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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Thursday, May 8, 1997*

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by the former national chaplain of the Veterans of Foreign Wars, Rev. Lyle N. Kell. He was invited by Senator PATTY MURRAY.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Lyle N. Kell, offered the following prayer:

Heavenly Father, Almighty God, Creator and Sovereign Ruler of all Creation, I pray that Your mighty controlling and sovereign power will be felt here today in this great Hall of our U.S. Senate so that the laws enacted will cause peace and justice in our great Nation and throughout the world. Help us to understand that You are a loving and compassionate God and Your power can be felt as we understand Your great love for people.

I pray You will keep us from the sin of forgetting that You are the one who sets up kingdoms and puts down kingdoms, and You cause that to happen through the minds and prayers of men and women. You have challenged us through Your Word that we who are ruled should pray for those who rule and those who rule should always seek God's will in their decisions. For those who rule in America watch over the souls of all Americans, knowing that they must give account to You, O God, and let them govern with joy and not grief, for that is unprofitable.

By Christ, therefore, let us offer the sacrifice of praise to God continually; that is the fruit of our lips giving thanks to His name. But to do good and to communicate, forget not, for with such sacrifices God is well pleased. And even now, Heavenly Father, help these men and women to learn the art of extending grace and understanding to those of a contrary mind, a different mindset than one's own, even as You have extended Your sovereign grace and compassion to each of us. I pray in the name of our wonderful and holy God. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. BROWNBACK. Thank you very much, Mr. President. I would like to yield the floor for a minute. The guest Chaplain is the guest of the Senator from Washington. I would like to yield the floor to the Senator from Washington for an introduction.

The PRESIDENT pro tempore. The able Senator from Washington is recognized.

Mrs. MURRAY. I thank the Chair.

CHAPLAIN LYLE KELL

Mrs. MURRAY. I want to take this opportunity to thank Chaplain Kell for his inspired prayer. And I also want to thank our Senate Chaplain for working to ensure Chaplain Kell, a resident of our State of Washington, the opportunity to provide spiritual inspiration today to the Senate.

From the shores of Europe to the community of Arlington, WA, Chaplain Kell's record of service to our Nation is impressive. He served in the U.S. Navy during World War II from June 1943 to November 1946 as a gunner with the armed guard, the unit that protected merchant marine ships from enemy attack. He received many service decorations, including medals for the European African Middle Eastern campaign and the Asiatic Pacific campaign.

Chaplain Kell was ordained as a minister in 1965 and served as the national chaplain to the Veterans of Foreign Wars of the United States from 1995 to 1996. Born and raised in Skagit Valley, WA, Chaplain Kell is now a resident of Arlington and has been a member of VFW Post 1561 since 1985. Prior to becoming VFW national chaplain, he served as the VFW post, district, department, and western conference chaplain.

As a member of the Senate Veterans Affairs Committee, I am proud that Chaplain Kell has been able to continue his dedicated service to our Nation today as the Senate guest Chaplain. I wish to honor Chaplain Kell's wife, Dorothy, and his daughter, Brenda, who have accompanied him here to Washington, DC. And I would also like to extend my most heartfelt good wishes to them and to you, Chaplain Kell, as you celebrate your birthday today.

Thank you, Lyle Kell, for all of your dedicated service to American veterans and to our Nation. Your work to promote our country's freedoms has benefited countless individuals across this Nation and around the world.

Thank you, Mr. President.

Mr. BROWNBACK. Mr. President, I appreciate very much the comments of the Senator from Washington. It certainly is appropriate we open with a prayer in the Senate.

SCHEDULE

Mr. BROWNBACK. Mr. President, on behalf of the majority leader, I announce that today, following morning business, the Senate will resume consideration of the supplemental appropriations bill. At 10 a.m., Senator WARNER will be recognized to offer his amendment. It is the intention of the manager that a motion to table the Warner amendment occur at approximately 10:30. Therefore, Senators should be prepared to vote on the Warner amendment at 10:30.

Following disposition of the Warner amendment, it is the expectation of the leader that the Senate continue to debate the Byrd amendment. Subsequently, Senators should anticipate additional votes throughout today's session. It is the intention of the majority leader to complete action on this important legislation as early as possible today.

I certainly thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business with Senators permitted to speak therein.

Mr. FEINGOLD addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Wisconsin.

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

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Mr. FEINGOLD. I thank the Chair.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. I rise today, with my friend and colleague, Senator WELLSTONE, and others to start up the conversation again about the need to clean up our election system and pass meaningful, bipartisan campaign finance reform. I am pleased to announce that as of yesterday the so-called McCain-Feingold legislation now has reached a milestone of having 30 cosponsors in the Senate, with the addition of the distinguished senior Senator from West Virginia, Senator ROBERT BYRD, as a cosponsor.

The senior Senator from Minnesota, of course, was a leader on this issue long before I got here and continues to be, not only in our legislation but on other aspects and ideas about how we can clean up this system.

One of the things that really highlights the importance of this issue is the type of work that was recently done by Public Citizen in releasing a report that lays out the fact that the McCain-Feingold bill, and I am sure other alternatives as well, really would make a difference, that had we done the job last July the elections of 1996 would have looked very different.

They have analyzed three components of the legislation. One is the voluntary limits on overall spending that candidates would agree to in order to get the benefits of the bill. They analyzed the fact that the McCain-Feingold bill would ban soft money completely, as any good reform proposal must do. And Public Citizen analyzed the requirement in the bill that if you want the benefits of the bill, you cannot get more than 20 percent of your total campaign contributions from political action committees.

Very briefly, since I want to obviously hear from the Senator from Minnesota, I just want to report what the figures were. Over the last three election cycles, had these provisions been in the law and had all candidates for the U.S. Senate in 1992 and 1994 and 1996 abided by the limits, $700 million less would have been spent on these campaigns—$700 million. That is just for Senate races in three cycles; in other words, just one whole series of Senate races for 100 seats—$700 million of less spending. It would have been $259 million in less spending overall by candidates because they would have agreed to an overall limit for their State; $50 million less in political action committee receipts and $450 million less in soft money.

I wish to indicate, since some get in the Chamber and say this is a proincumbent bill, the Public Citizen report shows it is just the opposite, absolutely the opposite of a proincumbent bill. This is a prochallenger bill. Ninety percent of the Senate incumbents over the last three election cycles exceeded the limits for the McCain-Feingold bill—90 percent of the incumbents. Only 24 percent of the challengers exceeded these limits. So the challengers in most cases would have been the ones who would have been more likely to get the benefits of the bill; 81 percent of the incumbents exceeded the 20 percent PAC limit and only 13 percent of the challengers exceeded the 20 percent PAC limit.

So there are many arguments that are posed against the bill, most of which do not hold water, including the notion that the bill is unconstitutional. We will address that on another occasion, but today I thought I would just use a few minutes of this time to indicate that this notion that this bill is protection for incumbents is false and just the opposite is the case as is indicated by Public Citizen.

At this point I would like to——

Mr. WELLSTONE. Mr. President, I wonder whether the Senator will yield for a question.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Minnesota.

Mr. WELLSTONE. I was listening to my colleague from Wisconsin, and I thank him for leading this reform effort, in fact I thank Senator MCCAIN and other Senators as well. I know the Presiding Officer has done a lot of work and has spoken out about trying to really reduce the role of big money in politics.

The question I ask my colleague has to do with this whole issue of incumbents and challengers. It has been said sometimes that the debate about campaign finance reform is really less a debate between Democrats and Republicans and all too often is more a debate between ins and outs; that, if anything, part of the inertia here and the slowness to embrace reform and the fierce opposition has to do with the fact that right now the system is really wild for those people who are in office.

My question for my colleague is does he feel some sense of urgency and will he consider coming to the floor every week now with other colleagues—the two of us are sort of getting started. There are a number of Senators who feel very strongly that this is a core issue, the influence of money in politics, and the most important thing we could ever do would be to pass a significant reform measure. Is my colleague from Wisconsin beginning to feel as though it is really going to be important that every week from now on for Democrats and Republicans who are serious about reform to be out on the floor and beginning to frame the issues, especially focusing on what are going to be the solutions?

Mr. FEINGOLD. I do really thank the Senator from Minnesota. In fact, I would very much like to join with him in coming out here each week, assuming we are permitted the time. This is the time to start this effort in the Chamber. We had great help from the President of the United States in endorsing the legislation and getting us off to the right start at the beginning of the year when there was a great deal of attention paid to this issue.

Obviously, there are other priorities; the whole issue of balancing the budget has taken much of center stage for the last few weeks and obviously is now on a track, whether one likes it or not, that is moving in a direction that will be resolved one way or another.

That is why I think this is the time, as the Senator from Minnesota is suggesting, to have an awful lot of the conversation here on the floor between now and the day we pass campaign finance reform be about this issue. We have to talk to the American people this way and in every other way about what the real facts are about this issue because it has been often distorted.

For example, the point of the Senator from Minnesota about whether or not this is really a Republican-Democrat issue. It is not. The Public Citizen report, for example, points out there is not a lot of difference between the parties in terms of this issue: 54 percent of the Democrats who ran for the Senate in the last three election cycles exceeded the limits; 59 percent of the Republicans exceeded it. It is not a vast kind of difference, and the Members here really know that. The problem is somehow encouraging Members, incumbents here to realize that their lives and their jobs would be better and the opportunities for others who want to run for office would be better if we do this. But I think we do need to be out here talking about this, if not on a daily basis at least on a weekly basis, to let people know this is a serious effort and that we do intend to succeed.

Mr. WELLSTONE. Mr. President, I wonder if my colleague will allow me to share a concern with him and get his response. Let me tell you what my worry is. I do not have any doubt that people in the country know that too much money is spent, that they know there is too much special interest access, that they know all of us spend too much time raising money. I have no doubt that people understand that. As a matter of fact, I think one of the things that is making it more and more difficult for people to get involved at the grassroots level is when they see these huge amounts of money contributed by some folks and some interests and then they get a letter: We would like you to make a $10 contribution and be involved in our grassroots effort.

They are a little cynical, and they figure: Come on, give us a break; we know the people who are most involved in this process. It is not us and our family.

This is the core issue for a representative democracy. But my concern is that the Rules Committee starts next week, and there will be an effort, as I have at least looked at a preliminary list of witnesses—not to talk about any particular witness—there is going to be a pretty strong effort on the part of the Rules Committee, which I have called in the Chamber of the Senate, a merry-go-round for reform, to basically frame this issue and the issue will be not enough money is spent; all we need is disclosure so that we can make people realize how bad it is, without doing anything to make it better. As I look at the ways in which the Rules Committee moves forward starting next week, I see the beginning of the debate. I see the beginning of the debate.

So I say to my colleague, will he agree with me that it is going to be important for those of us who are committed to reform, Democrats and Republicans—and there is a pretty significant group—to start coming out on the floor? We will figure out the vehicles, and it is not necessarily amendments, but there are always ways of speaking. Should we not now every week be out here framing this issue and over and over again saying what are going to be the solutions to these problems and are we or are we not going to take action in this Congress?

Mr. FEINGOLD. Mr. President, I think we have to do this on the floor, in part because of the witness list. We went through this last year, where the committee hearings were used for a great deal of time and you did not get the feeling that the goal was to find a solution or to pass a bill. The goal was to sort of talk it to death. The floor is a superb place to do this.

In fact, I would say to my friend from Minnesota, I think one of the best editorials that has been written on this subject, that I think we can sort of elaborate on on the floor in the coming weeks, is something from the Washington Post of April 21, 1997, entitled, "Skirting the Real Scandal."

Mr. President, I ask unanimous consent this editorial be printed in the RECORD.

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

[From the Washington Post, Apr. 21, 1997]

SKIRTING THE REAL SCANDAL

The subject that has been most discussed by the politicians thus far this year has been not the budget, nor the state of the economy, nor the various aspects of health care nor peace in the Middle East. It has been campaign finance—and the discussion has been almost entirely fraudulent. It is widely agreed, and rightly so, that we are in the middle of a campaign finance "scandal," and both parties are forced by convention to express their indignation at that. But they are huffing and puffing about a problem that neither is willing to describe accurately—for the good reason that both are complicit in it and have a vested interest in perpetuating precisely what they must denounce. It is like one of those plays in which the characters can't or don't communicate and instead spend their time talking past one another and the truth. The point keeps getting missed—on purpose.

The basic problem is that the cost of conducting a campaign for federal office has been bid up to a point that is destructive of the very democratic process it is said to represent. The cost at both the congressional and presidential levels is obscene. One reason may be that so many of the candidates, lately including those for president, have had so little to say. It's not just TV that's expensive. Blur is expensive. In any case, the candidates and parties increasingly have responded to the cost by overriding or circumventing even the relatively modest set of rules put in place in the 1970s in response to the last great fund-raising scandal, that of the Nixon administration.

The rules imposed then were meant to limit the extent to which offices and officeholders can be bought, but in last year's presidential race, both parties tossed them almost completely out the window. Both pretended to abide by the law while raising money in amounts and from sources that the law forbids, and the amounts were huge. It is hard to decide which was worse, the pretense or the excess. The law is written in such a way that the violators could be fairly confident that they would suffer no penalty; this beat has no real cops.

That is the fundamental scandal that neither party will confront. The president, safely past his last campaign, claims now to want to strengthen a set of rules whose weaknesses he led the way in exploiting. The claim is unconvincing. He converts his own excesses into an agenda. Most of the congressional Democrats don't want to talk about the excess in the system either. In part, they seek to protect the president, in part to protect themselves: What could be so wrong, after all, with a system that elected them? The Republicans have the hardest time of all, because they are the stoutest defenders of the system that they attack the president for having used to such advantage.

Because no one can quite afford to talk about Topic A, they all talk about topics B, C and D: What are the ground rules going to be for the various congressional investigations of the subject? Should or shouldn't the attorney general seek appointment of an independent counsel? The Justice Department says one reason it hasn't gone to such lengths is that so much of the fund-raising at the center of the dispute involved so-called soft money rather than hard, meaning money that went to the Democratic National Committee rather than to the president's campaign organization. The law, the department's career prosecutors say, doesn't apply to soft money, so technically they have no violations to prosecute. And technically that may be so, but of course the point is that in the last campaign the distinction between hard and soft money disappeared. Both parties raised much more hard money than the law allows and merely called it soft to avoid regulation. The Republicans could make that point; it would strengthen their argument for an independent counsel. But they are the last to want soft money regulated. They want a counsel, but not a counsel who might insist on strict enforcement of the campaign finance laws.

