided unity of Jerusalem as the capital of Israel, period, and end all this, I think fantasy on the part of the Palestinians that if only they make enough noise and have enough terrorism, somehow they will win diplomatically what they lost militarily. And I think we need to end any question of that and say within that framework of your accepting the existence of Israel and the unity of Jerusalem, peace can be found. But without those two steps, there can't in the long run be peace in the region.

Next week I will introduce a resolution with Dick Gephardt to recognize the 30th anniversary of the unification of Jerusalem. The message of the resolution is clear: The United States Congress believes in one Jerusalem never again divided. It is the united capital of Israel.

While remaining unified with our democratic partner, we need to hold Yasser Arafat to his promises. The United States must force Arafat to choose. He must choose honest involvement in the peace process or clear hostility with the United States of America. The United States House will do its part. Congressman Jon Fox has informed me that he is drafting a resolution calling upon Arafat to keep his commitments now with no more excuses.

Finally, I urge every one of you, and all of your friends, to become a watchdog in the information warfare that is undermining Israel. Every time you see an article that refers to "settlements," write a letter to the editor. If you know the publisher, call them. If you know the editor, call them. If you don't know the reporter, get to know them by calling them. Every time you hear—you look at "Arab East Jerusalem," pick up the phone and call. We must become militant in defeating the effort by media to defeat that which cannot be defeated militarily, and that is precisely what the Palestinians are trying to do today, is to use the military to gain—the media to gain what they could never gain on the battlefield. And it takes the vigilance of individual Americans to stand up to that kind of pressure. And I believe it would take six months or a year and you would never again see those phrases, you would never again see that kind of bias, and we would have reeducated the American news media.

You know, this is a challenging period, but it's not a hopeless period. I had the opportunity about 10 days ago to be with the young men and women of the 2nd Infantry Division of the border with North Korea. My dad served in the Korean War. He was a career infantryman; spent 27 years in the Army. It was a marvelous thing at 6:30 in the morning to be with young men and women willing to risk their lives for freedom. It was an amazing thing to realize that 20 miles away, the 13 million people of Seoul, Korea were getting up in the morning, creating wealth, living prosperous lives, with a free-press, chaotic, wide-open political system and all the values that, frankly, are what we're really about.

Similarly, all of you who have ever visited Israel, who have ever seen units of the Israeli defense forces, who have ever talked to the young men and women, or as you get as old as I am, you talk to the older men and women who tell you about when they were younger men and women. We can win the information struggle just as decisively as we have in the past won military struggles, if we will engage as civilian warriors, if you will, as information warriors. If we will be prepared to be militant and direct and clear, I believe in a year we will be in a different environment. The burden will clearly be on those it should be on: on Egypt to provide a positive, legitimate leadership role in favor of peace, instead of, frankly, the current terribly unsatisfactory role Egypt has chosen; on Arafat to have kept his word to lock up the terrorists, to police the area; on all of us who believe in decency to bring pressure to bear on Syria to get to a peaceful Lebanon and to get to a reasonable relationship. We don't have to fear. The coalition that defeated the Soviet empire, ended the Cold War and liberated a third of the planet is more than capable of sustaining democracy and freedom and achieving security. But we have to be prepared and we have to be willing to tell the truth, to insist on the truth, and to go nose-to-nose with any who by their propaganda and their disinformation would threaten the survival of our closest ally in the region and would threaten the survival of millions of decent people who ask only that they be allowed to pursue happiness, live in freedom, and have their children grow up in security.

Thank you. Good luck, and God bless you.

IN RECOGNITION OF PATRICIA A. MEAD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Patricia A. Mead, whose lifetime of entrepeneurialism, fine business sense, volunteer service, civic action, and nonprofit leadership has earned her the respect and admiration of her peers.

Pat started Metro Relocation Services in 1971, the first independent relocation company in the world. She eventually merged this company into Realty One, where she served as president of Corporate Relocation Services, a division with a staff of 30 that produced revenues of $275,000,000 per year.

Pat has been generous with her time and expertise, and over the years involved herself with many organizations including: Recovery Resources, American Lung Association; Cleveland Opera; Cleveland Branch of the English-Speaking Union where she chaired the Shakespeare Recitation Competition; Cleveland Rotary Club; YWCA where she was named Woman of Achievement, Federation for Community Planning; Cleveland Ad Club; Junior Achievement; Friends of the Cleveland Library; Better Business Bureau, and Cleveland Ballet. Pat also served on the board of COSE and the board of trustees and executive committee of the Greater Cleveland Growth Association, chairing their first executive network committee.

Pat is also a longtime member of the Women's City Club. She served on the board of trustees as vice president of membership and operations as well as numerous committees. She created the Executive Women's Network. Pat served as president of Cleveland Women's City Club Foundation for 2 years.

On May 23, 1997, Pat will receive the Margaret A. Ireland Award from the Cleveland Women's City Club. The award has been given each year since 1963 to local women who have achieved special stature because of their contributions in civic, social, and community service. They exemplify the leadership, commitment, and personal achievements of the award namesake.

Let us join the Cleveland Women's City Club in recognizing the talent, versatility, dedication, breadth of interest, and leadership exercised by Patricia A. Mead. Cleveland is better for her efforts.

CAMPAIGN FINANCE REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 9, 1997, into the CONGRESSIONAL RECORD.

CAMPAIGN FINANCE REFORM

There is surprisingly little pressure from constituents on Members of Congress to act on campaign finance reform, even though we have daily revelations of egregious excesses. The growing sense in American politics today is that dollars speak louder than ideas, access is bought and sold, challengers and third parties are often drowned out, and many of the best people are discouraged from running because of the fundraising burden.

PROBLEMS WITH SYSTEM

Campaign finance reform is a constant game of catch-up, with excesses followed by reforms followed by new ways to get around the reforms. The present campaign finance laws passed two decades ago have been simply overwhelmed by a flood of money—more than $2 billion in the last election—and with every election the problem gets worse. The laws are more loophole than law, and politicians defend their practices by resorting to legal mumbo-jumbo.

Political campaigning has become distorted. Members spend large amounts of time making phone calls to raise money and attending fundraisers, which means a lot of time with people who already support them and too little time with ordinary voters who have not decided how to vote. So the system drives a wedge between the elected representatives and those they represent. When politicians become preoccupied with raising campaign money, that also crowds out other activities like writing laws and thinking about public policy.

Those who contribute money are very concerned about a "shakedown" atmosphere. They often feel they cannot get their view across unless they contribute generously to politicians they may dislike. The common feature of the great debates in Congress over the last few years—including health care reform, clean water, telecommunications, and regulatory changes—is that they were all awash with money. Members used these debates skillfully to get money from people who were interested in certain legislative outcomes.

The rising flood of money that flows into campaigns undermines public trust. Nothing

is more important in our democracy today than the restoration of public confidence in the integrity of the political system. To many Americans it is money, not ideas and not principles, that reigns supreme in our political system. Many people tell me the political process is run by special interest groups, powerful organizations, and foreign donors, so they see little reason to vote. Cynicism is always the worst enemy of democracy and it has certainly been strengthened by the campaign finance system.

Getting campaign reform is terribly difficult. The blunt fact is that most Members of Congress and both political parties prefer the system under which they were elected over some untested scheme that might replace it. Moreover, it is very difficult to devise a system that will reduce the role of special interest money in politics and still not trample on constitutional rights to express political views. It is easy to be cynical and assume that nothing will happen on reform, but we really do have a chance to break the cycle of fundraising that demeans our politicians and our political system.

CURRENT SYSTEM

Some progress in campaign finance reform has been made in recent years. After the Watergate scandals, Congress instituted public financing of presidential campaigns, limits on contributions, and more disclosure of where money comes from. These were major and important changes. But it is clear the reforms did not go far enough, and means were devised to get around existing law.

The current system is plagued by: rapidly rising costs, driven largely by the growing importance and cost of television in campaigns; major reliance on special interest money; less competitive elections because of the imbalance in resources between incumbents and challengers; and a host of loopholes through which individuals and groups seek influence. These include: "bundling", which involves the collection of checks for a specific candidate by an intermediate agent; "soft money", money that may indirectly influence federal elections but is raised and spent outside the purview of federal laws; and "independent expenditures" which allow unlimited spending by groups to communicate with voters for or against a candidate so long as there is no coordination with the candidate. To illustrate the extent of these loopholes, the amount of soft money raised by both parties in recent elections has tripled in four years from $88 million in 1992 to $263 million in 1996.

REFORMS

I believe that reform has to move forward step by step. That's why it is very important for the congressional inquiries into White House fundraising and congressional campaigns to proceed. I favor hearings with the broadest scope. Many Hoosiers tell me the real scandal is not how the law is broken but what's legal under the present system. Congressional hearings can illuminate the problems and help us enact legislation to solve them.

A principal aim of a campaign finance bill must be to create the conditions for more equal competition for more offices, and that could include easier access to television time for candidates. We should also close the loopholes in the current law on bundling, soft money, and independent expenditures. We should look at public financing for federal elections, which I personally support, and limit the role of political action committees. Certainly disclosure of spending in politics has to be broadened and speeded up, and penalties for overstepping the line should be made harsher and immediate. The Federal Election Commission must be more aggressive and vigilant in enforcing the election law.

CONCLUSION

Our failure to have effective campaign finance laws in this country represents a major failure in American public policy. We have a campaign finance system today that is gradually eroding the public's trust and confidence. It is a slow-motion crisis, but it is a crisis.

As we try to reform the system, we must not let the perfect be the enemy of good. It is not possible to enact a perfect, sweeping campaign finance reform bill today and perhaps not in the future. But the worst abuses can be dealt with one by one. We simply must keep at it and address the problems and plug the loopholes in the law as they become evident. A long journey begins with a single step.

CHIEF MASTER SERGEANT DIX RETIRES FROM AIR FORCE AFTER 24 YEARS; A DISTINGUISHED CAREER IN ACTIVE DUTY, RECRUITING, AND RESERVES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. WALSH. Mr. Speaker, I rise today to congratulate Chief M. Sgt. Ronald W. Dix upon his retirement and to ask my colleagues to join me in thanking Chief Dix for his 24 years of service and for his symbolic representation of all that is good about our Armed Forces, and particularly those of the U.S. Air Force and Air National Guard.

Chief Dix was on active duty with the Air Force from September 5, 1961 to September 4, 1965, serving as protocol NCO at Wheelus AFB, Tripoli, Libya and at Lindsay Air Station, Weisbaden, Germany. During this time, Chief Dix was also a member of the 37th Air Defense Missile Squadron at Kinchloe AFB, Sault St. Marie, MI.

In January 1978, he joined the Air National Guard, accepting an assignment in the Base Preparedness Office. In 1981, he was reassigned to active duty as a recruiter. Chief Dix was instrumental in attracting and inspiring young men and women to join the Air Guard in serving to their country. In 1984, he was assigned as training NCO in the Civil Engineer Squadron of the 174th Fighter Wing and participated in many overseas deployments.

During his final time with the New York Air National Guard, Chief Dix served as the facilities manager for the entire Hancock Field Air National Guard Base. Some of his decorations for meritorious service include: the Air Force Good Conduct Medal, the Air Force Achievement Medal with four devices, the Air Reserves Meritorious Service Medal with five devices, the National Defense Service, the Armed Forces Expeditionary Medal, the Air Force Outstanding Unit Award, the Air Force Overseas Long and Short Tour Ribbon, the Air Force Longevity Service Award, the Small Arms Expert Marksmanship Ribbon, the New York State Commendation Medal, and the New York Conspicuous Service Cross.

Upon completion of such exemplary service to our Nation, I commend Chief Dix and wish him well in retirement.

A TRIBUTE HONORING LEO K. FARRALL, III

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HOYER. Mr. Speaker, I rise to pay tribute today to the life and legacy of one of Charles County's finest individuals, Mr. Leo K. Farrall, III, who recently passed away on Feb. 13, 1997 after being struck with cancer.

Mr. Speaker, there are multiple ways to recognize the impact of an individual. Society often dictates one's worth by professional accomplishments, personal credentials, and how much wealth one has accumulated. Although, these are often the gauges by which we sometimes measure one another, these standards are often ephemeral compared to the commitment of family and community, and the regard peers cast on an individual. It has been noted that the true measure of an individual's success is in the number of people he or she calls "friend." In either category, L.K. Farrall was a success.

In 1979, Mr. Farrall opened the doors of the very first L.K. Farrall Realtors, Ltd. To date, his efforts and energy matured to four additional offices in the southern Maryland region, employing over 175 people. Mr. Farrall labored to build his company not only through the avenues of sales but its service to the surrounding communities. According to his close friend Delegate Van Mitchell, Mr. Farrall had a saying "You can get everything in life you want . . . if you help enough people get what they want." His selfless emphasis on others and his love for his family and community are remembered in testimonials from friends and colleagues which appear in a tribute in the April newsletter for the Charles County Chamber of Commerce.

Mr. Farrall served as a member of the Charles County Chamber of Commerce Board of Directors; he was the former chairman of the Charles County Economic Development Commission, a member of the Naval Industrial Alliance, and a generous contributor to Special Olympics, Habitat for Humanity, and to the American Cancer Society.

Mr. Speaker, it was through his giving that he gained, and through his example and his leadership that others learned to love and respect him. Charles County Commissioner William Daniel Mayer noted: "as a friend you knew L.K. would always be there for you. he was unassuming. He shunned the limelight and took as much joy in your success as if it was his own. It is a privilege to have grown up with, to have worked with, and to have shared L.K. His wry wit, unflinching loyalty, love of family and a sincere dedication to his community will be missed. We must all be grateful that we had, even for a short time, L.K."

Mr. Farrall is survived by his wife, Judy and two beautiful daughters. Although, Mr. Farrall

passed away at the very young age of 51, his life and legacy will continue to serve as an example to others in southern Maryland because of his leadership and compassion for others.

I ask the Speaker and all my colleagues to join me in saluting the life of Mr. Leo K. Farrall, III and extend with me condolences to the Farrall family and the employees of his company.

TRIBUTE TO WILLIAM EDWARD GLOVER

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. EVERETT. Mr. Speaker, I offer tribute today to a tireless public servant and advocate of the elderly in southeast Alabama, Mr. William Glover.

William Glover retires this year from his post as executive director of the Southern Alabama Regional Council on Aging in Dothan. This vital organization sponsors the Area Agency on Aging and the Medicaid Waiver Program in a seven county area of the Wiregrass. Mr. Glover has been the executive director since the Alabama Regional Council on Aging's founding in 1986.