The whole question of an independent counsel, and of turning what happened last year into a criminal as distinct from a broader civic offense, is to some extent a red herring. We don't mean to suggest that there ought not be a criminal inquiry, and in fact several are going on. An independent counsel continues to look into the sprawl of issues called Whitewater, including whether an effort was made to buy the silence of possible witness and former associate attorney general Webster Hubbell. A Justice Department task force and congressional committees are looking into the fund-raising squalor. If people committed crimes in the course of that fund-raising, they ought to pay the price, whoever they are. And the truth—the full truth—ought to be extracted from them, whether criminal or not.

But the churning about the lurid particulars of how that money was raised last year ought not be allowed to take the public eye off the broader questions: What do you do about the solicitation system generally? How do you keep electoral outcomes, and the policy outcomes to which they lead, from being bought? The politicians—both parties—are conducting a kind of mock debate about the lesser issues as a diversion and an alternative to dealing with the central one. That's the ultimate scandal, and they should not be allowed to get away with it.

Mr. FEINGOLD. Mr. President, let me just read the last paragraph of this. The editorial basically talks about the way in which Members of Congress are very skilled about talking around the edges of this thing: Foreign contributions are the problem, or the problem is what the White House did, or what we need is an investigation, or what we need is an independent counsel, or we need investigations—all so you can talk about everything but the need to actually pass reform. This is what they identified, and I thought the last paragraph was effective. As it says:

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Mr. President, I think that is exactly what the Senator from Minnesota is referring to, talking around the edges, using the committee process to avoid talking about what is really going on, the need to change this big money system, and to talk about it on the floor.

Mr. WELLSTONE. Mr. President, if my colleague will just yield for one other question, another concern, and then I will leave the floor and let him conclude. I wonder whether the Senator from Wisconsin would agree with me that—I mean, in, oh, so many ways—what we see happening in the country is every election year we see cited the figures: People spend more and more money in the campaigns and fewer and fewer people participate. People are really losing heart.

I have said before that I do not see it as corruption as in the wrongdoing of

individual officeholders. But I see systemic corruption, where these campaigns have become TV-intensive, relying on huge amounts of money and, therefore, you have this huge imbalance of influence and power where too few people give way too much of the money that is given, and are given access and influence, and too many people are left out of the loop. This becomes a real problem for a representative democracy because it is not true any longer that each person counts as one and only one.

So I ask my colleague whether he would agree that it is going to be important, not just for us to speak 20 minutes a day, but now for us to begin to get together? I ask him whether, as a leader in this effort—and he has been a leader of this effort —whether we might really be reaching out to other colleagues who feel very strongly about this, who really want people in our country to believe in the political process—all of us should want to change this—and get some people together and come out on the floor of the Senate? We are going to keep framing this issue and we are going to keep calling for reform and we are going to make it crystal clear that we are not going to let the Senate, or the Congress, become a politics of diversion on this.

It is fine to identify problems. If some people want to say we do not have disclosure, fine. If some people want to say it is influence of foreign money, fine. If some people want to say it is just the rules that have been broken and no more than that, fine. But the people in the country know too much money is spent, there is too much special access, there is too much time spent raising money, and we have to build the McCain-Feingold bill that is out there. We want to move that forward and we want to eventually have an up-or-down vote.

Does my colleague agree that we need to start turning up the heat?

Mr. FEINGOLD. Not only do I agree, but I ask the Senator and I make sure we reach out to Members of both parties in this body who are cosponsors, and others who I think are very interested in reform and have not yet chosen to cosponsor it, to do just that.

There are myths about the legislation and about the effort that have been perpetuated in an effort to make the public ignore the issue, thinking it cannot be resolved. But the facts speak differently. There have been newspaper articles indicating that we have fewer cosponsors than last year. That is just false. We have 30 Members of the U.S. Senate as cosponsors of this bill. I guess if we do not come out here on the floor and start to indicate these facts, it is very hard for the average citizen to relate to it.

One of the reasons it is hard for them to relate to it is, when they start hearing about $100,000, $200,000 contributions, it is pretty hard for them to feel invited into the process. It is pretty hard for them to believe that anything will ever change. They are so used to believing that this system and this town is dominated by interests and powers that they cannot control, that the people of the country, when they are asked in a poll, may not say that campaign finance reform is the No. 1 issue. I think, if you ask them whether they think we ought to do the job and whether it is important, of course they would say yes. Many would support almost every aspect of the legislation we are proposing.

But, for the average citizen, if you asked them what is their No. 1 concern, what are they going to say? They are going to say, "We are concerned about our kids' education, we are concerned about crime in our neighborhood." Those are the things that people should identify, should feel free to identify, and they should not have to worry about a system that has gone out of control so far away in Washington. That is not the stuff of the daily lives of people in this country. That is not what it takes to make ends meet.

But the fact is, until we clean up this system here, the ability of this Government to assist those families in getting through and making ends meet will be seriously compromised. When we reach the point that Members of this body get on the floor and say that what the problem is is that we do not have enough money in politics, and then we do not pass a piece of legislation, and then we have an election—we find out the result. More money was spent in these last elections than in any other election and we had the lowest voter turnout in 72 years. That is not just a fluke. It is because more and more people are feeling that they are no longer part of a system that is supposedly premised on the notion of one person one vote.

So, today begins the effort to speak here on the floor on a regular basis—not just about the McCain-Feingold bill, but about the fact that we are not going to allow this year to pass without an effort to bring this issue back to the floor. Again, my lead author on this bill, the Senator from Arizona, Senator MCCAIN—I always have to apologize for his being right and my being wrong last year when he said it would probably take a scandal to get this passed. I said, please, don't say that. I want to get it passed this year. But he was right. It took something like the abuses of the 1996 election to get people in this body, to get people across the country, to realize that this just is not a quantitative change in what has been happening in elections since 1974. What happened was a qualitative change, a major change in the way in which elections are conducted.

Basically, the current election system is falling apart through the use of loopholes and abuses and how much money people are willing to raise through soft money and their own campaigns.

So our goal here is to make sure everyone knows this issue is not "not there." It will become one of the dominant issues, not just in the media and the newspapers, as it has been, but it will become one of the dominant issues here in the floor in the not too distant future.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. COATS). The Senator has 2 minutes 28 seconds remaining.

Mr. FEINGOLD. I yield the remainder of my time and I yield the floor.

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. DOMENICI. 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. DOMENICI. Mr. President, what is the order? How much time does each Senator have?

The PRESIDING OFFICER. Under a previous order, the Senator from New Mexico, or his designee, is recognized to speak up to 15 minutes, but at 10 o'clock, the order also requires that the bill be laid down.

Mr. DOMENICI. Also required to do what?

The PRESIDING OFFICER. That the pending bill will be laid down. Technically, the Senator from New Mexico has approximately 11 minutes.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI and Mr. WYDEN pertaining to the introduction of S. 718 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor.

TRIBUTE TO MOE BILLER

Mr. DASCHLE. Mr. President, today I want to recognize one of America's great labor leaders—Moe Biller, president of the American Postal Workers Union, AFL-CIO—on the occasion of the 60th anniversary of his hiring by the Postal Service.

On May 8, 1937, Moe Biller was hired as a postal clerk in New York City by what was then called the U.S. Post Office Department, beginning a long career of service to the American public. At the same time, Moe became a postal union member and activist—a journey that led him to the presidency of his New York City local in 1959 and then to the presidency of the national APWU in 1980.

Moe's six decades of service included 2 years during World War II in the Army's Adjutant General Corps from

1943 to 1945, where most of his service was in Northern Ireland. We thank him for this service as well.

Moe's steadfast and determined struggle on behalf of all postal workers led to enactment of the Postal Reform Act of 1970. By virtue of that legislation, postal workers were given the right to bargain for wages, benefits, and working conditions under the National Labor Relations Act. These events also led to the merger of five separate craft unions into the APWU in 1971, an historic event in postal labor history in which Moe played a leading role.

At 81 years young and still going strong, Moe has rightfully been called the "dean" of the American labor movement and is held in high regard within the highest councils of the AFL–CIO and its affiliated unions. As we wish Moe congratulations on this, his 60th postal anniversary, we look forward to many more years of visionary leadership on his part.

Congratulations, Moe Biller.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is now closed.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 672, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid/Baucus amendment No. 171, to substitute provisions waiving formal consultation requirements and "takings" liability under the Endangered Species Act for operating and repairing flood control projects damaged by flooding.

Byrd amendment No. 59, to strike those provisions providing for continuing appropriations in the absence of regular appropriations for fiscal year 1998.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia [Mr. WARNER] is now recognized.

AMENDMENT NO. 66

(Purpose: To modify the requirements for the additional obligation authority for Federal-aid highways)

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment filed at the desk, No. 66, be the pending business.

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

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. GRAHAM, Mr. ABRAHAM, Mr. NICKLES, and Mr. ROBB, proposes an amendment numbered 66.

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

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

The amendment is as follows:

At the appropriate place add the following:

Notwithstanding any other provision of this act, the language on page 39, line 12 through 18 is deemed to read, "had the Highway Trust Fund fiscal year 1994 income statements not been understated prior to the revision on December 24, 1996: *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):".

Mr. WARNER. Mr. President, I ask the indulgence of the Senate. I have a little hoarseness this morning, but I will do my very best.

Mr. President, this is an amendment offered by the Senator from Virginia, together with the Senator from Florida [Mr. GRAHAM]. And we entitle it simply a "fairness amendment."

I hesitate to take on the wisdom of the distinguished chairman and the distinguished ranking member of the Appropriations Committee, but I do so out of a sense of fairness toward all 50 States.

Mr. President, the amendment relates to the bill's provision affecting the distribution of $933 million in additional—I point out, additional—obligation authority in the Federal Highway Program to the 50 States. A small part of this funding is fully justified. It provides to correct the mistake made by the Department of the Treasury in 1994 in underestimating gas tax receipts into the highway trust fund.

As a result of this mistake, 10 States did not receive their correct apportionment of Federal highway dollars in 1996. And I fully agree and commend the Appropriations Committee in its efforts to make whole these few States, 10 in number, who received less than they should have in 1996 dollars.

The amendment offered by Senator GRAHAM and I, however, ensures that these 10 States are compensated as was intended by the Appropriations Committee and as they are legally entitled to be compensated, and in the amount of funds that they should have received in that fiscal year.

The Appropriations Committee, however, then provides an additional $793 million for this fiscal year and directs how these funds should be distributed among the several States. The distribution of these additional funds—$793 million—is in direct conflict, Mr. President, direct conflict, with the distribution formulas contained in the current law that is ISTEA passed in 1991, the Intermodal Surface Transportation Efficiency Act of 1991, and amounts to nothing more than changing the rules right in the middle of a very—and I emphasize, a very—conscientious, bipartisan effort by the U.S. Senate to rework a future piece of legislation to succeed the 1991 ISTEA Act.

The amendment Senator GRAHAM and I offer is very simple, Mr. President. Our amendment states that the $793 million in obligational authority provided by the Appropriations Committee will be distributed according to current law, ISTEA 1991. I just wish to repeat that. We have a law carefully crafted in 1991. And all that we ask in this amendment is that this $793 million be allocated to the States in accordance with existing law.

Mr. President, as the chairman of the Transportation Subcommittee of the Environment and Public Works Committee, I am leading a bipartisan effort—Senator MAX BAUCUS is the distinguished ranking member of that committee—working together with all of the members on the committee to achieve a successor piece of legislation to ISTEA 1991.

We have held 10 hearings this year on various issues relating to ISTEA. Four major bills—I repeat, four major bills—have been introduced regarding the successor piece of legislation to ISTEA 1991, including one that Senator GRAHAM and I are cosponsoring. Certainly establishing fair distribution formulas that recognize the differing regional goals of the country will be a matter of extensive discussion. It will not be an easy task to provide adequate funding to address the many legitimate transportation needs that exist today.

I stipulate, Mr. President, there are many, an overwhelming number of needs in transportation today. And it is very difficult for Senators to reach their determination as to how to vote on this knowing that in every Senator's State there are crying needs for money today. But what Senator GRAHAM and I are doing is asking that the Senate stick with its process, respect the authority given to the authorizing committees to work through legislative matters in a conscientious, bipartisan way, which we are doing, to try and reach and craft a bill to succeed ISTEA 1991.

A part of that consideration will be whether or not we do change the very formula that I am recommending to the Senate in this amendment, the very formula in ISTEA 1991. I happen to be on the side that thinks changes should be made. But there is honest difference of opinion among the 50 States. But let us leave it to the process that is underway—with 10 hearings—in an effort to resolve those disputes.

Mr. President, I have been one who has been critical of ISTEA 1991's formula. I believe they fail to reflect the current use or demands of our current transportation system. There are many archaic base points on which that formula rests. And we hope to change that. It is my hope that during the reauthorization of ISTEA, the subcommittee will devise a more fair distribution of Federal highway dollars based on needs and use of our transportation system.

At this time however, when our States are in the last year of the 1991 ISTEA, it is not in the best interests of the U.S. Senate to set a new distribution formula. And that is precisely what the inclusion in the bill does by the Appropriations Committee.

I know that my colleagues on the Appropriations Committee will try to persuade Senators that the bill's provision only attempts to ensure that each State's 1997 funding level is equivalent to what each State received in 1996. They claim that somehow the distribution of funds in 1997 is a mistake that must be corrected in this bill.

Mr. President, the distribution of highway funds for this fiscal year is no mistake. For the first time, the allocation of funds in 1997 comes closer to providing States with a true 90-percent return on every dollar sent to the highway trust fund, a commitment made to every donor State when ISTEA was passed in 1991.

Mr. President, this is 1997. Why should funding in this bill be distributed based on 1996 factors? It does not make good common sense. The provision in the bill will produce a major change in the way ISTEA 1991 distributed funds at the beginning of this fiscal year.

Our States already have received funds for this fiscal year based on the current law, ISTEA 1991. I see no reason why we need to set new formulas to distribute this additional funding to our States, to change the rules in the middle of the game.

Mr. President, I urge our colleagues to adopt the Warner-Graham amendment. Our amendment is simply fair play. It compensates those States who lost funds due to a clerical error, and more importantly distributes the balance of $793 million according to the current law, ISTEA 1991.