William Glover's name has become synonymous with voluntarism and compassion for the elderly in south Alabama. Through his years of service, he has been instrumental in benchmark efforts like the acquisition of 52 vans, badly needed for elderly transportation programs, and the establishment of the Older Americans' Day celebration which is now in its eighth year with some 3,000 persons in annual attendance.

Mr. Glover's interest in the welfare of the aging shows no limit as he has worked closely with private enterprise, civic and local organizations to provide services where Federal or State funds were not available. His activities range from working on an elderly housing plan with AARP, to assisting utility companies in affording vulnerable senior citizens with reduced rates.

A member of numerous area health and elderly advisory boards, William Glover was inducted into the Alabama Senior Citizens Hall of Fame in 1993. To be sure, he leaves his successor with a very large pair of shoes to fill. Knowing William, I'm convinced that his concern for our seniors and community will not end with his retirement. I congratulate him for a remarkable career of selfless generosity, and I wish him and his family the very best in the years ahead.

CHINESE SALES OF WEAPONS OF MASS DESTRUCTION THREATEN AMERICAN TROOPS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SOLOMON. Mr. Speaker, the Chinese have exported, in violation of international law, weapons of mass destruction to terrorist states, including Iran. These actions have contributed to regional instability and pose a significant potential threat to American Armed Forces.

As we all know, it is American troops, whether as part of a U.N. force, an Allied mission, or operating independently, which are called upon to quell regional conflicts. The strong correlation between the volatility of a region, the deployment of weapons of mass destruction, and the likelihood of U.S. troop involvement may culminate in American suffering and deaths when the tension in these areas boils over. The weapons of mass destruction, which China has willfully placed in irresponsible hands, could claim the lives of tens of thousands of American troops involved in one of the world's dangerous hot spots.

The Chinese persist in selling weapons of mass destruction, including nuclear technologies to Iran. According to a recent Washington Post report, China has been selling to Iran the equipment required to convert uranium into weapons grade material. With China's technical and scientific support, Iran will be capable of deploying nuclear weapons within 5 years.

According to a March 8, 1996, Washington Post, "China is also engaged in selling massive quantities of chemicals used in the production of nerve gas and chemical weapons to Iran." The influx of Chinese technology is helping to fuel the most active chemical weapons program in the Third World. United States Government analysts say that Iran's ambitious long-term aim is to develop an indigenous capability to produce each of the chemical ingredients of powerful poison gases, as well as to construct all of its own equipment to produce the finished weapons.

The Department of Defense has already responded to this growing chemical and biological threat by approving a plan to vaccinate all U.S. Armed Forces personnel against anthrax, a germ warfare agent. Unfortunately, the chemical weapons being supplied by China to Iran involve even more dangerous chemicals and nerve agents. Relations between Iran and the U.S. remain hostile.

The Chinese also provide weapons of mass destruction to Pakistan, which, due to ongoing tensions with India, is another source of concern. If in 1995, the Director of Central Intelligence stated that "the arms race between India and Pakistan poses perhaps the most probable prospect for future use of weapons of mass destruction, including nuclear weapons. Pakistan already has enough nuclear material to make a dozen nuclear warheads, and India has a much larger nuclear arsenal."

In 1996, in an obvious violation of the Nuclear Nonproliferation Treaty and Federal law, China sold ring magnets to Pakistan. These 5,000 ring magnets are used in gas centrifuges to enrich uranium which can be used for construction of nuclear weapons. However, soon after this treaty violation, the Clinton administration determined that China would not be sanctioned stating that China had reaffirmed its commitment to nuclear nonproliferation.

Despite this promise, however, China sold a special industrial furnace to an unsafeguarded nuclear facility in Pakistan, and high level Chinese officials planned to submit false documentation related to the sale.

The practice of selling weapons of mass destruction is just one more example of China's disregard for the value of human life. The Daily Gazette, one of my hometown newspapers, captured the true nature of China in a recent editorial entitled "New China Policy Needed" when it stated, "The Chinese government persecutes political dissidents, Buddhists, Christians, pregnant women, orphan girls, labor activists and anyone else who declines to toe the party line * * * It pledges to reverse the democratization of Hong Kong, and has threatened to go to war over Taiwan. It moves no closer toward liberty and democracy, but it does get richer. Armed with nuclear weapons, it is clearly the most dangerous country in the world * * * As long as China remains totalitarian, and no matter how capitalist it becomes, it will likely remain not just an oppressor of its own people but a threat to peace." The United States can no longer continue to implicitly approve of China's weaponry sales and other abuses of international law by accepting China's routine and transparent denials of wrongdoing. It is time to revise our China policy in such a way that makes it unacceptable for China to engage in reckless activities, including those that threaten the lives of the young men and women who serve in America's Armed Forces.

ON CORY DUNN'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Cory Dunn of North Olmsted, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work, and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the scouting law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering scouting achieve this rank.

Cory's Eagle project was the restoration of a trail and opening of an outdoor clearing suited to contemplation and peace for parishioners of John Knox Presbyterian Church, his parents' parish.

My fellow colleagues, let us join Boy Scouts of America Troop 53 in recognizing and praising Cory for his achievement.

DRUGS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 2, 1997, into the CONGRESSIONAL RECORD.

DRUGS IN AMERICA—A REPORT CARD

A few weeks ago, the White House unveiled the 1997 National Drug Control Strategy. The 1997 strategy is noteworthy because for the first time the federal government specifically identifies education and prevention as the most effective approaches to reducing illicit drug use. I agree with this emphasis, especially with the need to educate young Americans about the dangers posed by illegal substance abuse. I recently began meetings with community leaders in southern Indiana to discuss how we can work together toward a drug-free Indiana.

DANGERS OF OVERLOOKING THE PROBLEM

Opinion polls show that most Americans, including Hoosiers, rank problems such as the budget deficit, the future of social security, even bad roads, ahead of worries about drugs. These are all serious issues, but we downplay the drug problem at our peril.

You may remember the "just say no" campaign of a few years ago. Anti-drug messages were prominent in our government, media, and schools, and usage dropped. But starting about 1990 we stopped paying enough attention to the problem. In some ways, the drug problem is getting worse today.

GOOD NEWS

Fewer Americans are using illegal drugs today than a decade ago. In 1985, there were some 23 million regular drug users. Today, we've almost halved that number to about 13 million. The overall number of cocaine users has dropped to about 1.4 million, down from 5.7 million in 1985. Drug-related murders fell 25 percent during the same period.

REVERSAL OF PROGRESS

Since 1991, though, drug use has increased again. I am especially worried that this increase is concentrated among young people. Currently, more than 1 in 10 young people in America are regular users of illicit drugs—that's double the rate of just five years ago. Marijuana use is especially widespread. In the average class of 25 eighth graders, 5 have tried it.

The bad news is not just about marijuana. We have seen a dramatic rise in regular use of all sorts of so-called "hard" drugs, including stimulants such as cocaine and inhalants such as glue, paint, and lighter fluid. Use of LSD is at its highest recorded level. There are now about 2.7 million "hardcore" drug users in America, more than triple the number in 1991. These "hardcore" addicts are the ones most likely to commit crimes to obtain drugs.

DAMAGE CAUSED BY DRUGS

Some people say that a little experimenting with drugs can't cause any harm. They are wrong.

For example, today's marijuana is 2 to 5 times more powerful than a generation ago. Every reputable scientific study concludes that marijuana use impairs judgment and learning and hurts the heart, lungs, and other organs. Perhaps most damaging, evidence shows that marijuana can be a "gateway" to stronger drugs. A teenager who smokes marijuana is 79 times more likely to have an addictive problem later in life.

Over 25,000 people die every year in America from causes related to illegal drugs. Drugs are involved in over half of the murder and violent crime in this country. Children who use drugs are much more likely to drop out of school. One-quarter of America's trillion-dollar health bill each year is drug-related. Abuse of illegal drugs costs businesses an estimated $60 billion each year in lost productivity due to absenteeism, accidents, and medical claims.

EROSION OF ATTITUDES

Why are more people using drugs? The simple answer is: attitudes. In recent years, there has been a significant erosion of our negative attitude towards drugs.

1. Social approval

When a society sends the message that drug abuse is wrong—as we did a decade ago—drug use declines. When it fails to send this message, drug abuse rises—as it has since 1990. Leaders in Washington and throughout the country stopped speaking out enough on the dangers of drugs. The recent efforts in Arizona and California to legalize marijuana for "medicinal" purposes—which I oppose—send exactly the wrong message to our young people.

2. Perception of risk

There is another, related factor: perception of risk. Kids will not stop using drugs unless they understand the real physical dangers drug cause. Last year in Boston, Massachusetts 50,000 people attended a so-called rally supporting the legalization of marijuana. On the same day, a few blocks away, an anti-drug rally drew only 500. We are clearly failing in our duty to educate the younger generation about the dangers of drugs, and to express our disapproval of them.

SUPPLY VS. DEMAND

Some argue that we focus on education and prevention at the expense of cracking down on drug suppliers. We do need to fight the drug supply, and I have supported steps to penalize both domestic and foreign drug producers and dealers. But we should recognize that as long as Americans are willing to spend billions of dollars a year on illicit drugs, the traffickers and pushers will find ways to meet that demand.

CONCLUSION—RESOURCES SHOULD MATCH RHETORIC

I am pleased that our 1997 National Strategy emphasizes education and prevention. The old adage says "an ounce of prevention is worth a pound of cure." When it comes to drugs, for each dollar we spend on prevention, we save seven dollars in crime, health, and welfare costs. And the moral benefit of saving our young people from the scourge of drugs is incalculable.

Nevertheless, while we have increased the federal anti-drug budget to more than $15 billion for 1997, over two-thirds of this is going to international and domestic efforts to stop supply. We should allocate more resources to our top priority of demand reduction.

The real irony of the drug problem, then, is that we know what to do about it—but we're not doing it, or not doing enough of it. It is encouraging that education and prevention are the top priorities of our national strategy. We should make them our top priorities in southern Indiana, too.

SOLVAY, NEW YORK HIGH SCHOOL BAND WINS TOP HONORS IN THE NATIONAL HERITAGE MUSIC FESTIVAL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Solvay, New York High School band and jazz combo for their first place honors at the national American Heritage Music Festival.

This dedicated group of 76 musicians traveled to Washington on Friday, April 4 and competed against bands from all over the Nation. The jazz band and the high school band each won separate first place awards.

Solvay High School won the award for best overall performance and both bands received scores above 90, putting them in the highest category for their performances.

The event that made Solvay's performance unique came in the middle of the concert band's slow song, where the musicians put down their instruments to sing. This added theatrical touch impressed the judges, and invigorated spectators. Indeed, when this talented group arrived back in Solvay, with police cars and fire engines escorting them to the high school where they received their heroes welcome, parents and classmates cheered, still displaying the excitement of the competition.

Our central New York community is proud of the hard work and dedication displayed by the Solvay bands.

Congratulations to the 76 members of the Solvay High School concert band and jazz combo for their impressive achievement.

CELEBRATING THE 50TH ANNIVERSARY OF THIELE KAOLIN

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. NORWOOD. Mr. Speaker, I rise today to recognize the 50th anniversary of the founding of one of the 10th District of Georgia's most important employers—Thiele Kaolin Co.

Thiele Kaolin was chartered on October 22, 1946, and began operations on January 1, 1947. Thiele employs more than 500 Georgians, most of whom live in the 10th District.

Thiele employs these Georgians in the mining of kaolin, which is used primarily as an additive for paper products. The glossy look and feel of the magazines you read comes from kaolin. Thiele sends kaolin to many places in America and other countries and is one of the largest exporters through the port of Savannah.

Thiele is a valuable and responsible member of the State and local community through

its support of the Adopt-a-School Program, local recreation league teams for all ages, community volunteer fire departments, fine arts appreciation programs, and generous charitable contributions to churches, schools, various civic and health related organizations, and colleges and universities throughout the State.

Thiele is more than just an employer. Thiele is more than just a source of tax revenue for government. Thiele is more than just a business. Thiele is part of the community. Thiele is family. As they celebrate their 50th anniversary, I salute a community member, a family member, Thiele Kaolin Co.

QUIPS CAPTURE STATE CROWN

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. KLINK. Mr. Speaker, I rise today to salute the Pennsylvania Interscholastic Athletic Association Class AA Men's Basketball Champions, the Aliquippa High School Quips.

Located in Beaver County in the once thriving steel town of Aliquippa, the players of this team demonstrated the strength, character, and rich tradition that embodies the people of their hometown. This marks the fourth time in the school's history and the third time in eight seasons that the Quips have been crowned State champions in men's basketball. They finished the season with a record of 28–3.

Led by senior point guard and cocaptain Mike Lundy's 13 points Aliquippa defeated cross-state rival Wilkes Barre by a score of 57–50 in the championship game. In a postgame interview with the Beaver County Times, senior center Damian Crute is quoted as saying, "Climbing the ladder (to cut the nets), I felt like I was on top of the world. We climbed the mountain and we're sitting on top now." Indeed Damian, your team has climbed the mountain and the people of Aliquippa and the entire Fourth Congressional District of Pennsylvania are proud of your efforts.

Once again, congratulations to the students, faculty, and the city of Aliquippa. You have produced a champion in the finest sense of the word. And a special salute to first year coach Mike Zmijanac and his assistants Doug Beiga, Sherman McBride, Marvin Emerson, and Pete Carbone for a job well done.

And so I urge my colleagues to join me in the celebration of the Aliquippa Quips and all of the high school basketball teams in Pennsylvania for a terrific season.

THE MEDICAL MARIJUANA DETERRENCE ACT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SOLOMON. Mr. Speaker, today I am introducing legislation in response to the actions taken by the State of California and the State of Arizona to allow for the medical use of marijuana. The bill would deny Federal benefits to any individual convicted of using, possessing or selling marijuana.

As we know, Mr. Speaker, it is a Federal offense to sell, use or possess a controlled substance, such as marijuana. Under existing law the courts have the authority, at their discretion, to deny Federal benefits to anyone convicted of using, possessing or selling a controlled substance, such as marijuana. My bill would eliminate the discretion of the courts in those States, which have approved the use of illegal drugs for medical use. In other words, anyone who violates Federal law in this matter would immediately lose any Federal benefit, license or grant for which they might otherwise be eligible.

The Federal Government, or more specifically, the Food and Drug Administration has repeatedly rejected marijuana for medical use because it adversely impacts concentration and memory, the lungs, motor coordination and the immune system.

A recent evaluation of the issue by scientists at the National Institute of Health concluded:

> After carefully examining the existing preclinical and human data, there is no evidence to suggest that smoked marijuana might be superior to currently available therapies for glaucoma, weight loss associated with AIDS, and nausea and vomiting associated with cancer chemotherapy.

There is also increasing scientific evidence that marijuana would be the last medication you would want to prescribe to persons with AIDS since smoked marijuana further compromises the immune system, increasing the risk of infections and respiratory problems.

As we know, the organizations which promoted the California and Arizona medical marijuana initiatives—NORML/Drug Policy Foundation, intentionally exploited the pain and suffering of others as part of their back door attempt to legalize marijuana.

Within the next few days I will introduce a bill to deny Federal highway funds to any State which has approved the use of medical marijuana and yet failed to enact the Solomon amendment, suspending the drivers licenses to persons convicted of using a controlled substance.

In addition, I will be introducing legislation to require DEA to revoke the Federal license of a physician to dispense medication if they recommended the use of marijuana for medical purposes. Federal law—Title 21 U.S.C. Code, section 824, provides the President authority to deny a doctor's registration to dispense controlled substances medication, if they are found to commit acts inconsistent with the public interest. In other words, the President already has the authority under existing law to end the medical marijuana fraud. All we really need is decisive action on his part. However, given the unwillingness of this President to fight the War on Drugs, Congress must act.

BUILDING ON WELFARE AND IMMIGRATION REFORMS: THE JOB OPPORTUNITY AND WELFARE REDUCTION ACT OF 1997

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing the Job Opportunity and Welfare Reduction Act of 1997. It will provide States with a new tool to help move individuals off of welfare and into jobs.

My bill would require the Immigration and Naturalization Service [INS] to notify State welfare agencies of any job opportunities that become available as a result of the removal of unauthorized aliens from work sites.

Mr. Speaker, according to the INS, 4,900 work site enforcement operations were conducted last year resulting in the removal of 14,000 unauthorized workers. My bill would bring together Federal, State, and local governments in an effort to fill these vacated positions with welfare recipients who are looking for work.

Furthermore, as an added incentive, States that participate in this program will be eligible for extra Federal funding from funds already authorized in last year's welfare reform bill. I urge all of my colleagues to cosponsor this important legislation.

CLONING

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, March 26, 1997 into the CONGRESSIONAL RECORD:

HELLO DOLLY: THE DEBATE OVER CLONING

Recent news reports that researchers in Scotland cloned a sheep named Dolly have generated both curiosity and concern among scientists, the clergy and government leaders. Dolly is not the first animal to be cloned by her creators, but it does mark a significant advance in this area of scientific research.

Cloning animals could have a number of significant medical and agricultural applications, including developing animals whose organs can be used for human transplants, developing animal milk proteins used to treat disease, and creating improved breeds of livestock. These advances will not be seen in the near term because current cloning techniques are quite costly and inefficient. Further research is necessary to develop cost-effective and efficient laboratory cloning techniques for commercial use.

There is concern, however, about what Dolly means for the future of human cloning. Although science has not been pushed to the point where humans can be cloned, there are potential applications of specialized cell cloning and advanced gene therapies that hold tremendous medical promise. The technique used by Scottish scientists to clone Dolly may enable medical science to explore therapies, such as growing new skin for burn victims, culturing bone marrow for treating

cancer patients, manipulating genes to cure sickle cell anemia, and treating human infertility. Yet, the prospect of manipulating human cells in this way raises ethical and moral questions about the sanctity of human life and the ability of scientists to create human beings.

WHAT IS CLONING

Cloning describes a process of creating exact duplicates of cells or organisms. Traditional cloning methods require manipulating an embryo, a fertilized egg, to make such copies. The creators of Dolly, however, did not use a fertilized egg, but rather an adult mammary cell and an unfertilized egg. The Scottish researchers activated all the genes in a specialized adult cell to create an embryo, and then implanted the cloned embryo in a surrogate sheep mother. That embryo grew to term resulting in the birth of a live lamb. This new cloning technique is significant because it will allow researchers to clone an exact replica of an animal. Researchers could not control the genetic make-up of clones using embryos.

Human cloning has not advanced to this stage. In 1993, private researchers announced that they were able to clone human embryos using embryos created by in vitro fertilization techniques that were not suitable for in utero implantation. The cloned embryos did not develop to a point where they could be transferred to a human surrogate. Since that time there have been no further reports of human cloning experimentation, and laws have been enacted which prohibit the use of federal funding for research involving the creation of human embryos. Dolly, however, raises the possibility of cloning human beings using unfertilized eggs.

POLICY DEBATE

The debate over cloning pits those who say government should not seek to regulate scientific inquiry against those who believe government should place limits on the scope of scientific research, particularly in the area of human cloning. This latter group argue that the cloning of Dolly suggests the possibility of scientists, at some future time, reproducing human beings by manipulating the genetic materials in unfertilized eggs. Opponents object that scientists should not be in the business of creating human life, and raise further questions regarding a clone's identity as a human.

GOVERNMENTAL RESPONSE TO DOLLY

Shortly after the announcement of Dolly's existence, President Clinton asked a national bioethics commission to begin a thorough review of the legal and ethical issues associated with the use of cloning technology. The commission is expected to report its findings to the President in late May. The President also ordered a moratorium on the use of federal funds for human cloning and urged the private sector to adopt a voluntary ban on human cloning until the commission completes its evaluation. Current law forbids the use of federal funding for human embryo research, including using human embryos for cloning, but the Administration considered the moratorium necessary because embryonic tissue was not used to clone Dolly. Congress is also reviewing the matter. Bills have been introduced to prohibit the use of federal funds for cloning or to ban human cloning outright. Committees have started to debate these proposals. The Administration is urging Congress to wait until the commission's work is completed, rather than risk passing a law which might have the unintended effect of hampering research on gene therapies for various hereditary conditions like Parkinson's disease and Alzheimer's disease. Information about the ability of a cell to turn on and off specialized capabilities will likely facilitate further advances in biomedical and agricultural research.

CONCLUSION

My strong suspicion is that if the cloning of human embryos is possible it will happen somewhere, sometime. The history of science is the history of the dominance of science and technology, and Presidents and Congresses do not have the power to defy it. I am extremely reluctant to see government poking around in the business of deciding what scientific research can go forward and what cannot, but it is also true that while we want science to be free we also want it to be responsible. Here we are dealing with matters of very grave consequence.

This new technology may be a little scary. The dilemmas and the risks of it need to be carefully evaluated. Rational debate, perhaps followed by legislation, may be necessary, but we must be very careful not to turn away from what biology and medicine can do. Scientists are telling us that some types of human suffering could be alleviated by cloning, so we must not overreact.

As I think about the potential of the post-Dolly world, I have a sense that a towering wave is about to crash over us. All of us have to try to understand the science and to reach a sensible conclusion based not on ignorance but on broad informed public debate and understanding. I think all of us have to approach this problem with humility and reverence simply because human life is sacred.

TO MERCEDES R. COTNER FOR A LIFETIME OF ACHIEVEMENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Mercedes R. Cotner, whose lifelong dedication to the civic body, to the Democratic Party, and to the city of Cleveland is being recognized on April 10 at the annual meeting of the Cuyahoga Women's Political Caucus.

For most of her 90 years, Mrs. Cotner has sought to involve and lead the people of the city of Cleveland to achieve a better life for themselves and their children.

Mrs. Cotner has served in public office. She was a clerk of the Cleveland Council and she served her constituents from the old ward 2 as a Cleveland councilwoman.

Mrs. Cotner also served the Democratic Party in many capacities. She was an executive committee member, precinct committee member, and vice-chair of the Cuyahoga County Democratic Party. She worked closely with her neighbors through politics, service as a booth worker on election day, and as ward leader.

Mrs. Cotner is a veteran of many contests for the heart and soul of Cleveland. She has shown her dedication to that sacred enterprise over many decades. And she reminds us of the essential value of persistence and patience. Mr. Speaker, let the Congress of the United States acknowledge today the great example Mercedes Cotner has set.

WOODIE GRANVIL TULLY'S 90TH BIRTHDAY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. RILEY. Mr. Speaker, I rise today, April 9, 1997, to salute an esteemed citizen of Alabama, Woodie Granvil Tully, on the occasion of his 90th birthday. Mr. Tully is a life-long resident of Wilmer, AL. He is married to the former Velma Eloise Cravey, and has three children, three grandchildren, and one great-grandchild.

During the 90 years of his life, Mr. Tully has exemplified those attributes we all attempt to embrace. His outstanding characteristics include embodying the American virtues of honesty, industry, creativity, and self-sufficiency, having built several houses for himself and others. Nor has time slowed Mr. Tully down. He enjoys fishing, music, and vigorously follows current events. In addition to his daily activities, Mr. Tully has been a member of Wilmer United Methodist Church since 1918, a leader of the community, and is loved and respected by all who know him.

HONORING LEROY IVORY JONES FOR OUTSTANDING AND CONTINUED COMMUNITY SERVICE TO LIBERTY CITY OF DADE COUNTY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is my pleasure to recognize Leroy Ivory Jones of Liberty City, FL, who has contributed to this Dade County community. Mr. Jones instituted Neighbors and Neighbors Association, a coalition of black-owned businesses that stimulates community awareness about black-owned establishments. This program is unique because it brings the community together in supporting local businesses and developing pride in the neighborhood.

The Miami Herald commemorated Leroy Ivory Jones' civic service in an article titled "Building Bridges Between Communities" published January 20, 1997. I would like to submit this encouraging article for the RECORD.

LEROY IVORY JONES

When Leory Ivory Jones walks into a black-owned grocery store in Liberty City, he sees bare shelves, broken meat and vegetable coolers—and a trickle of shoppers.

Across the street is an Arab-owned market, brimming with goods and luring a herd of customers with cheap cigarettes and beer.

"We are the only group of people who don't support our own," said Jones, 34, who runs a landscaping business. "We think about everybody else but ourselves."

Jones is fed up with seeing black shop owners struggle to make a buck in their own neighborhoods. So he decided to heed the call of Neighbors and Neighbors Association, a coalition of black-owned businesses that has been challenging people to patronize black-owned markets with a monthly event called

a buyout. The aim is to encourage shoppers to spend at least $25 at the featured store.

Jones, whose family has owned Missy's Grocery in Liberty City for nine years, has hosted five popular buyout events.

The first took place at L&M Market at Northwest 75th Street and 22nd Avenue. The store raked in about $5,000 on buyout day, more than black store owners make in two weeks.

People in the community say Jones' buyouts are spreading pride and hope.

Last month's buyout took place at Grady's Kitchen, a soul food restaurant at 8309 NW 22nd Ave. More than 115 people were sold dinners that day. On a good day, co-owner Lottie Grady said, she feeds about 70 people.

"He's building up the community, making us think about where we spend our money," said Jencie Davis, owner of J+G Market, 6406 NW Sixth Avenue. "We don't stick together. He's trying to change that."

Jones a father of nine who lives in North Dade, first had to change himself.

From cocaine possession to burglary, Jones knows trouble. He has lost more than two years of his life, serving three prison terms. His wake up call came six years ago when police raided a relative's house filled with drugs and machine guns. The relative took care of some of his children.

Four years ago, Jones, an Edison Senior High School dropout, found himself back in a classroom filled with Haitian immigrants. He didn't know how to read and write.

"We don't need to keep suffering," said Jones, who was recently elected to serve as a temporary member on the Martin Luther King Economic Development Board. "I'm sick of seeing young brothers standing out on the corners. I used to stand on those corners, too. But there is a better life out there. Before I leave this world, there are going to be some changes in this community."

Leroy Ivory Jones faced and overcame many obstacles in his life. He has demonstrated his commitment to strengthening and establishing black-owned businesses and pride in the Dade County community. His organization, Neighbors and Neighbors Association has contributed to increased economic growth in Liberty City. Mr. Speaker, on behalf of our entire community, I offer Leroy Ivory Jones my deepest thanks for his outstanding service to the community and our best wishes for continued success.

THE RETURN OF THE GYPSY MOTH

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Ms. KAPTUR. Mr. Speaker, it's spring, and that means the gypsy moths are back, hatching by the millions, causing severe damage to trees and our environment, and leaving much debris in their paths. Lucas County is the first urban community in our State to be affected in such a major way by these insects that all migrate down here from Michigan.

We must act expeditiously, and neighborhoods must work together to apply safe biological controls in order to protect our trees, homes, businesses, yards, and parks. A local task force has been set up to coordinate help for our region.

The gypsy moths will never be eliminated completely, but it can be controlled.

Its life cycle has four stages: egg, larva, pupa, and adult moth. The female moth lays egg masses in July and August in clusters of up to 1,000. While most eggs are laid on the bark of trees, females also will lay clusters in any sheltered location, including homes, vehicles, firewood, playground equipment, and stones. Egg masses are beige and about the size of a quarter.

Larvae (in the form of caterpillars) emerge the following April and May and begin devouring leaves. The caterpillar stage lasts for 10 to 12 weeks. Caterpillars are 1½ to 2½ inches long when full grown, with hairlike structures along their length of their body. They are grayish with five pairs of blue spots and six pairs of red spots along their backs. They also have yellow markings on their heads.

Oak trees are the favorite food of the gypsy moths, but they also feed on 500 different species of trees and shrubs. And because northwest Ohio is known for its hardwood forests, we are the targets of hungry gypsy moth larvae.

The answer is not for individuals to spray their own trees and yards with harmful toxic pesticides. In fact, toxics could do more harm then good when thousands of citizens act independently.

Call the Lucus County Agricultural Extension Office at 245–4254 or the Agriculture Business Enhancement Center at 1–800–358–4678 to learn what you can do to control these destructive insects.

You can help by getting your local Boy Scout and Girl Scout troops or other community groups to collect signatures to give the State of Ohio permission to spray affected areas with safe biological control agents. This approach can save you money. If you decide to spray your property on your own—which can be expensive—then use only licensed, certified professional firms that have been trained to handle the proper control agents safely and responsibly.

TRIBUTE TO COMDR. HENRY J. BRANTINGHAM

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HUNTER. Mr. Speaker, today I rise to recognize the outstanding service and dedication of Comdr. Henry J. Brantingham, whose career in the U.S. Navy spanned three decades and which included over eight awards and recognitions. Commander Brantingham recently passed away and I would like to take a moment to commend this individual's exceptional service to our country.