Let us save the formula debate for where it belongs, and that is in the careful consideration being given in the course of deliberations of the authorizing committee. And eventually our bill will come to the floor.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am going to make a rather technical statement here now about this amendment, and I hope Senators will listen to it. I will put a chart in the RECORD and put that chart on everyone's desk.

Last night I served notice that we are not going to permit this amendment to take the whole time today. We are going to finish this bill today. And as soon as a reasonable amount of debate has taken place, I intend to move to table this amendment. If we are going to finish here tonight in the time that both leaders have urged us to do—it is a matter of courtesy.

If the Senate will remember, last week at this time we finished a bill in time for our colleagues on the other side of the aisle to attend an annual meeting together. Ours starts tonight—early tomorrow morning really. But we are going to finish this bill tonight.

This is one of the amendments that could be debated all day. We took over a day when we debated this matter last year. So let me just state this. And I know the Senator from New Mexico wants to add to what I have to say. And I shall urge him to interrupt me at any time he wants to do so, but without my losing my right to the floor.

I understand the interest of the Senator from the State of Virginia in offering the amendment today to the supplemental. It is a nonemergency transportation title to the supplemental appropriations bill before us. I want to make sure that he and the Senator from Florida and the Senate know how this additional funding became part of the supplemental appropriations bill.

The matter arises out of a Treasury Department error made in 1994 which was finally corrected last year in recording the gas tax receipts from the States for the fiscal year 1994. The Treasury initially misallocated $1.6 billion to 1995, which should have been credited to 1994. In turn, that created a distribution of obligation limitations to the States for 1997 that was in error. We did not make that error. The Treasury Department made that error.

When that error was discovered, to the credit of the Senator from New Mexico—the administration originally indicated that they lacked the statutory authority to correct the distribution. Eventually, the administration was persuaded that it did have in fact the authority to make the change but only after the Senate had a very divisive vote on this issue, as the Senate will recall.

Accordingly, the fiscal year 1998 budget request from the President requests $318 million for 24 States to fulfill the erroneous expectations that were generated by publishing the 1997 obligation limitation allocation to the States. Again, let me say the President wants to fulfill the erroneous expectations based on the Treasury Department error.

What we did in Appropriations was provide the $318 million requested by the administration. Then we provided the $139 million that the Senator's amendment from the State of Virginia references. This is the additional obligational authority that results from a correction in the 1994 account stemming from the same Treasury error. The additional $139 million in funds go to only 10 States.

Finally, we provided an additional $475 million to make whole the 29 States whose 1997 apportionment of obligation limitation was below the 1996 apportionment bringing them back up to their 1996 level.

The chart I placed on every Member's desk from the Highway Administration shows that the only winners from 1996 to 1997, were in fact the so-called donor States.

What the Senator from Virginia's amendment would do is to further increase the obligation limitation for the donor States, and push the 27 States back below their 1996 apportionment level. What the Senator's amendment will do, in part, is validate the error made by the Treasury Department.

From 1997 to 1998 there is a $1.358 billion increase in the obligation limitation for highway funds. And every single penny of that increase goes to the donor States. Every nondonor State is effectively frozen at their 1996 level by the supplemental approach and would be pushed below that level by the Senator's amendment.

Some would argue that in a growing program no State should be expected to receive less than it received in the prior year. What the amendment before us now argues, that the $1.358 billion increase for a minority of States is not enough, that other States' programs should shrink so these so-called donor State programs can grow at even faster rates based upon an error that is now admitted by the Treasury Department.

That is hard for this Senator to understand. And it is impossible for this Senator individually or as chairman of the Appropriations Committee to support.

In short, we have provided an almost $1 billion increase in the obligation limitation. It is roughly split between donor and nondonor States. It is, in my opinion, a fair and equitable approach based upon the calculations by the Federal Highway Administration, and it is something that I support personally as well as support by virtue of being the chairman of the committee bringing this report before the Senate.

By comparison, the amendment before us of the Senator from Virginia would have the $139 million for the 10 States paid out, and then the balance of the $933 million go through the formula, an approach which would leave 27 States below their 1996 obligation levels. Now, to bring the 50 States up to their 1996 obligation levels through the formula, it takes a $2.4 billion increase in obligation limitations.

Now, I have to say, as a Senator that represents the largest State of the Union, my heart is heavy right now about the arguments we had yesterday, and I intend to say more about that today. But my State is the largest State in the Union, and if every State is supposed to get back the specific percentage of taxes, user fees and royalties paid into the highway fund, my State would like to get back all of the Federal taxes and royalties paid by producers of oil from our State.

This donor-donee-State business leaves us cold. Just think where we would be if every decision made by our Founding Fathers had been held to the test of whether their individual States received the precise percentage of revenue from every source that it paid into the Treasury. There would have been no expansion of the United States. The debate over donor-donee diverts the Congress from the real issue of the highway program. The Eisenhower vision was a national network of highways and then a network of superhighways. People ought to read Eisenhower's book. As a young colonel he tried to take a brigade across the country, as I am sure the occupant of the chair knows, and found he could not get there from here. He had to keep going up and down rivers to find places to go across, and the highways were not connected. Eisenhower's commitment, really, in running for President was to link this country together with a highway system, and he succeeded.

Now, this vision could never have been achieved on a donor-donee concept. The Federal highway system would not exist if such a concept had been controlling in President Eisenhower's time. People would not be driving through Texas or Virginia unless there were, in fact, highways paid for by revenue collected from other States.

We need to get back to the idea that the highway system is to tie the country together and to provide the infrastructure that makes America more competitive in international markets. It reduces congestion, it makes trips on our highways more safe, and it provides the necessary investment for transportation infrastructure to foster economic growth in this country.

Mr. President, in short, the donor-donee theory has the potential to destroy the promise of the national highway system. Further, the philosophy that drive the donor-donee debate will lead many of us to come back and tell Congress, what about the money we paid into the Treasury from which we received no benefit, none at all, those of us who come from the States that produce the oil that provided the feedstocks to make the gasoline that fuels our automobiles?

Now, we produce 25 percent of that in one State. Twenty-five percent of all the domestic production comes from Alaska. We have never said give us back every dime we paid, that the oil industry pays, into the Treasury on that oil.

I say to my friend from Virginia I could not be more insistent. Again, I ask the Senators to look at the chart I have provided. The donor-donee theory leads to winners and losers. Our bill leads to equity. It corrects the error of the Treasury Department and it restores the 1996 levels to all States. It does so fairly, while at the same time giving the donor States what the President has requested, and more, to both fulfill the erroneous decision of the Treasury Department and to correct the accounting error.

I want to ask my friend from New Mexico, Mr. President, if he has any corrections to make to the statement I just made.

Mr. DOMENICI. Mr. President and fellow Senators, let me ask if you will let others speak, and I will return in about 15 minutes with the documentation as to how all this happened so that we can present the best possible case. I will do that very, very shortly.

Mr. STEVENS. I say to the Senator, we made a commitment last night that we would move to table this amendment sometime around 9:30. We were not specific. If we are to get to the other portions of this bill, including the Senators from Texas, from Arizona, the Senator from Nevada, if we are going to get through those long amendments that pertain to items in the bill concerning money and legislation, we are going to have to get some time limit on amendments. I am serving notice as chairman that when I believe we have reached the point of having equitable distribution of comments on this subject, I am going to move to table it, and I am going to do the same thing with other amendments today until we get to the point where some of them will have to have up-or-down votes.

As far as I am concerned, this is an amendment that seeks unfairness, and I shall seek to table it at the appropriate time. I yield the floor.

Mr. CHAFEE. Mr. President, I rise today in opposition to the amendment offered by Senators WARNER and GRAHAM.

I want to emphasize that the situation before us today is not a new one. It started in 1994, when the Department of the Treasury made a clerical error in determining the amount of money going out to the States from the highway trust fund. This accounting error changed the distribution of highway funds in 1996 and 1997.

In late July of last year, during consideration of the Department of Transportation Appropriations bill, Senator BAUCUS and I tried to fix this error. Our amendment would have required that the funds be distributed as if the accounting error had never happened. We thought this was an honest and fair way to deal with this problem.

Unfortunately, this amendment was strongly opposed by some of our colleagues even though it was a fair and even-handed solution to a technical accounting error. As most of my colleagues are aware, votes on highway funds are often determined according to how each Senator thinks his or her individual State fares, and the vote last year was no different.

Since last July, the Departments of Treasury and Transportation have corrected the error. That should have been the end of the story, but, for some reason, the President has requested an additional $318 million to compensate the 24 States that would have received additional funds had the error been left in place. I think it is unfortunate that the administration, which made the accounting error in the first place, has reopened this issue, by seeking a supplemental appropriation. This issue has been needlessly divisive and, in seeking to have it both ways, the administration's decision has reopened old wounds.

The Appropriations Committee has included not only the administration's request, but also $139 million to fully compensate States that did not receive their share of 1996 funds because the error was not corrected until 1997. In addition, the committee has included $475 million for 31 States to bring their 1997 limitation up to 1996 levels. While I disagree with the decision to include the $318 million requested in the first place, I believe that the committee's inclusion of additional funds reflects the fairest compromise available to make all States whole.

The proponents of the amendment before us argue that the additional funds included by the Appropriations Committee contradict ISTEA formulas, giving an unfair advantage to 29 States. When the shoe was on the other foot and we argued that it was unfair for some States to receive a benefit from a bureaucratic error, our argument fell on deaf ears. Mr. President, this claim of unfairness today rings hollow.

The additional funds provided by the Appropriations Committee hardly gives an unfair advantage to 29 States. In fact, the only States that actually receive additional funds in 1997, when compared to 1996, are the so-called donor States that are offering the amendment before us today.

Mr. President, this is an issue that, in my opinion, was resolved after the administration initially fixed its error last December. Unfortunately, the administration has reopened this complicated issue. The Appropriations Committee has developed a fair solution to a difficult problem and they should be congratulated. I urge my colleagues to oppose this amendment and support the chairman of the Appropriations Committee.

While we are focused on the distribution of funds to the States I would like

to say a few words about the formulas in the context of ISTEA reauthorization. I realize that some Members of this body believe that the current formulas that distribute highway funds are neither fair nor appropriate. Many Members argue that various factors, such as interstate highway mileage, State population, highway trust fund contributions, and the number of deficient bridges should be given greater weight or importance in the distribution formula. I think we can all agree that we have a long and difficult task before us in determining the appropriate formula for the next ISTEA. I therefore urge my colleagues to make every effort to work with, rather than against, one another in crafting a fair distribution formula that benefits the States and the national system alike. Thank you.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner-Graham amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I want to assure the distinguished manager of the bill, it is not the intention of this Senator nor the cosponsors of my amendment to unduly delay the very important work that remains to be done on this supplemental appropriation, but to enable Senators to focus in on the narrowness of this issue. I wonder if I might ask a question or two of my distinguished colleague from Alaska, and then I would hope my cosponsor, the distinguished Senator from Florida, could have the opportunity to address the Senator. I will be brief in my questions.

First, Mr. President, I ask the distinguished manager of the bill, what was the dollar figure, in your estimate, of the needed amount of money to correct an error by the U.S. Treasury? We all acknowledge this existed. It is the estimate of the Senator from Virginia that it was $139 million.

Mr. STEVENS. Mr. President, we provided $318 million as requested by the administration. The $139 million that the Senator from Virginia references was to correct the basic error. The additional $475 million was to make whole the States in 1997 whose obligation limitation was under the 1996 level to bring it to what it was in 1996.

So there are two functions to the error. As far as the 1997 levels, the $475 million, it is not involved. That is to bring up their apportionment, bring them back up to the 1996 level. The $475 million makes the 29 States whose obligation limit was below their 1996 appropriation—it brings them up to the 1996 level in 1997.

Mr. WARNER. Mr. President, we have an honest difference of opinion. It was clear it was a $139 million error that needed adjustment. I commend the Appropriations Committee for seeking that adjustment.

I then asked my distinguished colleague, was there any request from the administration for dollars over and above the $139 million, and was not the addition of $700-odd million simply a discretionary decision made by the Appropriations Committee?

Mr. STEVENS. That is not so. The $475 million is tied to the $318 million. If we grant the administration's requested $318 million, we must put in the $475 million. The $139 million is to correct totally for the original error. The $318 million asked for by the administration effectively perpetuates the error unless we put in the $475 million to equate the $318 million. It is 2 years. We are correcting the 1996 allocation on the $139 million. We are correcting the 1997 allocation based on $318 million requested by the administration and by the $475 million to provide that no State receive less in 1997 than they did in 1996. The $475 million goes with the $318 million.

Mr. WARNER. I respectfully ask my distinguished chairman, can you show us any documentation where the administration, in writing, came up with a request over and above $139 million?

Mr. STEVENS. The administration only requested $318 million. It did not request $139 million or $475 million. It requested $318 million. But if we grant the $318 million, we must put in the $475 million, and as long as we do it we must correct the basic error, the $139 million that came from the original error of the Treasury Department, but we will perpetuate the error of the Treasury Department by providing the $318 million unless we provide the $475 million.

Mr. WARNER. There was a clear error of $139 million that had to be corrected. The Appropriations Committee did it. Then they went on their own initiative to add a very substantial sum of money and devised an entirely new formula—an entirely new formula—which brings further inequity between the donor-donee States.

I wish to conclude that I do not suggest that this debate engulf the latitude of all the arguments on donor-donee. We ought to sit down and precisely focus on two points, in my judgment. There was a $139 million error. It was corrected by the Appropriations Committee. All the added dollars were put in, presumably at the request of the chairman and ranking member or others on the committee, and then they came up with a new formula as to how to allocate the funds, and in doing that not only create a new formula, but they further exacerbated the friction that exists between donor and donee States. I suggest that debate between donor-donee be reserved for the authorizing process which is going on now in a very conscientious, bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. STEVENS. The Senator asked me a question and I want to answer that. The Senator from Florida is recognized. Do you permit me to answer?

Mr. GRAHAM. I yield.

Mr. STEVENS. As the chairman of the Public Works Committee, Senator CHAFEE, points out in his statement, in July of last year they tried to correct this error from the Treasury Department.

The Senator from Virginia, if he looks at the chart before the Senate, will see that if we make the changes solely requested by the Senator from Virginia, all donor States would end up with all zero growth from 1996 to 1997. All those zeros in the first column show the inequity of not doing the $475 million. Because the inequity, if we provide $318 million to one part of this package without the $475 million, would create a total inequity as far as all those States that have no growth in their allocation over 1996. I am referring to all those States that have zeros in the first column. If the Senator would look at it, he will see why we felt compelled, if we grant the President's request of $318 million, to provide the $475 million. No one argues about the $139 million even though it was not requested by the administration. I do not think there is an argument about the $139 million. It was a result of the Treasury error. To perpetuate the error is to grant the $318 million the President requested without adding the $475 million.