Henry began his career with the U.S. Navy 58 years ago with his graduation from the U.S. Naval Academy with the class of 1939. Following graduation, he served on the cruiser *Minneapolis* and several destroyers, later volunteering for motor torpedo boat training. He was subsequently ordered to duty in the Philippines at the outbreak of World War II. It was here that Henry accompanied Gen. Douglas MacArthur in his historical trip from Manila to the island of Cebu and onto the United States.

After returning to the United States, Henry was assigned to P.T. boat training duties at Newport, RI, and was subsequently sent to the South Pacific for the duration of the Solomon Islands campaign where he commanded a force of 1,100 personnel. Henry was also a member of the unit sent to rescue John F. Kennedy and his crew when their P.T. boat had been cut in two by a Japanese destroyer.

Following World War II, Henry was ordered to icebreaker duties and served on five expeditions to the Arctic aboard the *Edisto* . His final sea command was aboard the icebreaker *Burton Island* , which he took to both the Arctic and the Antarctic. While in the Antarctic, Henry rescued a number of Japanese scientists whose icebreaker had become stranded and led them to open seas enabling their return to Japan. In 1964, Comdr. Henry Brantingham voluntarily retired from the U.S. Navy having earned several decorations that included two Silver Stars, a Legion of Merit with combat "V", a Presidential Unit Commendation, and four campaign ribbons for his actions in the Pacific.

Henry and his wife, Elaine, had two children, William and Nancy. William served honorably in the Vietnam war with the United States Army and was, unfortunately, fatally injured in an automobile accident after coming home. Nancy currently lives in the San Diego area with her husband David and their 6-year-old son Bill. Mrs. Brantingham lives in La Jolla, CA, where she remains active in community affairs, including the La Jolla Unit of Pro America, the La Jolla Republican Women Federation, and in assisting new citizens with their voter registration.

Mr. Speaker, in an era when the U.S. military is often not given sufficient recognition, outstanding leaders such as Commander Brantingham, exemplify the commitment our Armed Forces has to superior performance.

TRIBUTE TO JESSE AND LOIS STRANAHAN

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Ms. FURSE. Mr. Speaker, I rise today to recognize two very special people who have distinguished themselves since the 1930's as tireless advocates for our working Americans.

Jesse and Lois Stranahan have been called the standard setters for the labor movement and it is no wonder. Jesse, a member of the International Longshoremen's and Warehousemen's Union, and Lois, a 30-year member of the ILWU Auxiliary, have championed the causes that affect not only the lives of longshore families, but those of all working people. They have fought for social justice, safe working conditions, fair wage compensation, and comprehensive health care.

The dedication, determination and extraordinary hard work that Jesse and Lois have selflessly given over these many decades have shown the way for countless others. They serve as testaments to the philosophy

that I have always held dear: one person can make a difference. I applaud their work, and I am privileged to have this opportunity to recognize Jesse and Lois Stranahan before this body.

THE ATTUCKS THEATRE, NORFOLK, VA

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. PICKETT. Mr. Speaker, I offer for inclusion into the CONGRESSIONAL RECORD this statement expressing the historical significance of the Attucks Theatre, located in Norfolk, VA, and the potential impact of the restoration of the theatre on the local culture and economy.

In an attempt to deal with the realities of a segregated society, an enterprise of black businessmen, the Twin Cities Amusement Corp., constructed the Attucks Theatre in 1919. The businessmen represented the twin cities of Norfolk and Portsmouth in Virginia. The Attucks Theatre was constructed in Norfolk on Church Street which was the focal point of commercial and social activity in the African-American community. The oldest available map of Church Street is dated 1680. Considering that the first colony in America was established in Jamestown, VA, in 1607, Church Street may well be the Nation's oldest center of activity for African-Americans.

As the only cultural center in the African-American community, the Attucks Theatre became a mecca for enterprise, education, and entertainment. Incredible stars appeared on stage at the Attucks, including Louis Armstrong, Count Basie, Nat King Cole, Duke Ellington, and a host of other famous performers of the big band era. The theatre was instrumental in nurturing the talents of many Hampton Roads natives including Tony Award winning artist Ruth Brown.

The Attucks Theatre is a rare treasure. According to documentation provided by the National Register of Historic Places, a small number of African-American theatres remain in the country today. Of this number, some were designated as movie houses and others were designated as performing arts theatres with stage rigging and other equipment unique to playhouses. The majority of these theatres were designated and/or constructed by persons of other races for African-American audiences. The Attucks Theatre is the oldest remaining playhouse in the country which was completely financed, designed, constructed and operated by African-Americans.

The renovation of the Attucks Theatre has national, regional, and local importance. Locally, the restoration will facilitate the revitalization of the Church Street corridor in Norfolk, an area which was formerly the social and economic hub of African-Americans in Hampton Roads.

Regionally, utilization of the theatre will help to alleviate the dearth of available—and affordable—performance venues for mid-sized arts organizations. It will also significantly impact the way in which African-American history is taught in the region's school systems. Educators in the Norfolk, Portsmouth, and Virginia Beach school systems look forward to developing curriculum which will be taught in the authentic historical setting of the Attucks. The Governor's Magnet School for the Arts will also have broad use of the theatre.

Nationally, the restoration will preserve a rare playhouse named in honor of Crispus Attucks, a patriot of African-American and native-American descent who was the first person martyred in the American Revolutionary War; a playhouse which served to uplift the hearts and spirits of a depressed people during the trials of segregation. The Attucks is a beacon to the talent, creativity and economic strength of the African-American culture. It is a structure meritorious of restoration.

LOCAL SOLUTIONS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. PACKARD. Mr. Speaker, for years we have heard a lot about what is wrong with our Government's efforts to solve poverty, hunger, and abuse. Last Congress, we passed welfare reform and turned the bulk of those efforts over to the States, communities, and individuals. Today, I am here to share with this body success stories—stories from my district about communities coming together to help people one at a time.

Last week, while back in my southern California district, I was delighted to visit places like Saint Clare's Home in Escondido, CA. Sister Claire runs the program that houses and cares for battered women and their children until they can re-enter society and provide for themselves. This place offers much more than a check ever could. Counselors provide one-to-one nurturing, job counseling, and a friendly face to turn to when troubles arise.

Also, I had the opportunity to tour the food distribution center in Orange County, CA, which sorts and directs surplus foods to charities throughout the county. This center takes perfectly good surplus food and instead of it going to the dumpster it feeds the hungry.

Finally, I witnessed the therapeutic miracles of the Fran Joswick Therapeutic Riding Center in San Juan Capistrano, CA. This riding facility provides a truly unique and enjoyable alternative therapy for developmentally and physically disabled children through horse riding and grooming. Children achieve physical and mental feats they otherwise would not have.

These groups have something truly significant in common—they were not thought up by some Government bureaucrat, not powered by some Government employee, and not entirely dependent on taxpayer dollars for their existence. Instead, their success rests on the basic principle that local citizens know best what the needs of their communities are; that families, churches, and service groups will always do a better job because their passion for helping others is both genuine and infinite in nature. My colleagues and I, participating in the Renewal Alliance, will continue to highlight these and other community efforts that are rebuilding lives and restoring hope.

FAMILIES AND THE AMERICAN DREAM

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. FORBES. Mr. Speaker, I rise today to speak about families and the American Dream. Nothing drives our society and stirs our passions more than this dream, and Mr. Speaker, nothing is more fundamental to the success of our American Dream than the family.

Our families are the cornerstone of our republic, and throughout our history, the family has been the source of our Nation's strength and values. A great deal of love, compassion, understanding, and patience go into building a successful family. It also takes courage and commitment to begin one, but no one would question its value.

On April 19, 1997, at St. Patrick Roman Catholic Church in Smithtown, Long Island, two young people, whom I have the privilege to know and represent in this House, will enter into the bonds of holy matrimony. Ms. Mary Beth Fauls, only daughter of Thomas Joseph Fauls, Jr., and Judith Anne Fauls, and Theodore Vincent Peck III, only son of Theodore Vincent Peck, Jr., and Christine Helen Peck, will on that day, joined by 140 of their friends and family, express their love and lifetime commitment to each other. Once again, this celebration held throughout our history, will be reenacted in a small corner of our land, and two of our young citizens will begin their personal journey toward fulfilling the America Dream.

Few will notice beyond those attending, Mr. Speaker, but considering that so much of what we here in this Congress debate concerns the welfare and security of our families, it is wholly fitting that we should pause for a moment to honor and reflect on this small event, which is so vital to the perpetuation of our country. I urge my colleagues to join with me in extending to the happy couple best wishes for a long, healthy, and successful marriage.

CCBC WINS NJCAA NATIONAL CHAMPIONSHIP

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. KLINK. Mr. Speaker, I rise today to recognize the Community College of Beaver County men's basketball team for their terrific season culminating with the National Junior College Athletic Association Division II National Championship.

The Titans, coached by Mark Javens, finished the season with an impressive 36–1 record. Additionally, they spent 15 weeks as the Nations No. 1 ranked division II junior college basketball team. In a post game interview with the Beaver County Times, guard Juan Patterson said, "We won 36 games, we lost only 1, and we won a national championship. There aren't too many teams on any level that

can do that!" The poise, professionalism, and pride which CCBC has exuberated during this most memorable season are indicative of the manner in which the students and faculty of this fine institution of higher learning conduct themselves on a daily basis.

With the help of some last second heroics provided by guard Jeff Benson, CCBC defeated Penn Valley Community College, Kansas City, MO to win the division II tournament, played at Danville Area Community College, in Danville, IL. The depth, and commitment of this team are what made this victory possible. In winning a national championship, the Titan's elevated themselves to a level that few will ever reach.

On behalf of my colleagues in the House of Representatives, I would like to congratulate the players, Al Franklin, Wayne Copeland, Larry Walker, Juan Patterson, Quincy Davidson, Jeff Benson, Ahmal Bodden, Larry Cottrill, Mark Foust, Matt Fondrk, as well as coach Javens and his assistants, Von Jeffrey Jones and Ron Rowan, trainer, Jeff Cienik and the athletic director, Michael Macon. You have made your school, your community, and the entire Fourth Congressional District proud.

REMEMBERING A PIECE OF AMERICAN HISTORY: ALABAMA'S HISTORIC BURNT CORN POST OFFICE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. EVERETT. Mr. Speaker, today I call attention to a little known occurrence that brings to a close a 179-year-old chapter in American and Alabama history. I'm speaking of the closing of the historic Burnt Corn Post Office in rural Conecuh County, AL.

On this day, the Burnt Corn Post Office stamps its last letter. Looking like a scene from a Norman Rockwell painting, the small, single window, wood-paneled post office, tucked away in the corner of a general store in Burnt Corn has become a local landmark. But it is more than just a relic, it is a link to America's adventurous past.

Located on what was once known as the Federal Road, the Burnt Corn Post Office was first established in 1817 and served weary travelers on their way to America's growing western frontier.

According to the Conecuh Countian, Burnt Corn was first mentioned in the acts of Congress establishing post roads, authorizing a post road from "Fort Mitchell, by Fort Bainbridge, Fort Jackson, Burnt Corn Spring, Fort Claiborne and the town of Jackson to St. Stephens."

When it was created, the Burnt Corn Post Office was located along a route from Washington City, by way of Athens, GA to New Orleans in the new Louisiana Territory.

The Burnt Corn Post Office possibly served many famous persons, among them Francis Scott Key, Andrew Jackson, and Vice President Aaron Burr while on their official travels.

The Burnt Corn Post Office, once a vital communications link for frontier travelers of the 19th century, is now destined for the history books. It is a time capsule from a simpler and more adventurous past when horseback riders and stagecoaches conveyed citizens of an ambitious adolescent republic called the United States of America.

SIXTH ANNIVERSARY OF THE REPUBLIC OF GEORGIA'S RE-INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today to commemorate the sixth anniversary of the Republic of Georgia's re-independence.

Georgia, one of the most ancient countries in the world, is situated in the Caucasus region, the crossroads of Europe and Asia. The country's rich culture and heritage is exemplified by its language, Georgian, which is over 2,000 years old, and which employs the unique Georgian alphabet, 1 of only 14 in use in the world today.

While Georgia was annexed by Russia in 1801, it never gave up its fight for independence. In 1918, those efforts were successful as Georgia regained its independence and relinquished its ancient monarchy for a democratically elected government. Sadly, this newfound independence was to be short-lived. In 1921, the Communist Iron Curtain descended over this small yet proud country. Georgia suffered terribly under the heavy hand of Soviet communism and its centrally planned economy. Through it all, the Georgian people never gave up their desire for independence.

On April 9, 1989, Soviet troops broke up a throng of 10,000 Georgian nationalists who were peacefully demonstrating for independence in Georgia's capital, Tbilisi. More than 200 people were injured and 19 killed, many of them women and children. Some were brutally beaten to death with shovels. This tragic event marked both the beginning of the end of Soviet domination and the rebirth of Georgia. After 70 years of Soviet domination, Georgia officially redeclared its independence on April 9, 1991. Thus, it is April 9 that is observed as both a commemoration of a tragedy and as the anniversary on which Georgia's long-fought-for independence was again regained.

Over the last few years, under the leadership of President Eduard Shevardnadze, Georgia has made remarkable strides toward a free market economy and democracy. A constitution grounded in democracy values has been adopted and free and fair Presidential and Parliamentary elections have been held. A new generation of leaders, including Zurab Zhvania, the 34-year-old Chairman of the Parliament who just last month visited us here in Washington, has begun to emerge. On the economic front, Georgia's new currency, the Lari, has remained stable since it was introduced in the fall of 1995. The International Monetary Fund has praised Georgia's economic initiatives and our own State Department has noted the significant progress Georgia has made in restructuring its economy. Several major United States corporations have already established a presence in Georgia.

Accordingly, Mr. Speaker, I rise today to commemorate the sixth anniversary of Georgian independence. I urge my colleagues to join in congratulating Georgia on its progress toward democracy and a free market economy.

ALASKA NATIVE SUBSISTENCE WHALING EXPENSE CHARITABLE TAX DEDUCTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. YOUNG of Alaska. Mr. Speaker, I rise to introduce a measure that would provide critically needed tax relief to a few Alaskan Native whaling captains who otherwise may not be able to continue their centuries-old tradition of subsistence whaling. In brief, this bill would provide a modest charitable deduction to those Native captains who organize and support traditional whaling hunt activities for their communities.

The Inupiat and Siberian Yupik Eskimos living in the coastal villages of northern and western Alaska have hunting the bowhead whale for thousands of years. The International Whaling Commission [IWC] has acknowledged that "whaling, more than any other activity, fundamentally underlies the total lifeway of these communities."