Mr. WARNER. Would the distinguished Senator from Florida yield for a unanimous-consent request?

Mr. GRAHAM. I yield.

Mr. WARNER. Mr. President, I ask unanimous consent that a statement by the Federal Highway Administration explaining the Warner-Graham amendment and the allocation showing that no States lose money under our formula be printed in the RECORD.

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

States	Appropriations Committee	$139M supplemental and current law ISTEA
Alabama	20,931,160	27,292,041
Alaska	16,374,848	9,068,976
Arizona	12,007,562	14,358,753
Arkansas	6,506,921	9,605,618
California	50,711,555	70,850,325
Colorado	13,192,342	8,999,536
Connecticut	23,056,356	16,072,332
Delaware	5,020,775	3,512,696
Dist. of Col.	3,216,819	3,665,346
Florida	51,668,920	59,854,580
Georgia	56,862,527	61,842,097
Hawaii	7,713,831	5,514,843
Idaho	4,176,763	4,911,625
Illinois	43,905,951	29,939,952
Indiana	11,674,082	18,528,503
Iowa	13,151,501	8,933,482
Kansas	13,420,087	9,287,767
Kentucky	29,879,840	34,997,622
Louisiana	7,240,399	12,263,724

States	Appropriations Committee	$139M supplemental and current law ISTEA
Maine	6,215,750	4,134,434
Maryland	17,046,628	12,066,857
Massachusetts	55,007,226	30,790,454
Michigan	14,747,139	24,046,968
Minnesota	25,850,795	10,945,036
Mississippi	5,314,543	9,493,034
Missouri	9,678,737	18,475,358
Montana	17,336,799	6,649,719
Nebraska	9,062,950	6,287,862
Nevada	6,986,045	4,722,196
New Hampshire	5,593,764	3,870,801
New Jersey	31,951,953	21,707,256
New Mexico	14,156,168	7,490,446
New York	68,567,888	47,466,766
North Carolina	15,054,880	20,928,680
North Dakota	6,767,361	4,611,365
Ohio	7,201,580	30,813,304
Oklahoma	7,096,552	12,186,183
Oregon	6,897,405	9,562,721
Pennsylvania	16,916,047	32,012,823
Rhode Island	10,961,636	3,626,100
South Carolina	18,202,593	21,535,023
South Dakota	7,365,019	5,032,297
Tennessee	9,427,283	17,712,897
Texas	64,694,961	81,339,014
Utah	8,225,843	5,681,774
Vermont	5,121,469	3,653,502
Virginia	13,986,103	18,263,736
Washington	24,012,512	14,519,372
West Virginia	10,738,625	7,159,768
Wisconsin	10,167,297	18,529,708
Wyoming	7,299,340	5,030,652
Puerto Rico	4,917,614	3,439,923
Total	933,172,744	933,172,744

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, this has been an illuminating discussion to an admittedly complex question. So, without being redundant, I will step back to see if we can sort out what are the issues in agreement and what are the issues upon which we disagree.

One area in which there is agreement, agreement both in the underlying supplemental appropriations bill and in the amendment that is offered by my colleague from Virginia, myself, and others, is that the $139 million, which was an admitted error of arithmetic basis in the Department of the Treasury, should be corrected. There are States which received less funds than they should have received because of that admitted error. I think there is virtual unanimous agreement that we should correct that error. We will do so. Whichever position we take on this amendment, $139 million will flow to those States which were the object of that inadvertent omission.

The second question upon which there is agreement is that the total funds for surface transportation should be increased in this supplemental appropriations bill beyond the $139 million, and there is basic agreement that the amount of that increase should be approximately $800 million. Both the underlying bill and the amendment provide for the allocation of an additional $800 million beyond the $139 million necessary to correct the error.

The issue becomes how that $800 million should be structured and what is the rationale for the $800 million. A portion of that $800 million, roughly $318 million, represents those States which had been given an expectation of what they would have received—a false expectation, based on that arithmetic error and acted upon that expectation. They thought they were going to get an additional $4 or $5 million because of the arithmetic error, and they calculated that into their State highway fund.

Question: Should the Federal Government, even though it was in error, it was a false expectation, but it was a communicated expectation and it was an expectation upon which the States took action, be responsible for those funds? I think that is a debatable issue.

The third portion of this debate has to do with the remaining $475 million. Let me say at this point—and I mean no disrespect to any comments made thus far—this has absolutely nothing to do with the issue of the arithmetic error. I repeat that it has nothing to do with the issue of the arithmetic error. I cite as my authority for that, first, the supplemental appropriations bill itself, on page 39, lines 12 through 18, which clearly outline that the purpose of these funds is, notwithstanding any other provisions of law, such additional authority shall be distributed to assure that no State shall receive an amount in fiscal year 1997 that is less than the amount they received in 1996.

That doesn't have anything to do with an arithmetic error. That has to do with providing a hold-harmless provision in this supplemental appropriations bill, which was not provided in the ISTEA Act of 1991.

Mr. President, if we could briefly go back to that legislation, that legislation contained the allocation of some $120 billion of Federal funds to the States and territories for surface transportation. It was a very contentious bill, as all of these bills tend to be. It contained a provision for those States that had traditionally received back substantially less than they had contributed to the highway funds, that in the last year of the 6 years of ISTEA authorization, which is fiscal year 1997, there would be inserted a 90-percent floor—that is, that no State, in the last year of the 6 years of ISTEA, would get back less than 90 percent of what it contributed to the highway fund. That 90 percent standard had been the holy grail of those States that had, in the past, gotten back substantially less than 90 percent.

We had attempted, frankly, to get that standard applied in every year of the 1991 ISTEA bill. But politically unable to do that, the compromise was that, in the last year, that objective would be achieved. Since we are dealing with a zero-sum amount of money—that is, there is a fixed amount of money to be distributed in 1997, obviously some States had to get less in 1997 than they got in 1996 in order for other States to be brought up to this 90-percent floor. That was understood, that was part of the negotiation, that was part of the common understanding of the Congress and President Bush when he signed this legislation in 1991.

That is the issue that the $475 million goes to. It has nothing to do with the arithmetic error made in the Department of the Treasury. What this $475 million essentially says is that we are going to pour $475 million of additional Federal money, beyond that which had been contemplated in 1991, into the ISTEA program and specifically into a policy that will assure that, regardless of what the law said that we passed in 1991, we are going to guarantee that we are not playing with a zero-sum game, because no State will get less in 1997 than the State received in 1996.

Now, that is the issue that this amendment raises. What this amendment says is that if we are going to provide these additional funds beyond that which is required to correct the arithmetic error, we should be faithful to the law that we passed in 1991 and we should distribute that money under the provisions of the law that is already the law of the land and will govern the distribution of highway funds in 1991.

Mr. President, I believe that is an extremely important and clarion call for fundamental fairness. We had this debate in 1991. We decided on the compromise, which is the essence of the congressional process, that a 90-percent floor concept would be available, but only in the last year. Now, in the last hours of the life of ISTEA, we are about to vitiate that understanding. It is fair because those States which have traditionally been substantially donor States—that is, they sent more money to Washington than they got back—this represents an opportunity—we are not going to say that all States are going to get 100 percent of their money; we are going to say that no State will get less than 90-percent of its money.

Now, frankly, Mr. President, I do not support the principle that all States should get 100 percent, because I recognize exactly what the Senator from Alaska is saying. We are dealing with a national surface transportation system, and there are rational reasons why some States, such as the very large geographic areas, get a certain amount. The small-population State of Alaska should get back more than other States in order to be able to maintain an equivalent level of their contribution to a National Highway System. But that was the essence of the debate that we had in 1991, and we came to this resolution that we should establish, in the last year of the 6-year authorization, this principle of a 90-percent floor. That principle is about to be violated by pouring $475 million into this program in its final weeks of existence in order to assure that no State will get less than it got in 1996.

So, Mr. President, for fundamental fairness to the Nation, to the fundamental credibility of this very important program of Federal-State partnership for the mobility needs of America,

I urge that we adopt the amendment that has been offered by the Senator from Virginia, that we focus on the issue that this amendment raises, which is not an issue of arithmetic perfection, it is an issue of fairness protection. We arrived at how these funds should be allocated. We should stick with the agreement that we have. We should not, in a supplemental appropriations bill, on May 8, attempt to change it. So, Mr. President, I urge adoption of the amendment offered, and I commend my colleague from Virginia for the leadership provided.

Mr. NICKLES. Mr. President, I wish to join with my friend and colleagues from Florida and Virginia, in stating my strong support for this amendment.

Mr. President, let me state, at the outset, I wish we had an amendment that would strike the $793 million that was added on in the Appropriations Committee. In my opinion, it does not belong in this so-called urgent supplemental. I have been wondering, how does this bill grow from about $4.6 billion to almost $8 billion, about $793 million are in roads and highways. You think, if they are going to put in more for roads and highways—I am not contesting the $139 million; I don't guess anybody is. But the additional $793 million, I am contesting. Again, I think the proper motion would be to strike it, and somebody says, why aren't you doing that, because we have cloture? I understand from the Parliamentarian that that motion to strike is not in order. Maybe I should have gotten that amendment in at an earlier time, and I regret that.

At least the amendment of the Senator from Virginia says, if we are going to have the additional $793 million, let's allocate it according to existing law. We have spent days on this floor fighting allocation formulas. A lot of us are not satisfied with those. We end up sending a lot more to Washington, DC, in roads and highway taxes than we get back. And then we look at the amendment that comes out of the Appropriations Committee and say, well, this makes it worse. We don't really find that acceptable.

So I just make the comment that, really, the $793 million should be allocated according to the formulas we have agreed to. It should not be changed to the disadvantage of many States. We are going to fight the allocation of the formula fight again this year, in this Congress, on the ISTEA bill. We will have plenty of time to debate it and time for the committees. The chairman of the Transportation Subcommittee, Senator WARNER, and his committee will mark up that bill. We will have it on the floor. Every Senator will have a chance to have their input on that. That is the way we should fight for the allocation process. We should not be changing it on a supplemental—"urgent supplemental"—appropriations bill. It doesn't belong here. I urge the conferees, since the motion to strike is not in order, to drop everything in conference except for the $139 million. This urgent supplemental, in my opinion, is getting loaded with a lot of things we can't afford, and maybe we are not legislating in the proper way. We should not be doing this on an appropriations bill. We should be doing it on the authorization bills.

So I urge my colleagues, at the minimum, if we are going to put in additional money, let's allocate it according to existing law, as Senator WARNER provided in his amendment.

Mr. DOMENICI. Mr. President, it isn't too often in the Senate that a chairman of a committee gets a chance to play Solomon and be fair. But Senator STEVENS got a chance to do that, and that is what he did in this bill. He decided—and we should all listen carefully—to be fair. Let me tell you the history of half of this problem. The reason I happen to know about it is because I caught the error. The U.S. Treasury Department does calculations upon which the formula is based. In 1994, they made a mistake, just literally made an error in their calculations. Guess what happened? A whole series of States, including the States of the Senator from California and the Senator from Texas, and some other States, were euphoric because they got a huge windfall announced in their formula—a huge windfall. Well, when a batch of States get a windfall, a batch of States get less and I happen to be one of those. I don't get very much anyway, but I looked and said, how could this be? What happened? We had a formula and the money was distributed differently for some reason. Now, for a little while, nobody from the administration wanted to talk about it. But that didn't last very long because Senator D'AMATO and Senator BINGAMAN from New Mexico joined with me and asked none other than the Treasurer of the United States to come to the office and bring his legal counsel.

We asked the transportation leader—the head man from the executive—"Come and bring your solicitor." And, before they left the room, they said, "We will get back to you." And, before the day passed, they called and said, "We made a mistake. It has nothing to do with what people were entitled to. We made a mistake." But they said, "Isn't it tough? This is an election year. And Texas just thought they were going to get 100 and some million dollars more than last year. What would you like us to do?" We said, "Fix it."

Now we have another batch of lawyers. "Can you fix it?" Imagine. "You unfixed it, but can you fix it?" They concluded that it could be fixed. But it didn't get fixed until after the election. And fix it they did.

Senator STEVENS in this bill properly has $318 million that goes to those States that thought they were going to get the higher allocation but didn't because of the error, and we are giving it to them anyway. Speaking of fairness, there is $318 million going to States who shouldn't have gotten it because this is acknowledging that we are going to pay them under an erroneous formula. We gave them back the money under an erroneous formula and said, "Let's be fair." That is half of this issue.

Mr. WARNER. Mr. President, will the Senator yield for a question at some point?

Mr. DOMENICI. Sure, any time.

Mr. WARNER. How about now?

Mr. DOMENICI. Sure.

Mr. WARNER. Mr. President, I say most respectfully that we are operating a debate to try to confuse people. Let me see if I can put forward a simple fact to seek clarity.

There was an error. We all acknowledge it. But, Mr. President, the error was not in the law. It was in the bean counts. The Senator from New Mexico is the chief bean counter, as chairman of the Budget Committee. It was the person running the green eyeshades, the calculators, the computers, adding, subtracting, and interpreting the law. They interpreted the law wrong. The law was not in error. It was the people running the calculators.

Mr. DOMENICI. But those States would have gotten less money had the law been applied properly. So the law was not applied properly.

So, which is wrong, the law, or the lack of proficiencies in its application?

Mr. WARNER. I would say the law is correct. It was passed by the Congress, and once we caught the error in the calculating and counting the beans, we corrected it. It is only $139 million.

Mr. DOMENICI. Mr. President, the rest of this bill has to do with another thing. That is why I said—and the distinguished chairman is playing solidly—there is a portion of the highway bill under ISTEA, a provision called 90 Percent of Payments. Everybody that had anything to do with this bill, dig it up, go look at what everyone thought would happen to that. Nobody thought there would be very much money under this program. In fact, there are some throw sheets showing it was a very small amount of money in there. But guess what happened? We transferred the 2½-cent gasoline tax that we never expected to, and that fund, never expecting that money, is now bloated, and as a result it is giving States additional money.