Today, under the regulatory eye of the IWC and the U.S. Department of Commerce, these Natives continue a sharply restricted bowhead subsistence hunt out of 10 coastal villages. Local regulation of the hunt is vested in the Alaska Eskimo Whaling Commission [AEWC] under a cooperative agreement with the Department of Commerce, National Oceanic and Atmospheric Administration.

The entire Native whaling community participates in these hunting activities. However, Native tradition requires that the whaling captains are financially and otherwise responsible for the actual conduct of the hunt; meaning they must provide the boat, fuel, gear, weapons, ammunition, food, and special clothing for their crews. Furthermore, they must store the whale meat until it is used.

Each of the approximately 35 bowhead whales landed each year provides thousands of pounds of meat and muktuk—blubber and skin—for these Native communities. Native culture dictates that a whaling captain whose crew lands a whale is responsible for feeding the community in which the captain lives. Customarily, the whale is divided and shared by all of the people in the community free of charge.

In recent years, Native whaling captains have been treating their whaling expenses as a deduction against their personal Federal income tax, because they donate the whale meat to their community and because their expenses have skyrocketed due to the increased costs in complying with Federal requirements necessary to outfit a whaling crew. The IRS has refused to allow these deductions, placing an extreme financial burden on those who use personal funds to support their Native communities' traditional activities. Currently five whaling captains have appeals of these disallowances pending before the tax court of the IRS.

The bill I am introducing today would amend section 170 of the Internal Revenue Code to provide that the investments made by this relatively small and fixed number of subsistence Native whaling captains are fully deductible as charitable contributions against their personal Federal income tax. Such an amendment should also retroactively resolve the disallowance and assessment cases now pending within the statute of limitations.

The expenses incurred by these whaling captains are for the benefit of the entire Native community. These expenses are vital contributions whose only purposes are to provide food to the community and to perpetuate the aboriginal traditions of the Native substance whaling culture.

Each Alaskan Native subsistence whaling captain spends an average of $2,500 to $5,000 in whaling equipment and expenses in a given year. A charitable deduction for these expenses would translate into a maximum revenue impact of approximately $230,000 a year.

Such a charitable deduction is justified on a number of grounds. The donations of material and provisions for the purpose of carrying out subsistence whaling, in effect, are charitable contributions to the Inupiat and Siberian Yupik communities for the purpose of support an activity that is of considerable cultural, religious, and subsistence importance to those native people. In expending the amounts claimed, a captain is donating those amounts to the community to carry out these functions.

Similarly, the expenditures can be viewed as donations to the Inupiat Community of the North Slope [ICAS], to the AEWC and to the communities' participating churches. The ICAS is a federally recognized Indian tribe under the Indian Reorganization Act of 1934 (48 Stat. 984). Under the Indian Tax Status Act, donations to such an Indian Tribe are tax deductible (28 U.S.C., 7871(a)(1)(A)). The AEWC is a 501(c)(3) organization. Both the ICAS and the AEWC are charged with the preservation of Native Alaskan whaling rights.

Also, it is important to note the North Slope Borough of Alaska, on its own and through the AEWC, spends approximately $500,000 to $700,000 annually on bowhead whale research and other Arctic marine research programs in support of the United States' efforts at the International Whaling Commission. This is money that otherwise would come from the Federal budget to support the U.S. representation at the IWC.

Given these facts and internationally and federally protected status of the Native Alaskan subsistence whale hunt, I believe expenditures for the hunt should be treated as charitable donations under section 170 of the Internal Revenue Code. I ask my fellow Members to join with me in clarifying the Federal Tax Code to make this a reality for these Native whaling captains.

THE ERISA CHILD ABUSE ACCOUNTABILITY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of child abuse victims everywhere. The legislation I have introduced, the ERISA Child Abuse Accountability Act, H.R. 1142, empowers people in a system that seems to be set against them.

Abuse survivors may have moved past the physical pain, but the scars, and emotional turmoil remain. Some have turned to the judicial system to hold their abusers accountable for their crimes. They endure traumatic trials, reliving the years of torment, and dredging up suppressed memories, in order to put their pasts behind them.

But too often, a court battle is only the beginning of the struggle. Even if a court finds the abuser guilty and awards the victim compensation, the money can be elusive. The logical target might be the abuser's pension. However, although private pensions are attachable for child support or alimony settlements, current law protects private pensions from court ordered monetary awards in child abuse cases.

Under legislation authored by Representative Patricia Schroeder and passed during the 103d Congress, victims of child abuse are permitted to collect awards from Federal pensions. The ERISA Child Abuse Accountability Act is a natural extension of the original bill, to include private pensions.

Those who would commit a crime against a child must be held accountable. We cannot allow abusers to hide behind the law. I urge my colleagues to support this bill and put the law on the side of the victims.

"THERE IS HOPE FOR THE CHILDREN"

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Ms. PELOSI. Mr. Speaker, I rise to bring to the attention of my colleagues the following article, "There is Hope for the Children" by Judy Mann in the Washington Post on Friday, March 14. This article ably describes how children are helping themselves through programs funded by UNICEF and the U.S. Agency for International Development. The article also presents an excellent summary of the UNICEF report, "America's Partnership with UNICEF," written by former House Appropriations Committee staff member Terry Peel. Terry's efforts to promote child survival have given tens of thousands of children around the world a chance for a decent life. I commend this important article to your attention:

[From the Washington Post, Mar. 14, 1997]

THERE IS HOPE FOR THE CHILDREN

(By Judy Mann)

Ten years ago, less than 40 percent of the children in Uganda and Kenya were immunized. Twenty percent of them were dying of preventable diseases. Today, the immunization rate has reached 80 percent. Uganda's under-5 mortality rate has dropped from 218 per 1,000 live births in 1960 to 185 in 1995, and Kenya's has dropped from 202 to 90.

This success story is one of many included in two new reports that chronicle a decade of genuine progress in child survival led by UNICEF and the U.S. Agency for International Development. In the pictures of the children at health centers and schools, in the faces of mothers, fathers, health care workers and teachers, there is hope and a determination to beat malnourishment and disease.

The UNICEF report was written by Terry R. Peel, a former staff director of the House Foreign Operations Committee, who traveled to Latin America, Africa and Asia to find out how U.S. support for UNICEF—which has amounted to $840 million during the last decade—is being used. He found story after story of children being lifted out of appalling and hopeless situations.

In El Salvador, where more children were dying of preventable diseases than of all the war-related causes combined, warring factions stopped shooting on designated days so children could be taken safely to clinics and vaccinated. El Salvador's under-5 mortality has dropped from 210 per 1,000 births in 1960 to 40 in 1995.

In Uganda, Peel found a Catholic priest, the Rev. Steve Collins, who works with a UNICEF center that helps children whose parents are dying of AIDS complications get the technical and vocational training they'll need to sustain the families. He introduced Peel to Katherine Nambudye, 20, who lost her parents to AIDS two years ago and is raising five younger siblings. "Because of the training program, she has graduated from school and is studying to be a teacher," Peel wrote.

"Katherine also runs a chicken business, makes sure her brothers and sisters are in school and cares for her 14-year-old brother who has polio. This brother is also working through the center to get a certificate in graphics. He goes to the center daily with the help of his brothers and sisters who push him more than a mile in a wheelchair."

In India, UNICEF has promoted schools for children who otherwise would be working in factories. Peel's report includes a wonderful picture of two beautiful girls, Shabana and Sudesha, who worked in the bangle industry for years before finally being enrolled in school. Shabana hopes to be a doctor.

Jon Rohde, UNICEF's country representative in India, told Peel that the 2 million deep well water pumps used throughout the world were invented by UNICEF in India. He said the pumps, which provide safe drinking water, along with oral rehydration therapy for diarrhea, have saved millions of lives.

The Agency for International Development financed the basic research that led to oral rehydration therapy and used its marketing experience to educate parents and health workers. The therapy is widely used in Bangladesh, and experts from there took it into Rwandan refugee camps, where it helped prevent mass deaths during cholera outbreaks. In its report, AID estimates that the therapy saves 1.5 million children a year. It was critical during a cholera outbreak that began in Latin America in 1991.

AID's Lessons Without Borders program has taken practices developed to increase child immunization in Kenya to Baltimore—and the city's immunization rate has risen from 62 percent to 96 percent for school-age

children. At a program marking International Women's Day at the U.S. State Department yesterday, first lady Hillary Rodham Clinton referred to the program: "We can learn from our neighbors around the world," she said. "Countless lives can be improved, and we can improve lives here at home."

Clinton, who leaves this weekend for Africa, said she hoped her trip would give "American people a renewed sense of the importance of our commitment to Africa."

"In this time of interdependence and interconnection, we all have a stake in each other," she said. "American interests are at stake. Far more importantly, America's values are at stake."

One of those values is a commitment to the welfare of children. Through AID and its support of UNICEF and other international child and family health organizations, the United States has prevented millions of child deaths and improved the quality of life for millions of children. In the last decade, AID has spent $2.4 billion for child survival. Americans can take heart from these two reports:

This is taxpayers' money well spent.

LET'S MAKE IT CLEAR THAT WE ARE UNITED IN PROVIDING TAX RELIEF FOR AMERICAN FAMILIES

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. PITTS. Mr. Speaker, today I introduced a House resolution calling upon the Congress and the President to come together to enact permanent tax relief of American families. I urge you and the rest of my colleagues to join me in a bipartisan effort to give tax relief to those who need it most; the hardworking American family.

Mr. Speaker, according to a recent study, American families pay more in taxes than they spend on food, clothing, transportation, and shelter. Further, every American will spend at least 120 days of this year to pay his or her share of taxes. Only after that point can an American begin to enjoy the rewards of a hard day's work. I think it's time to let American families keep more of what they earn.

My tax freedom resolution will send a reminder to the American taxpayer that we hear their cries for tax relief. As April 15 is around the corner, many Americans are wondering what their Federal tax pays for. Families need real, permanent tax relief, and they need a smaller Federal Government that spends less. I believe that my tax freedom resolution will unite the House of Representatives under the cause of serving the American people.

Mr. Speaker, I urge that we work on a bipartisan basis to enact real, permanent tax relief for the American family in the coming months. I look forward to working with you on this important issue, and urge that the tax freedom resolution be brought to the House floor so that Americans know that we are working for them.

CHICANO FAMILY CENTER 25TH ANNIVERSARY

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 9, 1997

Mr. GREEN. Mr. Speaker, for as long as I have been representing Houston in the Texas House and Senate and now in the U.S. House of Representatives, our community has benefited from the presence of the Chicano Family Center.

This month, the Chicano Family Center celebrates its 25th anniversary. April 17 will mark one-quarter of a century of the center's commitment to providing family counseling, intake and referral services, emergency food and clothing, substance abuse prevention and intervention programs for children and families, afterschool and summer programs, recreation and sports activities, juvenile delinquency and teen pregnancy prevention, HIV/AIDS education and English as a second language instruction.

The Chicano Family Center has left an indelible imprint on the lives of families throughout Houston through these meaningful programs. Though the center serves a predominantly Hispanic community, its doors are open to any person who asks for help or who seeks to participate in its programs. The Chicano Family Center's simultaneous empowerment of the Hispanic community and fostering of cross-cultural interaction and understanding have enriched the lives of Houston area residents from all ethnic backgrounds.

In recognizing Houston's Chicano Family Center today, I am echoing the words of praise the center has earned from the Houston Chronicle, the United Way, Governor George Bush's office and the mayor of the city of Houston Robert Lanier, among others.

Thank you, Chicano Family Center, for your 25 years of service to our community, inspiration to our citizens and promotion of the highest ideals.

[From the Houston Chronicle]

SERVING HOUSTON—THE NEED IS THERE, AND COMMUNITY SERVICE CAN MEET IT

Serve Houston, this city's chapter of the national AmeriCorps program, today will field some 1,500 citizens for a day of community service. The project combines teams of volunteers from schools, churches, neighborhoods, businesses and families with corporate support and aims to demonstrate the power of citizens to improve their communities.

The volunteers will, among other things, make repairs to schools, houses and churches, till community gardens, construct wheelchair ramps and conduct field trips for children with special needs. The project also will raise money to support the AmeriCorps interns who conduct school and after-school programs for more than 1,000 children every day.

One of Serve Houston's important community partners is the Chicano Family Center, which celebrates its 25th anniversary on Monday. Located on Avenue E on Houston's east side, the center serves a largely Hispanic neighborhood and clientele but provides help to any person who asks for it, regardless of ethnicity and with no questions asked.

The center efficiently and productively provides a broad array of social services for children, young parents and the elderly: education and literacy training; tutoring and counseling for students; an award-winning Scouting troop; family and drug abuse counseling; nutrition and sewing classes; and medical referrals. The list continues much further and covers virtually everything families need to correct problems, survive crises and learn the skills and habits necessary to live successful and fulfilling lives. In short, the Chicano Family Center serves as a model for delivery of social services to the community.

As welfare reform proceeds and welfare recipients use up their rationed benefits, community service organizations such as Serve Houston and the Chicano Family Center, which combine public and private resources, professionals and volunteers, will play an increasingly important role in providing help for those who need it.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. EHLERS. Mr. Speaker, on rollcall No. 73, I was involved in other legislative business and was not able to vote in time. Had I been present, I would have voted "yes."

EXPLANATION OF ABSENCE

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. POMEROY. Mr. Speaker, yesterday I was in North Dakota participating in the emergency relief efforts that are underway to help the victims of the latest winter storm to hit the Upper Great Plains. As a result, I was absent for rollcall votes No. 72 and 73. Had I been present, I would have voted "aye" on both measures.

IN RECOGNITION OF JANET CONKLIN KIREKER AND FANNIE CALDWELL ALLEN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise today to congratulate Janet Conklin Kireker and her grandmother, the late Fannie Caldwell Allen, on their recent recognition by the Social Service Association of Ridgewood and Vicinity Inc. I would like to add my own recognition of the work they have done.

Fannie Caldwell Allen, Janet Conklin Kireker, and the Social Service Association of Ridgewood and Vicinity are the embodiment and personification of what has made America the greatest democracy on Earth and a beacon to the world.

Now I know that is easy to say. The rhetoric rolls too easily off the tongues of politicians. But this is genuine testimony to all who have been associated with the Social Service Association both today and through its 100-year history. These are the Americans—faithful to the principles of our Founding Fathers—who have been there when their neighbors turned to them for help.