So our friend from Texas said, let's be fair. Let's be fair, and make sure that States like New Mexico—and, incidentally, 27 others—there are 27 winners. If you want to pay winners and losers, there are 27 winners under STEVENS. I hope you don't vote for it just because it is a winner. But that happens around here every now and then, and 27 is more than one-half of 50.

So I would assume, if you want to vote what is best for your State, vote for 1997. In addition, the committee has included $475 million for 31 States to bring their 1997 limitation to 1996 levels. While I disagree with the decision to include the $318 million requested in the first place, I believe the committee's inclusion of additional funds reflects the fairest compromise available to make to the States as a whole.

Mr. SHELBY. Mr. President, as chairman of the Transportation Appropriations Subcommittee, I want to briefly state my views on the Warner amendment.

Let me first make it clear that I represent a donor State. From 1992 to 1995, Alabama only received about 78 cents back for every dollar it sent to Washington in gasoline taxes. Other States, like Massachusetts for example, received about $2½ back for every dollar paid in gas taxes. The formula for distributing highway funds is not equitable in my opinion. I think it would be very difficult for any Member to argue that wealthier States should receive more than double in Federal highway funds than they paid in, while poorer States only receive a fraction of their contributions. I want to work to help correct that formula, but that is something that will be addressed later this year when the Federal highway program is reauthorized.

My goal in the supplemental appropriations bill was not to try to tackle the donor versus donee issue. As I said before, that will be done in the authorizing committee later this year. Rather, my goal was to simply increase Federal funding for highways to address current and pressing needs and to ensure that all States would come out a winner. We did that. Under this legislation, donor States received an increase in their highway funds compared to fiscal year 1996 levels. Nondonor States, on the other hand, were given additional funds to ensure that they would not be cut below their 1996 levels. Again, nondonor States received their 1996 level of highway funding and donor States received an increase from their 1996 level. All in all, this bill provides States with an additional $933 million in new Federal highway money, and it does so in a way in which every State comes out a winner. In my view, that is a major victory for transportation in America, and it sets the stage for the authorizing committees to resolve the contentious allocation issue later this year.

I support more money for donor States, but the Senate, the Appropriations Committee, and the Transportation Subcommittee are made up of more than donor States. I am not sure of what the outcome will be today, but even if the Warner amendment fails, there is no question that the additional funds in the committee bill represent a major victory for donor States, and I will strongly support its passage.

Mr. LEVIN. Mr. President, in determining the distribution to the States of fiscal year 1996 highway trust fund money, a miscalculation resulted in some States getting obligation authority that was subsequently taken away or adjusted by the Treasury pursuant to ISTEA. The miscalculation also prevented another category of States from getting their full share according to ISTEA. These 10 States' shares could not be adjusted administratively.

In the fiscal year 1996 supplemental appropriations bill before us, there are funds for both those categories of States. The former is provided $318 million and the latter $139 million.

However, the committee has also added an additional category, $475 million for States that feel they need to be made whole or have their fiscal year 1997 obligation authority kept at the same level as it was in fiscal year 1996. The reason that these States' fiscal year 1997 obligation authority level changed from fiscal year 1997 was the 90 percent of payments equity adjustment that is part of ISTEA. This equity adjustment reduced the amount available to donee States and increased the amount available to donor States in fiscal year 1997.

The hard fought agreement that resulted in ISTEA in 1991 was an incremental improvement for the donor States. The 90 percent of payments equity adjustment was an important component of that guaranteed increase in our return. Now, some States want to rewrite ISTEA through this appropriations bill, so they can be made whole, and perpetuate the unfairness that has existed for decades. The donor States are the ones that should be made whole, rather than continuing to transfer over $1 billion annually to the donee States. We should reject this effort to overturn the last year of ISTEA.

The fair way to settle this matter is to support the Warner amendment. Provide the $139 million to the States that actually lost obligation authority as a result of the Treasury miscalculation, and distribute the remaining funds according to the existing rules for fiscal year 1997. Though the ISTEA formula for distributing those dollars is still unfair to the donor States, it is marginally better than what is provided under this bill.

Mr. HOLLINGS. Mr. President, let me clarify what is happening in highway funds in this appropriations bill.

This bill includes $139 million to correct an honest error at the Treasury Department. That error in 1994 rippled through the highway formula and cost South Carolina $9.2 million last year. Making whole all the states which lost funds requires $139 million, and I commend the Appropriations Committee for including these funds.

The bill also includes another $794 million. The administration requested $318 million of these funds, and the rest were added by the Appropriations Committee. The administration requested the $318 million in what was really an erroneous attempt to correct the Treasury Department error I have mentioned.

The rest of the funds—$475 million—have no relationship by any stretch of the imagination to the error we are supposedly correcting. They are simply added for some States that disagree with what current law provided them this year, and these States happen to be a majority in the Senate. In other words, today we are watching "might make right" in the allocation of highway funds.

Senators WARNER and GRAHAM have made a proposal that is sensible, right, and in compliance with the highway law we are living under until a new reauthorization passes. They propose fixing the $139 million error, and then allocating the rest of the funds under current law. Mr. President, that is the right thing to do.

The underlying issue here is a promise made in ISTEA to guarantee any State 90 percent of the funds it paid into the highway fund. This year—for the first time in the 6 years of ISTEA—keeping that promise requires us to trim the historical surplus that some States have long received in order to help a smaller number of States lose a little less. So the winner States are breaking the promise. They are a majority, and they do not want to guarantee 90 percent.

Mr. President, we should debate the highway formula when reauthorization comes before the Senate. Until then, we should keep the promises made in 1991. We should also correct the error that everyone agrees occurred. I know where the votes are on this, but I want to set the record straight.

Mr. DEWINE. Mr. President, I rise in support of the amendment offered by Senator WARNER. First let me say that I believe that the appropriators have done an excellent job of providing much-needed relief for those States who have been devestated by floods and bad weather, including Ohio. I plan to support this emergency supplemental appropriations bill. However, I do have concerns about the way the supplemental Federal aid highway funds are appropriated.

I appreciate the fact that the Appropriations Committee has provided highway obligational authority to States that had their fiscal year 1996 or 1997 limitations reduced as a result of an error by the Treasury Department in recording highway trust fund receipts in fiscal years 1994 and 1995. Ohio was affected by this, and I appreciate the fact that Ohio will be made whole by this emergency supplemental appropriations bill. I believe that the Committee has done the fair thing in this regard.

I also am not opposed to the $475 million in additional authority that the committee has added in emergency transportation funds for this year. In Ohio, transportation funding seems to be an emergency need every single year. My concern is the fact that the Appropriations Committee has rewritten funding formulas contained in ISTEA in distributing this authority.

When ISTEA was debated and passed, it was decided that in fiscal year 1997, States would receive a 90-percent return on the amount of Federal gas taxes paid by the State in the prior year. At the time, everyone knew that this would require so-called 'donee' states to receive less Federal aid highway authority in fiscal year 1997 than they received in fiscal year 1996. ISTEA was approved this way for a reason. The appropriations process is not the time to change laws that don't suit our particular needs. If it were, donor States would have attempted to do this for the past 5 years.

This year, Congress will once again debate Federal highway funding. The old formulas, hopefully, will be revised to treat States more fairly. As we debate that reauthorization bill in the Senate, we will all have a chance to make changes to current law that we feel are unfair. We should let that debate take its course. For the time being, the Senate should not circumvent current law.

The Warner amendment provides the best way to distribute the additional authority included in this emergency supplemental—by formulas included under current law. It allows all States, not just donee States, to receive their proper share of the additional authority. It is the right thing to do, and that is why I support this amendment.

Mr. STEVENS. Mr. President, I intend to move to table the amendment, but I want to be fair. So, I would like to play gatekeeper and ask those who want time to tell me how much time they would like on this amendment before I make a motion to table.

Senator THURMOND, 4 minutes; Senator HUTCHINSON, 5 minutes; Senator WARNER, 3 minutes; 5 minutes to the Senator from Florida; 5 minutes to Senator LAUTENBERG; and Senator BINGAMAN wants 4 minutes. I would like 1 minute to close.

Do we have those written down? I will repeat it. Five minutes to Senator HUTCHINSON; 4 minutes to Senator THURMOND; 3 minutes to Senator WARNER; 1 minute to Senator DOMENICI; 5 minutes to Senator LAUTENBERG; 4 minutes to Senator BINGAMAN; 5 minutes to Senator GRAHAM; and 1 minute to me as we close:

I ask unanimous consent that I recover the floor at the expiration of the time other than my last 1 minute.

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

The Chair will observe to the Senator from Alaska that the total amount of minutes will be 28 minutes.

Mr. STEVENS. I have 24 minutes. I understand you have 28 minutes. It is 27 minutes not including my last 1 minute. So that would mean that we would vote at approximately 25 minutes after 11; somewhere around there.

The PRESIDING OFFICER. As the gatekeeper, the Senator is correct.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I want to commend Senator STEVENS for his fair role as gatekeeper.

I want to particularly commend the Senator from Virginia, Senator WARNER, and Senator GRAHAM of Florida, for taking their leadership on a very important issue, a true issue of equity and fairness.

I think it is unfortunate that, in the middle of a very delicate process of reauthorizing the ISTEA legislation, we have to be debating an amendment that only seeks to implement current law. That is all the Warner-Graham amendment does. It implements current law. We are not seeking anything that is unfair to any other State. We are merely looking to ensure a fair allocation of these funds.

To me it is very frustrating that the Appropriations Committee felt that it had to change current law implemented in 1991 under the ISTEA bill so that we could have this funding arrangement.

The donor-donee debate will go on. I only want to say that while I recognize all of the arguments, when we talk about fairness, just remember the State of Arkansas where we, like so many other States, have tremendous transportation needs. We are 16th in the Nation in public roads and street length. We are 42d in the Nation in disbursements for these highways.

While we need a national highway system, that kind of inequity I don't believe can be justified, and it shouldn't be exacerbated by changing this law to hold harmless the donee States. Arkansas has one of the lowest per capita incomes in the Nation. It is coming up, but it is very low. And we right now are paying more into the highway trust fund to benefit those States, most of whom have much higher per capita incomes and no more transportation needs than we have in the State of Arkansas.

So I believe the effort to change current law in order to hold harmless and in effect create an entirely new funding formula is unfair.

When ISTEA was passed in 1991, the formula was specifically adjusted for fiscal year 1999 so that States like Arkansas and many other States could have a more equitable funding formula. That 1997 adjustment finally went into the account to correct the inequality that had existed for donor States for many, many years. Even then, it was not perfectly equitable. But it was closer than it had been.

So, when the Appropriations Committee added extra funds to the supplemental appropriations bill, it seemed logical and it seemed reasonable that they would use the fiscal year 1997 formula to distribute the funds. But logic, unfortunately, has not prevailed. They decided they would use the fiscal year 1996 formula so that, in their words, "no State shall receive an amount in fiscal year 1997 that is less than the amount they received in fiscal year 1996."

Basically the committee said that, although ISTEA was specifically structured to benefit donor States, those who pay in more than they receive back, the Appropriations Committee rejected that provision and added extra money so that the donee States would be happy.

I think that is wrong. I think that is unfair. The law is the law. And, had that language not been added, the $475 million would have been credited by the current 1997 ISTEA structure. Instead, many States, including Arkansas, would not be receiving any of that $475 million.

So let me just say that in the interest of fairness, yes, there are always winners and losers. But we need not exacerbate the winner-loser scenario by passing this supplemental appropriations in its current form.

I ask my colleagues to support the Warner-Graham amendment in the name of fairness, in the name of equity for those States that have for so long gotten the short end of that economic stick.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Mr. President, I rise in strong support of the amendment offered by my able friend from Virginia, Mr. WARNER.

As the Senator has stated, the Department of the Treasury made an accounting error in 1994 by under reporting $1.59 billion in gas tax receipts for that fiscal year. When the error was discovered in December, fiscal year 1995, the money was credited to the highway trust fund. However, crediting the 1995 trust fund with 1994 money only compounded the mistake because parts of the distribution formulas of our Federal-aid-to-highways program are based on the receipts of the 2 previous years. Consequently, the 1996 and 1997 distributions were severely impacted.

Following the adjournment of the 104th Congress, the Secretary of the

Treasury moved the income from 1995 back to 1994. Subsequently, the Department of Transportation, which has the duty of distributing the money, adjusted its calculation of the contract authority and obligation authority to be distributed to the States under the program for fiscal 1997. No corresponding correction was made for 1996. As a result, 10 States have yet to receive the obligation authority totaling $140 million for fiscal year 1996.

The Secretary of Transportation proposed legislation purportedly to correct this problem. However, this legislation would not restore the money owed to the 10 States, but rather requests an appropriation of $318 million to make up the difference between what States expected to receive for fiscal year 1997 and what they actually received.

In the bill before us, there are provisions to restore the $140 million to the 10 States, $318 million to satisfy the expectations for 1997, and an additional $475 million so that donee States would benefit as well. Further, the formula for distributing this last amount of money is not the formula that would apply under the existing authorization, but an entirely new formula contained in the bill itself. This new formula conveniently strips away the one equity adjustment in the ISTEA law that effectively protects donor States—that is the 90 percent of payments adjustment. This provision of ISTEA was enacted to ensure that no matter how badly a State fares in any year under the underlying formula, it could count on the fact that the distribution it receives would not be radically below the amount it puts in.

The Warner amendment simply recognizes that this is supplementary appropriations for fiscal year 1997 and the money should go out under the ISTEA formula in the regular way.

This is the proper way to proceed. I commend my friend from Virginia for offering this amendment, and I urge my colleagues to support it.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

Mr. President, I rise in strong opposition to the Warner amendment. While I have great respect for the author of the amendment, frankly, I find this amendment to be a rather stunning proposition. If this amendment passes, a majority of the States—yes, a majority of the States—will find that their highway formula funds have been cut below the 1996 levels, even though we have added $1.4 billion to the program over the 1996 level.

Mr. President, as the senior Democrat on the Senate Budget Committee and on the Transportation Appropriations Subcommittee, I have heard lots of my colleagues call for increased infrastructure funding—increased funding for their States' highway needs to replace deficient bridges or to ease the choking congestion that plagues their cities. And I think when the Members ask that they know this Senator will support increases in infrastructure funding as he always has.

So I was pleased to work with Senators STEVENS and SHELBY to provide more than $993 million in increased highway funding in this bill. These funds are sorely needed in every State of the Union. So I think it would be a terrible way to proceed for us to amend this bill in a way to require a majority of States to endure cuts below the 1996 level.