Whether due to illness, disability, advanced age or economic hardship not of their making, these friends and neighbors in need have relied upon the Social Service Association. The Social Service Association has been there with the material and emotional support delivered personally and confidentially. This help has been volunteered and donated by the helping people of the community.

In honoring Fannie Caldwell Allen, we recognize that she set a very high standard as the association's longest-serving president. Born in New York City in 1871, she moved to Ridgewood as a young mother in 1903 and, with her husband, William, raised four children in their Woodside Avenue home. She joined the association in 1916, was named to the aboard in 1917, became recording secretary in 1918 and became president in 1919. She held that position until October 1937. During the aftermath of World War I, the Prohibition era and the Great Depression, she led the women of the association as they helped their neighbors deal with both the special problems of the times and the ordinary problems of everyday life.

During Mrs. Allen's tenure, the association's caseload, range of services, budget and community profile all grew tremendously. Among the highlights were the establishment of a program of local schools helping at Thanksgiving in 1924, establishment of the association's long-standing relationship with the Community Chest in 1926 and the opening of the Thrift Shop in 1930.

Upon her retirement as president in 1937, Mrs. Allen was named honorary president in recognition and appreciation of her many years of devoted leadership. She died in 1961.

Following in that heritage of dedicated altruism, Mrs. Allen's granddaughter, Janet Conklin Kireker, has been a true friend to the Social Service Association. For many years, she and her husband, Frank, have generously supported the association and its goals. In addition to the association, she has been a longstanding member of the Woman's Club of Ridgewood, where she serves as a member of the Board of Trustees; the College Club; the American Red Cross; and Valley Hospital, where she has volunteered with distinction for 25 years and is a patient representative. She and Frank raised three children in Ridgewood.

It has been with the support and generosity of caring citizens like Janet that the association has thrived and admirably served those in need. It is thanks to the longstanding commitment of volunteers like Fannie and Janet and all the other women who have worked with the Social Service Association that the association has established the outstanding, noble reputation it enjoys throughout the State of New Jersey.

Many people speak of helping others but few back up their words with deeds. The members of the Social Service Association are among those few. When a family has needed a meal, they were there. When a child needed clothing, they were there. When a handicapped person needed a wheelchair, they were there. There are many stories I could tell, many superlatives I could apply and many platitudes I could offer. In plain language, when someone needs help, the Social Security Association is there.

The women of the association are selfless, dedicated individuals who have tremendous compassion for their fellow human beings. They are examples for us all.

I also have a few words of personal testimony of what Janet has meant to me. She was always there whenever I needed her. In my early days of running for office, when nobody thought that housewife from Ridgewood could ever be elected, she was there. This housewife from Ridgewood would never have become a Congresswoman serving our Nation had it not been for her loyalty and generous support.

And America—now, as we face the millennium—is looking back to restore those values and qualities that built our great Nation. As we face a new world of technological change, a global economy, and the challenges of cultural change we must retain our commitment to the enduring values of our 200 years of history.

The tradition of neighbor helping neighbor—holding out a helping hand, generosity in donating financial resources, willingness to help those who cannot help themselves—is kept alive because of people like the women of the Social Service Association of Ridgewood.

Those are the sterling qualities we celebrate today. Those are what Janet and her grandmother have given to our community. For that we praise her.

She is a role model for the future.

Janet said at this month's award ceremony that she was certain her grandmother was smiling down from above. Today, as I write this, I am certain that Fannie Allen and many others of her generation are looking with favor upon Janet Conklin Kireker and the many others who have carried on in their tradition.

UNITED STATES MUST SUPPORT HUMAN RIGHTS AND FREEDOM FOR SIKHS OF KHALISTAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. KING. Mr. Speaker, I was alarmed to read of the death of Kashmir Singh, the Publicity Secretary of the Akali Dal, Amritsar, for the district of Hoshiarpur. This incident has, once again, raised serious questions about the Indian Government's policies on political dissent.

According to media reports, Kashmir Singh and his father were taken from their home by Indian police at about 1:30 a.m. on March 15. Kashmir Singh died in police custody.

Although the police declared the incident an "encounter," there is a long history of such extrajudicial killing in India's campaign of oppression against the Sikhs and other minorities in South Asia.

Even the pro-Government Indian Express called Singh's death "a cold-blooded killing." Unfortunately the death of Kashmir Singh was not an isolated incident. There is an established pattern of repression in India. Countless political critics of the regime have been unfairly imprisoned, tortured, or disappeared.

The United States must support human rights and democracy throughout the world. Our Nation is a beacon of hope for people seeking self-determination and freedom. The people of Khalistan deserve that support.

INTRODUCTION OF THE DOLPHIN-SAFE FISHING ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. MILLER of California. Mr. Speaker, we are about to enter into another round of debate on legislation to weaken one of our most popular environmental laws. Why? Because a foreign government demands it, and has threatened to kill thousands of dolphins if we don't.

During the last Congress, a small number of environmental groups secretly negotiated an agreement with Mexico and other Latin American nations to change the United States law assuring our children that the tuna they eat in their school lunches wasn't caught at the expense of dolphins. That deal was then presented to the Congress as take it or leave it, no amendments allowed—because Mexico wanted it that way, because Mexico has charged that we are flouting the rules of international free trade.

Is this where free trade principles have brought us? To a demand that we either open our markets to Mexican tuna or they'll slaughter even more dolphins?

There has to be a better way. And there is.

Today I am introducing the Dolphin-Safe Fishing Act, alternative legislation that would reward fishermen of other nations who choose not to kill dolphins by allowing their tuna to be sold in the United States under the famous "Dolphin Safe" label. Unlike other legislation on this issue, my bill would resolve the current trade dispute with Mexico without weakening United States laws.

The Dolphin-Safe Fishing Act would allow tuna to be sold in the United States by nations whose fishing fleets continue to reduce dolphin deaths beyond last year's mortality level of just over 2,700 animals. By contrast, other legislation promoted by foreign tuna interests would authorize the deaths of more than 5,000 dolphins next year.

Countries who wish to sell their tuna in our market would have to be certified by the Secretary of Commerce as not being involved in the transport of illegal drugs. The need for this provision has been established in recent articles in the Latin American and United States press and in testimony before Congress.

For example: At least 275 tons of cocaine transit the eastern tropical Pacific Ocean every year.

In July 1995, a Panamanian tuna vessel was caught off the coast of Peru with more

than 12 tons of cocaine. This vessel was registered to a fishing company, Pesquera Azteca, owned by Colombian Cali Cartel drug trafficker Jose Castrillon Henao.

In August 1996, a Honduran-registered fishing ship crewed by Colombians and Ecuadoreans was seized off the Colombian coast with 2 tons of cocaine

In January 1997, a Mexican fishing vessel was intercepted off Mexico's Pacific coast carrying 3.5 tons of cocaine.

In September 1996, Manuel Rodriguez Lopez, owner of Grupo Pesquero Rodriguez, which includes tuna companies in Baja California, Mexico, was placed under house arrest on charges of money laundering. Among the assets confiscated during his arrest were six tuna fishing vessels. Rodriguez also owns four other fishing companies believed to be involved in drug trafficking and money laundering.

Given the recent vote of this body on decertification of Mexico as a partner in the war against drugs, and the ongoing press articles across the country about the ways in which free trade actually contributes to the sale of illegal drugs in the United States, we cannot allow legislation to pass this body that would further feed the Mexican drug trade.

The Dolphin-Safe Fishing Act also strengthens the meaning of the dolphin-safe label by ensuring that no tuna caught by chasing, netting, killing, or seriously injuring marine mammals can be called "dolphin safe". H.R. 408, by contrast, would allow dolphins to be chased and netted without limits—a practice prohibited by the Marine Mammal Protection Act and the Endangered Species Act—and permit that tuna to be deceptively labelled "safe" for dolphins.

The Dolphin-Safe Fishing Act specifically addresses by-catch problems in the tuna fishery by requiring that all threatened and endangered species, such as sea turtles, be released alive, and requires fishing nations to adopt a by-catch reduction program to reduce the harvest of nontarget species.

Finally, the bill expresses the Sense of the Congress that each nation participating in the tuna fishery should contribute an equitable amount to the expenses of the Commission that overseas this fishery. Currently, the United States pays more than 90 percent of the expenses, although the United States has the smallest eastern Pacific tuna fishing fleet. The United States also houses the Commission, rent-free, in a waterfront property in La Jolla, CA, which would generate approximately $500,000 annually for the Treasury.

The Dolphin-Safe Fishing Act is supported by a coalition of more than 80 environmental consumer protection, and labor organizations, including the Sierra Club, Defenders of Wildlife, Public Citizen, the National Consumers League, Humane Society of the United States, the National Family Farm Coalition, the International Brotherhood of Teamsters, the Oil Chemical and Atomic Workers International, and Clean Water Action.

The Dolphin-Safe Fishing Act is the responsible way to respond to concerns about the tuna trade, and I urge my colleagues to get the facts before they support any other legislation.

RICHARD BURSTEIN—VALLEY BETH SHALOM MAN OF THE YEAR

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SHERMAN. Mr. Speaker, it is my honor to commend Mr. Richard Burstein, an outstanding citizen. On June 1, 1997, Richard will be named the Valley Beth Shalom in Encino, CA.

Richard, who lives in the San Fernando Valley with his wife, Irene, and their two sons, received his undergraduate degree at the University of California at Los Angeles where he graduated with a bachelor of arts degree in Political Science in June 1970, awarded magna cum laude. After graduating college, Richard enrolled in the University of California at Berkeley, Boalt Hall School of Law, graduating with a juris doctor degree in June 1973. During 1972–73, Richard served on the Moot Court Board.

Richard has been a practicing attorney in California for 24 years. Richard specializes in general civil litigation, commercial real estate, business, tort contract, and corporate matters. His practice includes matters in both State and Federal court and also issues of attorney conduct. He is a member of the California State Bar where he has served as a judge pro tem in the Hearing Department of the State Bar Court.

Not only has Richard excelled in his professional life, but he has been a great community leader as well, enhancing the lives of his fellow citizens in the community. He has devoted countless hours of service at his synagogue, Valley Beth Shalom, where he served as president from July 1994 through June 1996. During his presidency, with his collegial style he found solutions to difficult problems as he coordinated the Temple's successful efforts to complete the repairs caused by the devastating January 17, 1994 Northridge earthquake. He worked to insure that the earthquake repairs and events at the Temple were conducted in a way that was sensitive to the needs and concerns of the Temple's neighbors and the conditions established by the city of Los Angeles.

He previously served as president of the Valley Beth Shalom Day School for 3 years, and as Temple vice president of Administration and Education. As the immediate past president, Richard serves on the executive committee and the board of directors of Valley Beth Shalom. Richard's emphasis on the needs of our community has had a great impact on all our lives; his values and ethics have set an example for others to follow—that is why it is with great pleasure and esteem that I stand here today to pay tribute to a great citizen of our Nation.

Mr. Speaker, I ask you and my other esteemed colleagues to join me in congratulating Richard on being honored as Valley Beth Shalom's Man of the Year. His wife, his children, and his community can be proud of Richard's accomplishments. His unselfish dedication will be marked forever in our history.

THE BIRTHDAY OF THE SIKH NATION: A TIME TO SPEAK OUT FOR FREEDOM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today to take this opportunity to wish our Sikh friends a happy Vaisakhi Day. This day commemorates the anniversary of the founding of the Khalsa by Guru Gobind Singh in 1699. It is an extremely important day in the Sikh calendar.

In 1999, only 2 years from now, the Sikh Nation will celebrate its 300th anniversary. This will be a major celebration for the Sikh Nation and its friends. However, it will be diminished if the Sikhs continue to live under the kind of brutal tyranny and repression where human rights violations are committed by the occupying Indian forces.

A recent example on March 15, 1997, involved the abduction and murder of Kashmir Singh, an official of the Akali Dal or Amritsar. Kashmir Singh was picked up by the police in the middle of the night by the police and murdered. His lifeless body was then dumped at the district hospital. On September 6, 1995, the police kidnapped human rights activist Jaswant Singh Khalra, who had published a report exposing their policy of mass cremations. Last year it was reported that the police picked up and murdered a 3-year-old Sikh boy, his father, and his uncle, who were all suspected terrorists. Quite frankly, it is difficult for me to believe that a 3-year-old boy could be a terrorist. The regime has also detained and harassed Ram Narayan Kumar, a Hindu human rights activist who produced the video, "Disappearances in Punjab," which was provided to me last year by the Council of Khalistan. The list goes on and on.

All told, it is estimated that over a quarter of a million Sikhs have been persecuted for speaking out for what they believe in. In America, we call it free speech. In India, they clearly do not.

These are just a few examples of human rights violations committed by India. We must continue to press India to respect basic human rights. If India does not comply, then the United States should stop sending them millions of dollars in foreign aid. It is time to take action to end this injustice. Then we can join our Khalistani friends in celebrating their 300th anniversary.

I hope my colleagues will take a few minutes to review the following article on the murder of Kashmir Singh.

[From the Indian Express, Mar. 17, 1997]

A COLD-BLOODED KILLING?

(By Atul Sangar)

HOSHIARPUR, March 16.—Widespread resentment prevails amongst the residents of Pandori Rukmana village, located about 10 km from Hoshiarpur on the Hoshiarpiur-Jalandhar road, and several other villages, over the killing of 26-year-old Kashmira Singh, allegedly by a Tarn Taran police party on Friday night.

The body was cremated today after a postmortem examination which showed wounds on the neck and knee caps.

Such was the anger of the people that the day the incident took place, villagers from the area collected in large numbers at Prabhat Chowk, in Hoshiarpur, demanding registration of a case by the police. However, after about six hours of dharna and blocking of traffic, it was only when Punjab minister Sarup Singh got caught in the traffic jam and was later gheraoed by the villagers, that the case was registered, said Professor Gurpal Singh, uncle of Kashmira Singh.

A gloomy atmosphere prevailed in the village when this reporter visited the family of Kashmira Singh. His father Jeet Singh said tearfully, "we were sleeping inside when suddenly 10 to 12 persons, some in plain-clothes and others in uniform, caught hold of me by the throat. On hearing my shrieks, my son also came to my room. We were told by police and others to keep quiet and were apprehensive that these persons may be bad elements. They tried to grab and drag us out of the house. Two or three rounds were fired during this scuffle and we were bundled into a four-wheeler with a blanket over our faces."

Jeet Singh, a farmer and junior employee of a semi-government undertaking, said that his son was farming and had studied up to BSC–I. He said that after being "kidnapped" they were made to travel for about 20 minutes and he was pushed out of the vehicle near a sheller at Kanani-Wala village where he asked for water from the sheller attendant. Barefoot, he later started walking back and took a lift from a taxi and reached the village.

Meanwhile, at the village, the ladies, including Kashmira's wife Harpreet Kaur, raised a hue and cry and the sarpanch, lambardar and others gathered.

According to the members of Kashmira's family, the duo were taken away around 12.30 or 1 a.m. and Jeet Singh returned around 3 or 4 p.m.

Jeet Singh's house is partially constructed and wood work is incomplete in several rooms. He left behind an eight-month old child.

Later, the villagers approached the police and rang them up from the panchayat telephone but persons turned up from the Nasrala Chowki only.

Lambardar Ajeet Singh said that Kashmira was wrongly being defamed as having terrorist links. Others told The Indian Express that Kashmira was an activist and pracharak of Akali Dal (Mann).

Mann also visited the village today. Sympathising with the villagers, he is reported to have said that the Badal government was going the way of previous governments.

A couple of empty cartridges were recovered from the courtyard of the house today.

On the other hand, the Hoshiarpur police and their counterparts in Tarn Taran have contended that Kashmira had terrorist links and was killed in an encounter with the police.

Shera, a resident of a neighbouring village, said, "we never expected this kind of treatment from the Badal government and the police.

But it seems nothing has changed.

Many in the area expressed frustration over the state of affairs."

The SSP of Hoshiarpur was not available for comments despite several attempts to contact him.

Chandigarii: Director General of Punjab Police P.C. Dogra has defended the police action resulting in the death of Kashmir Singh.

The latter, he said, was not only wanted by the police but had also made a murderous assault on the police party carrying him.

While one SPO and witnesses had been seriously injured by him with a sword, the police, he claimed, had acted in self-defence.

THE MORRIS K. UDALL PARKINSON'S RESEARCH ACT OF 1997

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. UPTON. Mr. Speaker, it is my pleasure and privilege today to join with Represenatative HENRY WAXMAN and 106 of our colleagues in introducing H.R. 1260, the Morris K. Udall Parkinson's Research Act of 1997. This legislation is designed to expand and coordinate research on Parkinson's disease to speed the discovery of a cure for this devastating disorder.

The bill authorizes $100 million in fiscal year 1998 and such sums as may be necessary in fiscal years 1999 and 2000 to expand basic and clinical research, establish up to 10 Morris K. Udall Parkinson's research centers across the country, provide for a coordinated program of research and training with respect to Parkinson's disease at the National Institutes of Health, and establish a grant awards program to support researchers who demonstrate the potential for making breakthrough discoveries in Parkinson's.

Parkinson's disease is a chronic, progressive disorder affecting 1 million Americans. In its final stages, the disease robs individuals of the ability to speak or move. Although Parkinson's disease costs society an estimated $26 billion a year in medical and lost productivity costs—costs which will escalate as the baby boom generation ages—Parkinson's research is severely underfunded. The research funding level has essentially been flat for the past 5 years, averaging about $26 million a year, or only $26 per patient in direct research funding.

I encourage my colleagues who have not already done so to cosponsor the Morris K. Udall Parkinson's Research Act and join us in the search for a cure for this devastating disease.

INTRODUCTION OF THE FEDERAL ELECTRONIC AND INFORMATION TECHNOLOGY ACCESSIBILITY COMPLIANCE ACT OF 1997

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Federal Electronic and Information Technology Accessibility Compliance Act of 1997. This legislation would strengthen current law that requires information technology purchased by Federal agencies to be accessible to their employees with disabilities. It also would continue the existing expectation that States receiving Federal funds for disability programs meet accessibility guidelines in their information technology acquisitions.

There are approximately 145,000 Federal employees with disabilities, and they comprise 7.5 percent of the Federal work force. While they are employed in a variety of agencies, most of them work in the Department of Defense, the Department of Veterans' Affairs, and the Department of Agriculture. We can be proud that the Federal Government is offering solid employment opportunities to so many people with disabilities and taking advantage of the talents, insights, and knowledge that they have to share.

Information technology has played a large role in opening jobs in the Federal Government and elsewhere to people with disabilities. For example, an estimated 43 percent of employed people who are blind or visually impaired use computers to write. However, information technology can also shut the door to employment for people with disabilities if isn't accessible to them. Web sites with heavy graphics content, for instance, may not be designed to be compatible with software commonly used by people who are blind or visually impaired to read information on computer screens.

So it is imperative to Federal employees with disabilities for Federal agencies to purchase information technology that gives them a chance to do their jobs instead of cutting them off from full participation in the work force.

Section 508 of the Rehabilitation Act was designed to achieve this goal. It calls on Federal agencies to follow guidelines established by the General Services Administration and the Department of Education to ensure that their information technology is accessible to people with disabilities. Unfortunately, section 508 contains no enforcement mechanism, and many Federal agencies are not in compliance with the guidelines.

The Federal Electronic and Information Technology Accessibility Compliance Act of 1997 would add teeth to section 508 by establishing a way to enforce agency compliance with the guidelines. It asks the Office of Management and Budget [OMB] to develop uniform procedures for Federal agencies to use each year to certify whether or not they are in compliance with section 508 guidelines. OMB also is given authority to review agency compliance statements and assist agencies in making their information technology systems accessible to their employees with disabilities.

Additionally, the legislation addresses another problem related to section 508 guidelines. The Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 contain a mechanism to encourage States to follow section 508 guidelines as a condition for receiving Federal funding for disability related projects. However, this law is expected to expire in a few years. My legislation takes the language from the Technology Act and inserts it into the Rehabilitation Act as one of the expectations for States to meet in exchange for vocational rehabilitation funding from the Federal Government.

Mr. Speaker, this legislation will help make the Federal Government a better workplace for people with disabilities. I urge my colleagues to join me in this effort by supporting the Federal Electronic and Information Technology Accessibility Compliance Act of 1997.

CONGRESSMAN Mc GOVERN CONGRATULATES LOCAL VOLUNTEERS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. McGOVERN. Mr. Speaker, I would like to congratulate the following citizens of Massachusetts for their outstanding work in making the St. Patrick's Day parade in Fall River, MA, such a tremendous success. As members of the Fall River St. Patrick's Day Parade Committee their hard work and commitment are keeping the city's once lost tradition of a St. Patrick's Day parade alive and well. The parade has become a multicultural event for all the residents of southeastern Massachusetts and its organizers deserve our recognition.

Chuck Gregory, Chairman, Thomas Murphy, Coordinator, Thomas Quinn, Ambassador, John O'Neil, Treasurer, Brian Burns, Treasurer, Richard O'Neil, Events Coordinator, Ron Boulay, Coordinator, Willie Brown T.V. Commentator, Butch Hyland, David Lown, Paul Donnelly, Charlie Donnelly, Sean Murphy, William Ready, Dan Morris, and Robert O'Neil.

THE INTRODUCTION OF THE JUDICIAL REFORM ACT OF 1997

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. HYDE. Mr. Speaker, I am pleased, along with many of my colleagues on the Judiciary Committee, to introduce the Judicial Reform Act of 1997. This necessary legislation addresses one of the most disturbing problems facing our constitutional system today—the infrequent but intolerable breach of the separation of powers by some members of the Federal judiciary.

The first reform contained in this bill was developed originally by a valued member of the committee, Representative BONO of California. Recognizing the unjust effect on voting rights created by injunctions issued in California by one judge against the will of the people of the State as reflected in propositions 187 and 209, this bill provides that requests for injunctions in cases challenging the constitutionality of measures passed by a State referendum must be heard by a three-judge court. Like other Federal voting rights legislation containing a provision providing for a hearing by a three-judge court, the Judicial Reform Act of 1997 is designed to protect voters in the exercise of their vote and to further protect the results of that vote. It requires that legislation voted upon and approved directly by the citizens of a State be afforded the protection of a three-judge court pursuant to 28 U.S.C. 2284 where an application for an injunction is brought in Federal court to arrest the enforcement of the referendum on the premise that the referendum is unconstitutional.

In effect, where the entire populace of a State democratically exercises a direct vote on an issue, one Federal judge will not be able to issue an injunction preventing the enforcement of the will of the people of that State. Rather, three judges, at the trial level, according to procedures already provided by statute, will hear the application for an injunction and determine whether the requested injunction should issue. An appeal is taken directly to the Supreme Court, expediting the enforcement of the referendum if the final decision is that the referendum is constitutional. Such an expedited procedure is already provided for in other voting rights cases. It should be no different in this case, since a State is redistricted for purposes of a vote on a referendum into one voting block. The Congressional Research Service estimates that these 3-judge courts would be required less than 10 times in a decade under this bill, causing a very insubstantial burden on the Federal judiciary, while substantially protecting the rights of the voters of a State.

This bill recognizes that State referenda reflect, more than any other process, the one-person-one-vote system, and seeks to protect a fundamental part of our national foundation. This bill will implement a fair and effective policy that preserves a proper balance in Federal-State relations. I applaud Mr. BONO for his efforts in extending the protection afforded to Voting Rights Act cases to direct initiatives of the people.

The second reform contained in this bill was developed by the chairman of the Subcommittee on the Constitution, Representative CANADY of Florida. It allows immediate [interlocutory] appeals of class action certifications by a Federal district judge.

When a district judge determines that an action may be maintained as a class action, the provisions contained in the Judicial Reform Act allow a party to that case to appeal that decision immediately to the proper court of appeals without delaying the progress of the underlying case. This prevents automatic certification of class actions by judges whose decisions to certify may go unchallenged because the parties have invested too many resources into the case before an appeal is allowed.

This bill will also prevent abuses by attorneys who bring class action suits when they are not warranted, and provides protection to defendants who may be forced to expend unnecessary resources at trial, only to find that a class action was improperly brought against them in the first place.

The third reform contained in this bill was developed by another valued member of the committee, Representative BRYANT of Tennessee. It requires that a complaint brought against a Federal judge be sent to a circuit other than the one in which the judge who is the object of the complaint sits for review. This will provide for a more objective review of the complaint and improve the efficacy of the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. 372—The 1980 Act—which established a mechanism for the filing of complaints against Federal judges.

Under those procedures, a complaint alleging that a Federal judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts may be filed with the clerk of the U.S. Court of Appeals for the circuit in which the Federal judge to be complained against sits. Under the act, a special committee will report to the judicial council of the circuit, which will decide what action, if any, should be taken.

By requiring that complaints filed under the 1980 act be transferred to a circuit other than the circuit in which the alleged wrongdoer sits, more objectivity and accountability will exist for litigants who find themselves in need of relief from a judge who is not properly performing his or her functions.

The fourth reform contained in this bill prohibits a Federal court from imposing taxes, a function reserved to legislative bodies, for the purpose of enforcing a legal decision. Mr. Speaker, seizing the power of the public purse by imposing taxes on any community is an egregious example of how some members of the judiciary have breached this Nation's founding principle of separation of powers and undermined the concept of self-rule.

In some cases, judges have designed in specific detail local school systems and public housing systems, and then ordered tax increases to finance the spending bills disguised in their judicial rulings. State and Federal laws leave budget and spending authority to legislative bodies, because only a body which represents the will of the people can decide properly how to spend the people's taxes. While rulings on due process are important to protect the rights of litigants, any remedy which would force the public to pay more in taxes must come from the House of the people and not from the authority of the bench. The judiciary is not equipped nor given the power to make such decisions. To allow otherwise is to usurp self-rule and replace it with self-appointed authority. As four Justices of the U.S. Supreme Court have stated, the imposition of taxes by courts "disregards fundamental precepts for the democratic control of public institutions. The power of taxation is one that the Federal judiciary does not possess."

This bill will restore the proper balance defined in the Constitution between the Federal branches and Federal-State relations by prohibiting courts from imposing taxes on any community. It retains accountability by legislatures to the electorate, and not to judges.

The fifth reform contained in this bill was also developed by Representative CANADY. It allows all parties on one side of a civil case brought in Federal district court to agree, after initial assignment to a judge, to bring a motion requiring that the case be reassigned to a different judge. Each side of the case may exercise this option only once.

This substitution of judge, or, as referred to in the bill, "reassignment of case as of right" provision mirrors similar State laws and allows litigants on both sides of a case to avoid being subjected to a particular Federal judge, appointed for life, in any specific case. It might be used by litigants in a community to avoid forum shopping by the other side in a case, or to avoid a judge who is known to engage in improper courtroom behavior or who regularly exceeds judicial authority.

This provision is not meant to replace appellate review of trial judges' decisions, but rather to complement appellate review by encouraging judges to fairly administer their oaths of office to uphold the Constitution. Many judges face constant reversals on appeal, but still

force litigants to bear extraordinary costs before them and further bear the burden of overcoming standards of review on appeal. This provision allows litigants some freedom in ensuring that due process will be given to their case before they bear the costs associated with litigating in trial court and will encourage the judiciary to be as impartial as required by their charge.

Mr. Speaker, this bill is limited in scope. It reforms the procedures of the Federal courts to ensure fairness in the hearing of cases without stripping jurisdiction, or reclaiming any powers granted by Congress to the lower courts. It does assure that litigants in Federal courts will be entitled to fair rules of practice and procedure leading to the due process of claims.

I commend the entire Committee on the Judiciary for their work in procuring these reforms to our courts, and look forward to hearings on this bill in the middle of May by the Subcommittee on Courts and Intellectual Property, chaired by Representative HOWARD COBLE.

SALUTE TO THE DEVIL PUP PROGRAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to pay tribute to the Devil Pups, an outstanding program that has served Ventura County and California for over 40 years.

The Devil Pups Program was started in 1954 with the objective of developing the qualities of good citizenship, self-control, confidence, personal discipline, teamwork, respect for family and country in young men 14 through 17 years of age. Through interaction with Marine Corps leaders and observation of Marine training, Devil Pups instill a greater sense of pride and personal accomplishment in each of the program's graduates.

As one of the first Devil Pup recruits in 1958, I can personally speak of its merits. I began the program a young boy and emerged a young man. We trained like Marines and we felt like Marines—except we occasionally had access to water while the Marines carried canteens.

Devil Pups gain insight into the principles on which our Nation was founded and thus enhance their pride of country and its flag. During their 10 days at camp, Devil Pups learn first aid, physical conditioning, attend educational lectures on the dangers of drug and alcohol abuse, and much more.