Let me emphasize one basic fact. Under the underlying bill as approved by the Appropriations Committee, 27 States will see the exact same amount of Federal funds for highways this year that they received in 1996. The entire $1.4 billion increase provided between the regular Transportation Appropriations bill and this supplemental bill will go to 23 States. If we adopt the Warner amendment, these 27 States will endure cuts below the 1996 level while the other 23 States get even larger increases above the 1996 level.

I want to talk about the basic premise that underlies these recommendations by our friend from Virginia.

Mr. GRAHAM. Mr. President, will the Senator from New Jersey yield?

The PRESIDING OFFICER. Does the Senator from New Jersey yield?

Mr. LAUTENBERG. Yes.

Mr. GRAHAM. The Senator says there are 27 States that have zero addition to the transportation funds under the Warner-Graham amendment.

Mr. LAUTENBERG. No, there are 27 States that will endure funding cuts below the 1996 level if the Warner-Graham amendment is adopted.

Mr. GRAHAM. Will the Senator name one of those?

Mr. LAUTENBERG. I would be happy to give the Senator a list when I am finished speaking.

I would appreciate it if the Senator—I will provide the Senator with a list the moment I am finished speaking.

This debate is very illustrative of what will be at stake later this year. Senators should be aware that when we guarantee a certain percentage return of gas tax receipts in the law, the need to honor these guarantees will come from other States. If there is one pot and it goes to a group of States, it means the others are left out.

Mr. President, this formula for distribution of highway funds in this supplemental appropriations bill was not developed willy-nilly. Frankly, this is, I think, the preamble to what we are going to be talking about later in the session. And I would say this, that my State, which sends down so much money that we are 49th on the list of return of the Federal dollar, will not stand by idly while we debate those things that advantage some and disadvantage others. This formula for the supplemental was constructed as an attempt to honor the obligations that these States incur as a result of the incredible traffic that goes through them.

No State has more highway mileage consumed—more highway congestion—than the State of New Jersey, not because all of us have cars and lots of room to drive—we do not—but we are a corridor State and the highways that take people north and south go through our State, and a lot of the highways that go east and west go through our State because they terminate in the New York or Northeast region.

Mr. President, we get 63 cents back on the Federal tax dollar now, so while I understand the posture of donor States, I am not sympathetic. It would be as if I demanded that New Jersey get 90 percent of all agricultural funds disbursed or defense contractor funds disbursed or food stamps disbursed regardless of need. That is not what a national government is about. We are a nation, not a collection of States.

I would like to take a minute to explain the three components of the make up the $933 million contained in this bill. First, the bill includes $318 million in funding requested by the President that will go solely to the donor States. This funding is not called for under ISTEA. This funding would be granted to only those States that lost funding last year when the DOT corrected an error in the calculation of gas tax receipts. Second, there is $139 million included in the bill that was championed by Senator SHELBY. This funding will go only to 10 donor States. It is intended to grant these States the amount of funding they would have received in 1996 had the tax receipt error been corrected in that year. Finally, there is $475 million included in the bill—hold harmless money—for the purpose of ensuring that no State receives less highway funding in fiscal year 1997 than it received in fiscal year 1996.

Mr. President, the Warner amendment strips the hold harmless funding in the bill and distributes it in a manner that will result in a majority of States actually experiencing a cut in their highway funding below the current year's levels. In combination with earlier appropriations, Senator WARNER would provide a $1.8 billion increase to donor States in 1997. He would cut $400 million in funds from 29 States—almost three/fifths of the Nation—to do it.

Now, Mr. President, I was dissatisfied with the distribution of funding in the committee bill, but at least there was

an element of fairness to it. In developing this bill, it was important to me that highway funding increases were structured in a balanced way. But, I want to make sure all Senators from the 27 donee States understand that while the funds in this bill and regular appropriations add a total of $1.4 billion to the highway program this year, this entire increase goes to 23 States, while the 27 donee States are held harmless, so to speak. We are level funded. We do not see a penny in 1997 above what we got in 1996.

Mr. President, I ask unanimous consent to have printed in the RECORD a table that displays how the $1.4 billion increase in the highway program would be distributed under the committee bill currently before the Senate and how that increase would be distributed under the Warner amendment.

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

CHANGES IN OBLIGATION AUTHORITY, 1997 DOT APPROPRIATIONS PLUS SUPPLEMENTAL VS 1996 OBLIGATION AUTHORITY

States	Changes from FY 1996 under S. 672	Changes under Warner amendment	Delta
Alabama	71,946,273	78,307,154	6,360,881
Alaska	0	(7,305,872)	(7,305,872)
Arizona	47,684,313	50,033,504	2,349,191
Arkansas	29,755,746	32,854,443	3,098,697
California	106,732,124	126,870,894	20,138,770
Colorado	0	(4,192,807)	(4,192,807)
Connecticut	0	(6,984,024)	(6,984,024)
Delaware	0	(1,508,079)	(1,508,079)
Dist. of Col.	0	448,527	448,527
Florida	158,629,653	166,825,313	8,195,660
Georgia	157,056,019	162,035,589	4,979,570
Hawaii	0	(2,198,988)	(2,198,988)
Idaho	0	734,862	734,862
Illinois	0	(13,965,999)	(13,965,999)
Indiana	52,149,594	59,104,015	6,954,421
Iowa	0	(4,218,019)	(4,218,019)
Kansas	0	(4,132,320)	(4,132,320)
Kentucky	82,719,544	87,837,326	5,117,782
Louisiana	25,305,225	30,328,550	5,023,325
Maine	0	(2,081,316)	(2,081,316)
Maryland	0	(4,990,771)	(4,990,771)
Massachusetts	0	(24,216,772)	(24,216,772)
Michigan	43,219,727	52,519,456	9,299,729
Minnesota	0	(14,905,759)	(14,905,759)
Mississippi	18,240,833	22,419,324	4,178,491
Missouri	35,097,528	43,894,149	8,796,621
Montana	0	(10,687,080)	(10,687,080)
Nebraska	0	(2,775,088)	(2,775,088)
Nevada	0	(2,263,847)	(2,263,847)
New Hampshire	0	(1,722,963)	(1,722,963)
New Jersey	0	(10,244,698)	(10,244,698)
New Mexico	0	(6,665,722)	(6,665,722)
New York	0	(21,101,122)	(21,101,122)
North Carolina	48,483,111	54,356,911	5,873,800
North Dakota	0	(2,155,996)	(2,155,996)
Ohio	7,258,279	30,870,003	23,611,724
Oklahoma	30,822,615	35,912,246	5,089,631
Oregon	0	2,665,316	2,665,316
Pennsylvania	15,759,784	30,856,560	15,096,776
Rhode Island	0	(7,335,536)	(7,335,536)
South Carolina	62,170,686	65,503,116	3,332,430
South Dakota	0	(2,332,722)	(2,332,722)
Tennessee	50,013,288	58,298,902	8,285,614
Texas	219,849,004	236,493,057	16,644,053
Utah	0	(2,544,069)	(2,544,069)
Vermont	0	(1,567,967)	(1,567,967)
Virginia	49,501,328	53,778,961	4,277,633
Washington	0	(9,493,140)	(9,493,140)
West Virginia	0	(3,578,857)	(3,578,857)
Wisconsin	45,182,240	53,544,651	8,362,411
Wyoming	0	(2,268,688)	(2,268,688)
Puerto Rico	0	(1,477,691)	(1,477,691)
Total	1,357,576,914	1,357,576,914	0

Mr. LAUTENBERG. Now Senator WARNER comes along and argues that is not enough. He not only wants the donor States to get the $457 million provided to them in this bill. He wants them to get an additional $400 million beyond that—taken away from the donee States. He wants to cut highway funds for 27 States below last year's level.

Members might appropriately ask "how is it that the highway program is growing, but my State is getting cut?" The answer lies in a provision of the highway bill that was established 6 years ago. That bill included many different formula calculations, but one of them—the so-called 90 percent of payments calculation—requires that donor states receive back at least 90 percent of the gas tax receipts they contribute to the highway trust fund.

Mr. President, that kind of entitlement to donor States inevitably will mean a decrease to other States when gas tax receipts are increasing at a rapid rate. That is true because they will rise at a rate faster than highway spending. So, if donor States are guaranteed a 90 percent return on the gas tax dollar, they will be taking that money from the rest of us. It's a zero sum game.

This is exactly what has happened this year. As a result, when the Appropriations Committee increased the highway program roughly half a billion dollars last year, the so-called donor States, not only absorbed every penny of that $500 million increase, they also took a billion dollars away from the other States in order to pay for it. In this fiscal year, that provision had the effect of siphoning off $1.5 billion in funding from 27 States and transferring it to 23 donee States.

I hope Senators and their staff are listening to this debate, because I doubt very much that a majority of my colleagues—54 Senators from 27 States—are fully aware of the fact that funding for the Federal highway program is growing but that funding for their State are being cut. And I can tell all my colleagues, as a Senator who has carefully monitored the highway program for more than 14 years, it is unprecedented for us to have a situation where States, much less a majority of States, endure substantial cuts while overall highway spending is increasing.

I can also tell my colleagues, as a very active conferee on the original ISTEA legislation, that no one envisioned a situation where States would take significant cuts in a given year, even while the appropriation increased.

Mr. President, it is ridiculous to suggest that ISTEA envisioned a scenario whereby 23 States would absorb every additional penny added to this program in 1997. But it's even more outrageous to suggest, as the Warner amendment does, that a majority of States should have their transportation funding cut to increase spending for a minority of the States.

Therefore, Mr. President, I strongly support Senator STEVENS' forthcoming motion to table the Warner amendment and ask my colleagues to join us in defeating the amendment of the Senator from Virgina.

This debate is very illustrative of what will be at stake later this year. Senators should be aware that when we guarantee a certain percentage return of gas tax receipts in the law, the funding needed to honor those guarantees will come from the rest of the States. Mr. President, in a way, the Warner amendment is a wakeup call for the majority of Senators. We should not adopt a highway bill that incorporates such guarantees in the law.

No other Federal program works that way. My State of New Jersey receives the second lowest return on the Federal dollar of every other State but Connecticut. We get 63 cents back on the Federal tax dollar. So, while I understand the posture of donee States, I am not particularly sympathetic. It would be as if I demanded that New Jersey get 90 percent of all agricultural funds disbursed or defense contractor funds disbursed or food stamps disbursed, regardless of need.

Mr. President, that is not what a national government is about. We are a nation, not a collection of States. National programs are designed to meet national goals. That's how benefits go out under Medicaid, housing programs, for agricultural subsidies, and the like. As the second most affluent State in the country, which sends a huge surplus of tax dollars to Washington, New Jersey would be blessed indeed if we were guaranteed a 90 percent return on the Federal dollar. So, Mr. President, I can't agree with donor State Senators unless they are willing to step back and look at the picture across the board.

I hope Members will think about what it means when it is proposed we guarantee each State a percentage of what it contributes to a national program. I have never come to the Senate Chamber and offered amendments to guarantee my State taxpayers 90 percent of what they contribute toward the Department of Defense. While the Department of Defense serves to protect us all, the Department of Defense has not chosen to have a very large presence in the State of New Jersey.

I have not come to the floor and asked that my taxpayers in New Jersey be guaranteed 90 percent return on their contributions to agricultural price supports, or 90 percent return on what they contribute toward the maintenance of freshwater fisheries, or 90 percent return on what they contribute toward the maintenance of our national parks, or 90 percent return of what they contribute toward massive water projects in the West.

All of these programs reflect national needs. They cannot be subjected to a formula based on tax contributions.

As a member of the Environment and Public Works Committee, I look forward to participating actively in the

development of ISTEA 2, including its highway component. I know that my friend from Virginia, the sponsor of this amendment, and the chairman of the Surface Transportation Subcommittee, will be active in developing it as well. I want to work with Senator WARNER to develop a bill that will meet our Nation's transportation needs and be equitable to all States. But, I must say to the Senator from Virginia that I will not be able to endorse an approach that dictates that a majority of States—including my own—will lose highway funding, even as appropriations increase, in order to increase funding for a minority of States, regardless of their needs.

I believe that will be the position of the majority of Senators, whom I hope have been listening to this debate and will look closely at the table I have here at the podium before they cast their vote. I urge them to take a look at that table and then vote to table the Warner amendment.

Mr. President, I will conclude by saying that if we are going to start examining formulas, we are going to revise all of the formulas that disburse money or send money back to States.

I thank the Chair very much.

Mr. WARNER. Mr. President, parliamentary inquiry. Would the Chair advise the Senate, under the time agreement the distinguished Senator from Alaska reached, what Senators remain to be recognized.

The PRESIDING OFFICER (Mr. INHOFE). Under the previous agreement, Senator WARNER from Virginia has 3 minutes; Senator DOMENICI, 1 minute; Senator BINGAMAN, 4 minutes; Senator GRAHAM, 5 minutes; and concluding, Senator STEVENS with 1 minute.

Mr. WARNER. Mr. President, it is the intention of the Senator from Virginia, since I am a proponent of the amendment, to seek recognition again. I ask unanimous consent that my time be increased from 3 to 6 minutes.

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

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 4 minutes.

Mr. BINGAMAN. Mr. President, let me point out the general framework of this discussion as I understand it.

The administration, in the supplemental request that they sent to Congress, suggested that we needed to add $318 million in order to essentially continue a windfall that had been in the previous law to various States under the highway funding formula. There was 24 States. And this was what I would refer to as the 1997 fix. For fiscal year 1997, we were saying, essentially the administration was saying, look, these States expected to get more than they really should have been getting, but we will give them this $318 million to divide among these 24 States.

Then, in the supplemental, we first saw a proposal to add some additional money for 10 other States, and that was added by the subcommittee chairman in the Appropriations Committee, not for fiscal year 1997 but for fiscal year 1996, and he was saying, OK, you have made good to these States for this windfall that was represented to them for 1997; what about for 1996? They ought to get the money they expected in 1996 as well, and he added money for that.

Now, the Appropriations Committee has come along and said, what we are going to do, if all this windfall money is going out to these 24 States—and, clearly, that is what is happening here, and I am not opposed to that, but they are saying if all that money is going out to these windfall States, let us at least hold harmless the rest of the States. Let us make sure they do not see an absolute cut in the level of funding for highways in this current year over 1996. So it is essentially a save harmless provision. It says that although we are going to give this money to these 24 States that expected to get the money, we are not going to have it adversely affect any of the other States, and that is the provision which Senator STEVENS and Senator BYRD have reported to the full Senate here.

The Warner amendment, of course, comes along and says, no, we do not want to save harmless these other States. We, in fact, want to go ahead and cut some of those States' funding from what they did receive in 1996, and, clearly, that to me is not a fair arrangement.

If this group of States is going to get the windfall, which the administration requested and which the appropriations subcommittee has added, then all other States should be held harmless, and that is what the bill does at this time. The Warner amendment would eliminate that hold-harmless provision and would result in States like mine getting less money than we otherwise would.

So I think, clearly, the Warner amendment should be defeated. The committee proposal here is by far the fairest of the proposals, and I hope my colleagues will join me in defeating the Warner amendment.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, again let us sort out what we are considering here.

First, we have what is an admitted arithmetical error by the Department of Treasury. We are attempting to correct that error. There is no dispute between those who advocate the Warner-Graham amendment and those who are proposing the language in the underlying bill that we should correct that error. What is happening now is that because of that error, that mistake, we are now trying to change the fundamental law that relates to the allocation of surface transportation funds among the States.

It would be as if a person had been involved in an automobile accident and had suffered significant injuries and received an insurance payment to make that person whole again, to repay them, reimburse them for the injuries, the medical bills, the lost wages and the other damages that they had suffered, and then their neighbor would turn and say, well, we ought to get the same bill so that we can maintain parity with our neighbor who has gotten this cash settlement from his or her insurance company.

The States that were the losers, that were adversely affected by this arithmetic error are not getting any windfall. They are just like that person involved in the accident. They are being made whole. They are not getting a dime more than they were entitled to get or that they would have gotten under the ISTEA legislation had it been properly administered at every stage.

They are being made whole, for an error that was made and was beyond the capacity of the States to control. That is just fundamental fairness. They are not getting anything that is a benefit beyond what they were entitled to. That is the first $139 million.

Now we are looking at the second $800 million that is being distributed under this proposal, which relates to how everybody else, the States that were not adversely affected, are going to be treated under this law. Senator WARNER and I recommend a simple standard. If we are going to decide that additional highway money should be provided beyond that which is required to rectify this error, it ought to be distributed pursuant to the law. We passed a law in 1991 that set up a method of allocating funds among the 50 States and territories. That law ought to be abided by.

There was reference made by some of the previous speakers that by applying the Warner-Graham standard, some States were going to get zero. No State will get zero. Every State will participate in the $800 million, exactly as the law that we passed in 1991 provides they should. Every State will get a significant amount of additional highway funds beyond what they are presently contemplating. Every State will be a winner.

The question is, are they going to be a winner under the rules that we adopted through the process of this Senate—an authorization committee holding extensive hearings, reporting out a bill, that bill being debated for days and days on the Senate floor, finally going to a conference committee and a product that the President of the United States signed into law? Are we going to respect that process and use that as the

means of distributing this additional $800 million? Or, are we, at the last gasp of the 1991 legislation, to say, "No, we don't want to do that; we want to use a different formula, and that formula is going to say that we are going to hold a set of States harmless by pouring additional money into those States," in effect undoing the underlying law that was passed through the congressional process of this Senate and House of Representatives with the concurrence of the President?

There is an issue of fundamental fairness here. A number of States for many years have been contributing substantially more to the National Highway System than they were receiving back. As I said earlier, there are rationales for that that I can accept, recognizing that all States do not have the same capacity, they do not have the same geography, the same population, in order to support a National Highway System. The States that are the donor States are not asking to get back 100 percent, but they are saying, in the last year, in the 6th year of a 6-year highway bill, we ought to at least get back 90 percent.

That is what we agreed to. That is the deal that was made. That is what I think should be honored. That is what fundamental fairness calls for. That is what we achieve by the adoption of the Warner-Graham amendment.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to try to summarize this for the Senate. It is a difficult issue. I was, and I continue to be, stunned hearing some of the representations that have been made by my distinguished colleagues and friends in opposition to this amendment, particularly the statement made by my distinguished chairman here, the senior Senator from Alaska, when he said we needed to change the law because the law was wrong.

Mr. President, I am sorry. I have the statement the Senator made. Mr. President, this is not a question of changing the law. The Senator from Alaska put in the statement by the distinguished chairman of the full committee on which I served, Senator CHAFEE. And he, Senator CHAFEE, acknowledged that this is a clerical error committed by the Department of Treasury.

Senator CHAFEE: "I want to emphasize the situation before us today is not a new one. It started in '94 when the Department of Treasury made a clerical error."

Going on, he says, "Since last July, the Departments of Treasury and Transportation have corrected the error."

I also ask unanimous consent to have printed in the RECORD, following my statement, the Treasury Department, Comptroller General of the United States decision, dated December 5, 1996.

First sentence, "Because of a clerical error, the Financial Management Service, Department of Treasury, failed to credit. . . ."

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

(See exhibit 1.)

Mr. WARNER. This is a clerical error that had to be corrected. The Appropriations Committee corrected it as related to the $139 billion. But the distinguished Senator from Alaska said, we had to take and change the law so that the balance of the money—money not requested by the administration or anyone else—could be distributed accurately and fairly.

So we really have law No. 1, which is the 1991 law, and which we have been acting under for these several years, 5 years, under the ISTEA, 1991. We now have a proposed new law by the Appropriations Committee, a law arrived at without any participation in the normal process of drawing up an important statute like this—no hearings on it, simply cobbled together by the appropriators, hastily, not in consultation with the authorizers. And then we have a third law which, not in existence, is to be devised by this body after careful deliberation on a bill that will be forthcoming from the full Committee on the Environment and Public Works. That debate, which you have seen parts of today, will be extensive, as it should be. It will be thorough. And all Senators will have the opportunity equally to shape the third law, which will control the distribution for the next 5 years.

Mr. President, my amendment simply says to the U.S. Senate: Let us follow the existing law in 1991, not accept a hastily put together law by the Appropriations Committee without participation by the full Senate. That is a compounding of the inequities of this whole issue on donor/donee.

So, as Senators go to their desks, please, first, do not accept the fact that some States get zero. I do not know where that sheet came from. I have put on the desk the Department of the Treasury allocation under the Warner formula, which is simply—the Warner formula is nothing more than the existing law. So I plead with the Senate not to hastily rewrite the existing law in a debate which, although thorough, had been but an hour and a half, and not all Senators have had the opportunity to participate. Please, I urge the Senate, do not change the law. Let the 1991 bill finish its intended purpose to 1997, and let that law distribute the additional funds brought forth under this supplemental by the Appropriations Committee.

I yield the floor.

EXHIBIT 1

COMPTROLLER GENERAL OF THE UNITED STATES—DECISION

Matter of: Corrections to the Federal Highway Trust Fund.

Date: December 5, 1996.

DIGEST

Because of a clerical error, the Financial Management Service, Department of the Treasury, failed to credit actual excise tax receipts to the Highway Trust Fund for the quarters ending June 30, September 30, and December 31, 1993, as required by law. 26 U.S.C. §§9601, 9503. The Secretary of the Treasury has the authority to correct the clerical accounting and reporting errors by restating the fiscal year 1994 and 1995 income statements for the Highway Trust Fund provided to the Department of Transportation. The Secretary of Transportation has no authority to administratively adjust, modify, or correct Highway Trust Fund income data provided by the Department of the Treasury and is bound to make apportionments to the States based on the data reported by the Treasury.

DECISION

The Department of the Treasury (Treasury) and the Department of Transportation (Transportation) ask whether they are authorized to correct certain clerical accounting and reporting errors relating to appropriations in the Highway Trust Fund (HT Fund). Treasury believes that it has the authority to, and should, correct errors made in recording collections and resulting appropriations attributable to the HT Fund by restating the fiscal years (FY) 1994 and 1995 income statements for the HT Fund provided Transportation. Transportation believes that it must apportion HT funds to the states based on the income statements provided by the Treasury. For the reasons explained below, we agree that Treasury may adjust the FY 1994 and 1995 HT Fund income statements and that Transportation must base its apportionment on the corrected income statements.

Background

Federal Aid Highway Program

The Federal Aid Highway Program distributes billions of dollars of federal funding annually to the 50 states, the District of Columbia, and Puerto Rico for highway construction, repair, and related activities. To finance the highway program, Congress established the HT Fund as a trust fund account in the Treasury of the United States, 26 U.S.C. §9503(a) (1994), designating the Secretary of the Treasury as trustee, 26 U.S.C. §9602(a). Congress has provided the HT Fund with a permanent indefinite appropriation of amounts received in the Treasury from certain gasoline, diesel fuel, and other excise taxes paid by highway users. 26 U.S.C. §9503(b).

Statutory responsibilities of Secretary of the Treasury

The Secretary of the Treasury (Secretary), as trustee of the HT Fund, must fulfill certain accounting and administrative functions.[1] Specifically, the Secretary is required to transfer at least monthly from the general fund of the Treasury amounts appropriated to the HT Fund based on Treasury estimates of the specified excise taxes for the month. 26 U.S.C. §9601. The Secretary is further directed to make "proper adjustments . . . in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amount required to be transferred." Id.

Footnotes at end of article.

To discharge its duties as trustee, Treasury uses estimates provided by the Treasury's Office of Tax Analysis (OTA). Each month OTA submits to the Treasury's Financial Management Service (FMS) an estimate of the specified excise taxes that will be covered into the general fund for the upcoming month. Upon receipt of the monthly OTA estimate, FMS records the amount of the estimate and on the 8th business day of the month transfers from the general fund 50 percent of the estimated amount to the HT Fund and the remaining 50 percent of the estimated amount to the Fund on the 18th business day of the month.

The statutory scheme recognizes that the actual amount of highway taxes covered into the general fund may be greater or less than the amounts previously estimated and transferred to the Fund. Pursuant to 26 U.S.C. §9601, the Secretary is directed to adjust any differences between the transferred estimated amounts and the actual amounts collected. FMS makes these adjustments based on an Internal Revenue Service (IRS) quarterly certification of the actual amounts of taxes collected (IRS actuals). FMS receives the IRS actuals approximately 6 to 9 months after the end of each quarter and records the necessary upward or downward adjustment to the HT Fund income statement in the fiscal year in which it receives the IRS actuals. The Federal Highway Administration (FHWA) uses the HT Fund income statements as the base figures for apportioning federal aid-highway "contract authority" to each state.[2]

FMS clerical accounting and reporting errors

The HT Fund consists of a Highway Account and a Mass Transit Account. 26 U.S.C. §9503(a) and (e). According to Treasury, prior to the receipt of the IRS actuals for the quarter ended June 30, 1993, the form which IRS used to report actuals to FMS combined in a single column the accounts attributable to both the Highway Account and the Mass Transit Account. Starting with the IRS actuals for the quarter ended June 30, 1993, IRS separated the amounts attributable to the Highway and Mass Transit Accounts into separate columns. IRS apparently did not notify FMS of the change in format nor did FMS notice the change. Consequently, when calculating its adjustments to the OTA estimates, FMS used the amounts listed in the Highway Account column, instead of using the sum of the Highway Account and the Mass Transit columns. Because of FMS failure to properly transcribe the IRS actuals in FY 1994 when the data was received,[3] the FMS adjustments made in FY 1994 for the quarters ended June 30 ($529,683,300), September 30 ($547,256,400), and December 31, 1993 ($513,533,200), understated the HT Fund income in the aggregate by approximately $1.59 billion.

In November 1994, when the FMS forwarded to the FHWA the year-end FY 1994 HT Fund income statement, the FHWA discovered the FMS error. On November 30, 1994, the FHWA advised FMS of the error. The FHWA asked FMS to reflect the correction in the HT Fund income statement for FY 1994. Instead, on December 21, 1994, FMS adjusted upward the HT Fund account by $1.59 billion, reporting the adjustment as income in FY 1995, the fiscal year in which FHWA advised FMS of the mistake. In contrast to Treasury's standard procedure, this had the effect of understating the FY 1994 HT Fund income by $1.59 billion and overstating the FY 1995 HT Fund income by the same amount.

As previously noted, FMS has implemented the statutory scheme by crediting the HT Fund in the fiscal year in which they received the IRS actuals. The FMS' failure to follow their standard practice in this instance significantly affects the FHWA's allocations of HT Fund contract authority.[4] Treasury and Transportation have informed us that due to the interactions between the 90 percent payment apportionments[5] and the obligational limitation imposed by Congress for FY 1997,[6] the FMS reporting error will result in approximately 24 states receiving lower distributions of obligational authority in FY 1997, with some of the adjustments ranging up to $50 million.[7]

The Treasury has concluded that it should adjust the fiscal year 1994 income statements by crediting the HT Fund with the $1.59 billion in the year in which IRS reported the actuals to FMS. If Treasury corrects the error by adjusting the FY 1994 and FY 1995 Fund income statements to credit the IRS actuals to the fiscal year in which they were originally reported to FMS, Transportation would ask the Office of Management and Budget for a reapportionment of FY 1996 contract authority. This would mean, according to FHWA, a redistribution of approximately $300 million in contract authority among the States for FY 1996.

Transportation has concluded that it cannot administratively correct or modify HT Fund Treasury income statement by substituting data other than that reported by Treasury on the HT Fund income statement. Memorandum from Chief Counsel, FHWA, to General Counsel, Transportation, October 4, 1996. Transportation determined that in furtherance of its duty to administer the Federal Aid Highway Program, it must apportion funds authorized to be apportioned to the states under 23 U.S.C. §104 and section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (23 U.S.C. §104, note) on the basis of the data reported by Treasury. Based on its legal analysis of the Secretary's statutory responsibilities, Treasury has concluded, and Transportation agrees, that it has the authority to make the correction in FY 1994. We agree.

Analysis

Authority of Treasury to correct errors

Consistent with the statutory scheme and his duties as trustee of the HT Fund, the Secretary of the Treasury credits on a monthly basis estimated amounts of specified excise taxes to the HT Fund and subsequently adjusts the estimated amounts to reflect the amount of the specified excise taxes actually collected. For three quarters in calendar year 1993, FMS misread the IRS form reporting the actual amount of excise taxes collected. As a result, FMS credited the HT Fund with $1.59 billion less in income in FY 1994 than it otherwise would have had they properly read the IRS form. When notified of the mistake, FMS "corrected" the error by recording the $1.59 billion as income to the HT Fund in FY 1995, apparently based on the view that they should make the correction effective when they learned of the error, as opposed to when they were initially advised of the amount of taxes collected. The issue is whether Treasury may credit the $1.59 billion to FY 1994, the fiscal year that would have been credited had FMS not misread the IRS form. We think that the answer is clearly yes.