In this time of reliance on Government Expenditure, the Devil Pups are unique. The program is financed entirely by donations from charitable foundations, business corporations, and individuals. They do not accept nor solicit grants from the Federal Government. And, more importantly, there is no cost to the pup or his family.

The Devil Pups and the fine volunteers who operate the program are models for our community and our youth. I wish each of them many more successes.

PROPERTY CLAIMS IN CENTRAL AND EASTERN EUROPE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. SMITH of New Jersey. Mr. Speaker, at the end of the last Congress, I introduced a resolution on the difficult subject of property claims arising from Fascist- and Communist-era confiscations in Central and Eastern Europe. As with the previous resolution, I am joined by my colleagues from the Helsinki Commission in introducing this resolution. Mr. PORTER, Mr. WOLF, Mr. SALMON, Mr. CHRISTENSEN, Mr. HOYER, Mr. MARKEY, and Mr. CARDIN have agreed to be original cosponsors of this resolution.

This resolution stemmed from a hearing I convened in July with Under Secretary of Commerce Stuart Eizenstat and Chairwoman of the Foreign Claims Settlement Commission Delissa Ridgway. In compelling testimony presented to the Helsinki Commission, these two individuals outlined the maze of programs and procedures which govern property claims in Central and Eastern Europe today. Chairwoman Ridgway's Commission is primarily concerned with adjudicating agreements on behalf of American claimants in those instances where agreements between the United States and foreign governments have already been reached. Under Secretary Eizenstat has sought to engage these governments in a dialog about these issues, to foster a greater acknowledgment of past wrongs, and to discern the ways in which the process of making compensation or restitution can be further advanced. I commend both of these people for the strong leadership they have shown in their work.

Mr. Speaker, the procedures that exist for compensation or restitution differ from country to country, often requiring claimants to travel a road so encumbered with conditions and qualifications that it must be a miracle for anyone to have any property returned. And that, of course, is only in those countries which have actually adopted restitution or compensation laws—many countries in this region have not even taken that step. I am particularly anxious to ensure that the survivors of Nazi persecution—people who, in many instances, were unable to receive compensation made available to their counterparts in the West or in Israel—receive the belated compensation that may enable them to live their remaining days in dignity. Moreover, I am deeply troubled that several countries in this region have adopted compensation or restitution laws that discriminate on the basis of citizenship or residency, a move that clearly and unfairly discriminates against American claimants.

I hope other Members of Congress will join me in signaling the countries of Central and Eastern Europe and, in particular, calling for the urgent return of property formerly belonging to Jewish communities as a means of redressing the especially compelling problems of aging and often destitute survivors of the Holocaust. In addition, this resolution calls for countries to remove from their books restrictions which require claimants seeking compensation or restitution to have the citizenship of, or residency in, the country from which they seek compensation or restitution.

Mr. Speaker, I would ask that the text of the resolution be printed in the RECORD at this point.

H. CON. RES.—

Whereas Fascist and Communist dictatorships have caused immeasurable human suffering and loss, degrading not only every conceivable human right, but the human spirit itself;

Whereas the villainy of communism was dedicated, in particular, to the organized and systematic destruction of private property ownership;

Whereas the wrongful and illegal confiscation of property perpetrated by Fascist and Communist regimes was often specifically designed to victimize people because of their religion, national or social origin, or expressed opposition to the regimes which repressed them;

Whereas Fascists and Communists often obtained possession of properties confiscated from the victims of the systems they actively supported;

Whereas Jewish individuals and communities were often twice victimized, first by the Nazis and their collaborators and then by the subsequent Communist regimes;

Whereas churches, synagogues, mosques, and other religious properties were also destroyed or confiscated as a means of breaking the spiritual devotion and allegiance of religious adherents;

Whereas Fascists, Nazis, and Communists have used foreign financial institutions to launder and hold wrongfully and illegally confiscated property and convert it to their own personal use;

Whereas some foreign financial institutions violated their fiduciary duty to their customers by converting to their own use financial assets belonging to Holocaust victims while denying heirs access to these assets;

Whereas refugees from communism, in addition to being wrongly stripped of their private property, were often forced to relinquish their citizenship in order to protect themselves and their families from reprisals by the Communists who ruled their countries;

Whereas the participating states of the Organization for Security and Cooperation in Europe have agreed to give full recognition and protection to all types of property, including private property, as well as the right to prompt, just, and effective compensation in the event private property is taken for public use;

Whereas the countries of Central and Eastern Europe, as well as the Caucasus and Central Asia, have entered a post-Communist period of transition and democratic development, and many countries have begun the difficult and wrenching process of trying to right the past wrongs of previous totalitarian regimes;

Whereas restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation are arbitrary and discriminatory in violation of international law; and

Whereas the rule of law and democratic norms require that the activity of governments and their administrative agencies be exercised in accordance with the laws passed by their parliaments or legislatures and such laws themselves must be consistent with

international human rights standards: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring, That the Congress—

(1) welcomes the efforts of many post-Communist countries to address the complex and difficult question of the status of plundered properties;

(2) urges countries which have not already done so to return plundered properties to their rightful owners or, as an alternative, pay compensation, in accordance with principles of justice and in a manner that is just, transparent, and fair;

(3) calls for the urgent return of property formerly belonging to Jewish communities as a means of redressing the particularly compelling problems of aging and destitute survivors of the Holocaust;

(4) calls on the Czech Republic, Latvia, Lithuania, Romania, Slovakia and any other country with restrictions which require those whose properties have been wrongly plundered by Nazi or Communist regimes to reside in or have the citizenship of the country from which they now seek restitution or compensation to remove such restrictions from their restitution or compensation laws;

(5) calls upon foreign financial institutions, and the states having legal authority over their operation, that possess wrongfully and illegally property confiscated from Holocaust victims, from residents of former Warsaw Pact states who were forbidden by Communist law from obtaining restitution of such property, and from states that were occupied by Nazi, Fascist, or Communist forces, to assist and to cooperate fully with efforts to restore this property to its rightful owners; and

(6) urges post-Communist countries to pass and effectively implement laws that provide for restitution of, or compensation for, plundered property.

IN SUPPORT OF H.R. 582: THE MEDICARE HOSPITAL OUTPATIENT REFORM ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 1997

Mr. STARK. Mr. Speaker, on February 4, Representative COYNE and myself introduced a bill to provide for an immediate correction of a serious Medicare beneficiary problem: the overcharging of seniors and the disabled by hospital outpatient departments [HOPD].

The President's budget also calls for a correction of this problem, but phases in the correction over a 10-year period.

In Medicare, the program generally pays 80 percent of part B bills and the patient pays 20 percent. But because of the way the HOPD benefit was drafted, currently beneficiaries are paying about 45 percent and Medicare 55 percent. Simply put, the problem arises because Medicare pays the hospital on the basis of reasonable cost, while the beneficiary is stuck with 20 percent of charges—and charges can be anything the hospital wants to say they are.

Recently, the American Association of Retired Persons asked its members for examples of problems they had had with HOPD billings. They received an overwhelming response, and over the coming weeks, I would like to enter some of these letters in the RECORD.

These examples are the proof of why we need to fix this problem ASAP.

The first is from Mrs. Patterson of Chico, CA, who was in the hospital 5 hours, and Medicare paid the full bill—less than 20 percent—of over $4,000, including $900 of pharmacy.

Curious to me on the hospital bill is the box at bottom right, showing expected payment of Medicare $327.52, estimated amount not paid by Medicare $3016.18. In questioning the hospital bookkeeping office, I was told that Medicare actually pays only the small amount and the hospital absorbs the rest.

Mrs. Patterson, or her medigap policy if she had one, paid $818.80 on total charges of $4094—20 percent of charges. Medicare then determined that the fair cost of the procedure was $1146.32, but since Mrs. Patterson had already paid $818.80, Medicare only paid the rest of the fair cost—or $327.52. What the bookkeeper didn't tell Mrs. Patterson was that what the hospital "absorbed" was an outrageous and unjustified charge that no one should have paid—sort of like the sticker price on an auto at a used car dealership. Yet in this case, the beneficiary paid 71.5 percent of the fair cost and Medicare 28.5 percent—a far cry from Medicare's "promise" of a 20–80 percent split.

The second letter printed below is from the Robertson family of Alhambra, CA, for cataract surgery. In this case, the total Medicare allowed cost of the procedure was $2114.80, but Medicare didn't pay 80 percent—it only paid 47 percent and the patient paid 53 percent.

The last letter is also printed below, from a man in north central California. It reflects the absolute nonsense hospitals are telling patients when they question these bills. When you examine the bills—not reprinted below—it is clear that on a bill showing charges of $2522.50, the patient paid 20 percent of the charges or $504.50. Medicare determined that the cost of the procedure was worth $933.33, but since the beneficiary had already paid $504.50, Medicare only owed another $428.83. In this case, the beneficiary paid 54 percent of the fair cost, while Medicare escaped with only paying 46 percent.

These letters are a testament to the need to pass H.R. 582.

ROBERTSON,
Alhambra, CA, September 17, 1996.

AARP, OUTPATIENT STORIES,
Dept. 601 E St. NW,
Washington, DC.

The enclosed Medicare EOMB copy is for cataract surgery services, surgeons fee not included.

Medicare paid the hospital $988.45. This payment is not disclosed on the EOMB.

As shown on the EOMB, the patient is responsible for $1,126.35.

GENTLEMEN: I am glad to see that you are concerned about the Medicare outpatient matter. At the time of my cataract surgery (see dates) I could not get anybody interested.

As you say in your article and also in the latest Medicare Handbook (Page 15 under heading "What You Pay") the patient pays 20% of the charges not of the amount that Medicare approves of, as is usually the case with part B of Medicare. It does not say that Medicare is responsible for 80% of the charges and indeed, in my case it only paid 17% of the charges (see copy of the bill) although I paid my 20%. As you can see, the remaining 63% was written off and no one paid it.

At the time, I called the hospital on the phone and the representative said that the hospital has a special contract with Medicare allowing them to pay the tiny fraction of the charges (17%). She claimed that the $1,589.17 write-off was a "loss" to the hospital.

As I said in the beginning, I am glad that someone with clout is interested in this unfairness.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 10, 1997, may be found in the Daily Digest of today's RECORD .

MEETINGS SCHEDULED

APRIL 11

9:30 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the increase in personal bankruptcies and the crisis in consumer credit.
SD–226

10:00 a.m.
Labor and Human Resources
To resume hearings on proposals to reform the performance, efficiency, and use of resources of the Food and Drug Administration.
SD–430

APRIL 14

1:30 p.m.
Finance
To hold hearings to review the Tax Foundation's report entitled "Tax Freedom Day 1997".
SD–215

APRIL 15

9:00 a.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings to review the U.S.-Japan bilateral relationship.
SD–419

9:30 a.m.
Labor and Human Resources
Employment and Training Subcommittee
To hold hearings to examine innovations in adult training.
SD–430

Rules and Administration
To resume hearings concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.
SR–301

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Rural Utilities Service, the Rural Housing Service, the Rural Business-Cooperative Service, and the Alternative Agricultural Research and Commercialization Center, all of the Department of Agriculture.
SD–124

Judiciary
Immigration Subcommittee
To hold hearings to examine issues affecting immigrant entrepreneurs.
SD–226

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on counter-terrorism issues.
S–146, Capitol

Armed Services
Acquisition and Technology Subcommittee
To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on trends in the industrial and technology base supporting national defense.
SR–232A

Armed Services
Readiness Subcommittee
To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, and S. 451, the Military Construction Authorization Act for Fiscal Year 1998, focusing on environmental and military construction issues.
SR–222

APRIL 16

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Army.
SD–192

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Federal Communications Commission.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation.
SD–124

Finance
To hold hearings to examine education tax proposals.
SD–215

Governmental Affairs
To hold hearings on the Census in the year 2000.
SD–342

Judiciary
To hold hearings on S.J. Res. 6, proposing an amendment to the Constitution of the United States to protect the rights of crime victims.
SD–226

Small Business
Business meeting, to mark up pending legislation.
SR–428A

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Education.
SD–124

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Federal Government's role in television programming.
SD–342

Judiciary
Youth Violence Subcommittee
To hold hearings to examine the need for more juvenile bedspace and juvenile record-sharing.
SD–226

APRIL 17

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on crop and revenue insurance issues.
SR–332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Forest Service of the Department of Agriculture.
SD–192

9:15 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine opportunities for improvement in the public schools of the District of Columbia.
SD–342

9:30 a.m.
Labor and Human Resources
Employment and Training Subcommittee
To hold hearings to examine innovations in youth training.
SD–430

Rules and Administration
Business meeting, to consider the committee's course of action concerning petitions filed in connection with a contested U.S. Senate election held in Louisiana in November 1996.
SR–301

Veterans' Affairs
To hold hearings to examine Persian Gulf War issues.
SH–216

10:00 a.m.
Armed Services
Readiness Subcommittee
To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the status of the operational readiness of the U.S. military forces.
SR–222

Finance
To hold hearings on certain revenue raising provisions of the President's proposed budget for fiscal year 1998.
SD–215

1:30 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Supreme Court of the United States and the Judiciary.
S–146, Capitol

APRIL 18

9:30 a.m.
Labor and Human Resources
To hold hearings to examine proposals to improve the health status of children.
SD–430

APRIL 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Science Foundation and the Office of Science and Technology Policy.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Environmental Management Program of the Department of Energy.
SD–124

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Agricultural Research Service, the Cooperative State Research, Education, and Extension Service, the Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

APRIL 23

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.
SD–430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on medical programs.
SD–192

Armed Services
To hold hearings on the Administration's proposal on NATO enlargement.
SH–216

APRIL 24

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Endowment for the Arts/National Endowment for the Humanities.
SD–192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Corp of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–124

10:00 a.m.
Labor and Human Resources
To hold hearings to examine issues relating to vocational education.
SD–430

APRIL 29

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

Energy and Natural Resources
To hold oversight hearings to review a GAO evaluation of the development of the Draft Tongass Land Management Plan.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the National Endowment for the Arts and the Humanities.
SD–430

APRIL 30

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

MAY 1

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–192

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine biomedical research priorities.
SD–430

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

MAY 7

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

CANCELLATIONS

APRIL 10

9:30 a.m.
Armed Services
Readiness Subcommittee
To hold hearings on S. 450, the National Defense Act for Fiscal Years 1998 and 1999, focusing on Department of Defense depot maintenance privitization initiatives.
SR–222

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for Russia and the Newly Independent States.
SD–138

POSTPONEMENTS

APRIL 15

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.
SD–138