Our decisions in this area over the years stand for the proposition that an act of Congress is not required to correct clerical or administrative errors. 41 Comp. Gen. 16, 19 (1961). In B-251287, September 29, 1993, we concluded that when Treasury is presented with convincing evidence that a reporting error affecting the balance of an appropriation account has occurred as a result of an obvious clerical error, it may adjust the account balance to correct the mistake. In that particular case, had Treasury not been able to adjust the appropriation account balance to correct the mistake, the erroneously reported amount would have been treated as canceled in accordance with the applicable account closing procedures contained in the National Defense Authorization Act of 1990, Pub. L. No. 101-510, 104 Stat. 1674 (1990). *Id.* Similarly, Treasury may adjust its accounting records to credit an appropriation account with the amount improperly credited to the general fund of the Treasury. 45 Comp. Gen. 724, 730 (1966); *see also* B-126738, April 11, 1956. Where the evidence of the error is unreliable or inconclusive, B-236940, October 17, 1989, we have objected to an administrative adjustment. In this case this limitation does not apply.

As explained above, had FMS officials properly understood the IRS form reporting the actual amount of excise taxes collected for the three quarters in question, they would have recorded the appropriate amounts in the FY 1994 HT Fund income statements. The fact that FMS officials recorded the amount, the $1.59 billion, in the FY 1995 HT Fund income statement when FHWA advised them of their oversight is as much a deviation from their established practice of recording amounts collected in the fiscal year current when IRS reports the actual amounts collected as was the failure to properly read the IRS form in the first place. To now adjust the FY 1994 and FY 1995 income statements to reflect what FMS officials should have done had they followed their established procedures, consistently and regularly applied, does no more than restore the accounts to where they should have been. Apart from whatever responsibilities the Secretary may have to accurately state the accounts of the United States, the Secretary in his capacity as trustee of the HT Fund has the duty to accurately account for the amounts in the Fund consistent with the terms of the appropriation made thereto and the applicable administrative procedures adopted to effectuate his statutory responsibilities.[8]

The statutory scheme for apportioning contract authority among the states for the Federal Aid Highway Program makes it essential that the Secretary maintain an accounting of the HT Fund in the most accurate manner possible. The interplay between the HT Fund and the statutes providing federal aid to the states for highways reflects a complex congressional plan to equitably distribute the HT Fund proceeds for the various highway programs among the states. This entire statutory scheme is dependent upon the Treasury accurately performing the ministerial duty of collecting, accounting for and reporting the revenues. For example, the 90 percent payment adjustment provided by section 1015(b) of ISTEA directs Transportation to base its computation on "the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund * * * in the latest fiscal year in which data is available." The failure to properly account for funds in the correct year can dramatically affect the amount of funds each state is entitled to receive from the HT Fund.

Thus, Treasury's accounting for the funds in the correct year is critical. Although section 9601 does not contain a specific time

limit in which the Secretary must make the proper adjustments to reflect the actual amounts of the applicable excise taxes received in the Treasury. Treasury has implemented section 9601 by making the adjustment to the HT Fund income statement for the fiscal year current at the time of receipt of the IRS report on the actual amount collected. We understand that, with the exception of the adjustments at issue here, this has been the consistent practice of Treasury. Although this may not be the only way to implement this statutory scheme, it is entitled to deference unless clearly wrong. *Chevron U.S.A. Inc.* v. *Natural Resources Defense Counsel Inc.*, 467 U.S. 837, 844 (1984). As noted above, Treasury has advised us that it received all IRS actuals in fiscal year 1994. Accordingly, we have no objection to Treasury adjusting the FY 1994 and FY 1995 HT Fund income statements to conform to their established practice of accounting for these amounts.

Authority of transportation to adjust HT fund income data

As mentioned above, Transportation has concluded that it cannot administratively correct erroneous HT Fund Treasury income statements.[9] We agree. Transportation is statutorily charged with administering the Federal Aid Highway program and it may only apportion funds authorized to be appropriated to the states under 23 U.S.C. §§101, *et seq.* As discussed above, as trustee of the HT Fund, Treasury is solely responsible for making transfers and adjustments to the HT Fund under 26 U.S.C. §§9601 and 9602. Transportation has no role in administratively adjusting, modifying, or correcting Highway Trust Fund income statements provided by the Department of the Treasury. Thus, Transportation is bound to make apportionments to the States based on the data reported by Treasury.[10]

Conclusion

Treasury may adjust the FY 1994 and 1995 HT Fund income statements to credit the HT Fund with the excise taxes originally not included in the HT Fund income statements' just as if Treasury had credited such amounts upon receipt of the reports from the IRS. Transportation has advised us that upon the adjustment of the FY 1994 and FY 1995 HT Fund income statements to reflect the actual receipt of revenue consistent with their standard practice, Transportation will seek a reapportionment of contract authority from the Office of Management and Budget for FY 1996. Once Treasury has issued its HT Fund income statement, Transportation's duty is to effectuate the statutory apportionment formula, including the 90 percent payment apportionment, based on the data provided by Treasury.

FOOTNOTES

[1]The Secretary is responsible for maintaining an effective and coordinated system of accounting and financial reporting, 31 U.S.C. §3513, managing the trust funds, and reporting to Congress on their financial conditions and operations. 26 U.S.C. §§9601 and 9602.

[2]The Federal Aid Highway Program is essentially a "reimbursable" program, that is, the federal government reimburses states for costs actually incurred in building or repairing its highways. Congress, primarily in the highway authorization acts, authorizes Transportation through the FHWA and its other agencies, to incur obligations (using contract authority) on behalf of the federal government. The FHWA apportions authorized amounts of contract authority to the states, in effect establishing lines of credit upon which the states may draw for a particular project. See Financing Federal Aid Highways. FHWA Publication No. FHWA-92-016 (1992).

[3]Treasury has advised that FMS received the IRS actuals as follows: for the quarter ended June 30, 1993, the FMS received the IRS actuals on May 26, 1994; for the quarter ended September 30, 1993, the FMS received the IRS actuals on July 5, 1994; for the quarter ended December 31, 1993, the FMS received the IRS actuals on September 16, 1994.

[4]Treasury officials have informally advised us that they could not recall any cases in which a clerical error was made that required corrective action.

[5]The 90 percent payments apportionment is one of a number of provisions Congress has built into the Federal Aid Highway Program to: (1) insure funding equity among the states, (2) address the concerns of states that contribute more highway user taxes than they would receive in federal aid highway funds, and (3) provide each state with the same relative share of overall funding that it had received in the past. Specifically, the 90 percent payments apportionment ensures that each qualifying state will receive an allocation in an amount that ensures its apportionments for the fiscal year and allocations for the previous fiscal year will be at least 90 percent of its contributions to the Highway Account of the HT Fund. Financing Federal Aid Highways, FHWA Publication No. FHWA-92-016 (1992).

[6]The obligation limitation for FY 1997 is $18 billion. Pub. L. No. 104-205, 110 Stat. 2958 (1996).

[7]The law requires that Transportation base the 90 percent payment apportionments on the latest fiscal year in which data is available. Pub. L. No. 102-240, §1015(b), 105 Stat. 1944 (1991). Generally, the latest fiscal year for which data is available lags by two years. For example, for fiscal year 1996, Transportation based the 90 percent payment apportionments of contract authority on data from the fiscal year 1994 HT Fund income statements. Similarly, Transportation will base the 90 percent payment apportionments of contract authority for FY 1997 on data from the FY 1995 HT Fund income statements. Thus, Treasury's correction of the FYs 1994 and 1995 HT Fund income statements will affect the allocations for FYs 1996 and 1997.

[8]Certainly, section 9601 contemplates that the Secretary will faithfully carry out his responsibilities as trustee of the HT Fund to credit the Fund with the amounts collected as reported by the IRS. Literally read, section 9601 only authorizes the Secretary to make "proper adjustments" necessary to reflect any differences between the estimated amounts provided by the OTA each month, and the amounts reported by the IRS several months later as actually collected. In our opinion, the Secretary's authority to correct the FMS clerical accounting and reporting errors in this case is not dependent on the authority in section 9601 to make "proper adjustments."

[9]Earlier this year, Senator Baucus introduced an amendment to the Transportation appropriation for FY 1997 requiring Transportation to make appropriate adjustments to federal aid highway apportionments to correct Treasury's error. 142 Cong. Rec. S9266-9275 (daily ed. July 31, 1996). The amendment was agreed to by the Senate. 142 Cong. Rec. S9278 (daily ed. July 31, 1996). The Conference Committee on the differing House and Senate versions of the FY 1997 Transportation appropriation eliminated the Baucus amendment from the Conference bill. 142 Cong. Rec. S10778 (daily ed. September 18, 1996).

[10]See generally, 41 Comp. Gen. 16 (1961), holding that when an apportionment under the federal highway program results in some states receiving funds in excess of the amount they were entitled to receive and others receiving less than their entitlement, the failure to apportion properly must be regarded as an act in excess of statutory authority and the incorrect apportionments need to be appropriately adjusted.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 1 minute remaining.

Mr. STEVENS. Does any further Senator have any time?

The PRESIDING OFFICER. Yes, the Senator from Virginia has 1½ minutes remaining. The Senator from New Mexico [Mr. DOMENICI] has 1 minute remaining.

Mr. STEVENS. Well, Mr. President, I intend to close, so I will wait.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have made my case. I yield back the time of the Senator from Virginia.

Mr. STEVENS. Mr. President, Senator DOMENICI, I am informed, does not wish this time. I yield it back for him.

I close by saying we make no change in the basic law. The allocations under this bill are under the 1996 formula. Without unfairness, as is pointed out in the statement from the chairman of the Public Works Committee, and I read this because it is very strange that this—it does not normally happen.

Mr. WARNER. If the Senator will yield for a question, I simply say if he states he is making no changes in the ISTEA 1991 law, then I withdraw the amendment.

Mr. STEVENS. Our formula is the 1996 formula. The 1996 formula is the one that has been used by Senator WARNER, and we are using the same formula. We are not changing the 1996 formula. We are looking for a statement the Senator made.

Mr. WARNER. Mr. President, we are dealing with 1997——

Mr. GRAHAM. Will the Senator from Alaska yield for a question?

Mr. STEVENS. Regular order. The Senators had their time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. Let me read from Senator CHAFEE's statement.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. "The additional funds provided by the Appropriations Committee hardly give an unfair advantage to 29 States."

Mr. BYRD. Mr. President, I ask unanimous consent the Senator have an additional 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I do not wish to object, but I would like to have an equal amount of time.

Mr. STEVENS. I thank both Senators. I want to finish. I just want to read this one statement. Am I out of time?

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I just want to finish this one thing I am trying to find and that is all.

The PRESIDING OFFICER. The Senator from Virginia asked unanimous consent he be extended 3 additional minutes, the same as the Senator from Alaska. Is there objection?

Mr. STEVENS. There is no objection.

Mr. WARNER. I make the proffer here, I judge my distinguished colleague from Florida will join me, if the Senator from Alaska will state that it is the intention of this bill not to change the 1991 ISTEA law, as it applies to fiscal year 1997, I will withdraw the amendment.

Mr. STEVENS. Mr. President, the Senator from Virginia wanted to change the law. The President wanted to change the law with the $318 million. If the Senator wants to delete the $318 million, the $475 million would come out. But the $139 million that the President did not request is the one that is to correct the error. The moneys we have added to what the President requests is to make it fair and to correct the impact of the underlying Treasury error.

I say again, we have used the 1996 formula. The President's request would be an $318 million addition for a few States based primarily on one category of the 1996 formula. We equalize that with what we have done. I do not say we have changed the thrust of the law. We have changed in terms of the formula.

Mr. WARNER. I claim my time. The Senator is on his time with the reply.

The PRESIDING OFFICER. The Senator from Virginia has his time.

Mr. STEVENS. Do I have any time left?

The PRESIDING OFFICER. Yes, the Senator from Alaska has 3 minutes remaining.

Mr. WARNER. I think, in fairness to the Senate, we might consider a quorum call, during which time I am perfectly willing to say to the distinguished chairman of the Appropriations Committee, if he will let the 1991 ISTEA law control the distribution of 1997 funds, which are the funds in this appropriation, I am perfectly willing to withdraw the amendment, because it is clear to me that this bill, as written, rewrites the 1991 law. And that is not the intention, in my judgment, of the U.S. Senate, to do that hastily in a debate of 1 hour and a half.

Mr. GRAHAM. Will the Senator from Virginia yield for a question?

Mr. WARNER. Yes.

Mr. GRAHAM. Am I correct the amendment that he has offered would, in fact, provide that the $318 million, plus the $475 million, all be distributed pursuant to the 1991 ISTEA act?

Mr. WARNER. Mr. President, the Senator is absolutely correct.

Mr. GRAHAM. So we——

Mr. WARNER. The Senator from Virginia simply says that all moneys above the $139 million—that is a clerical error, not a law error—be treated under the ISTEA 1991 law, which is the law of the land today. We should not, as the U.S. Senate, endeavor in this brief period to rewrite that ISTEA 1991 distribution formula. That should await the next piece of legislation which is coming through in the orderly, bipartisan process, through the authorization committee.

I make the proffer right now to withdraw the amendment if the Senator will revise the bill before the Senate, such that it reflects that in 1991, the ISTEA law governs the distribution of those funds over and above $139 million in this bill.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, I reject that suggestion. As the Senator knows, the change is required for the $139 million that he is proposing. We are working from a 1996 base, and that is what we are equalizing.

This is a growing program. Why should some States be less than they were in 1996, while other States grow at such a rate they are far in excess of 1996?

Again, I have been trying to read what the Senator from Rhode Island, the chairman of the Public Works Committee, said in the statements before the Senate.

> The additional funds provided by the Appropriations Committee hardly give an unfair advantage to 29 States. In fact, the only States that actually receive additional funds in 1997, when compared to 1996, are the so-called donor States that are offering the amendment that is before us today. Mr. President, this is an issue that, in my opinion was resolved after the administration initially fixed its error last December. Unfortunately, the administration has reopened this complicated issue. The Appropriations Committee has developed a fair solution to a difficult problem, and they should be congratulated. I urge my colleagues to oppose this amendment and support the chairman of the Appropriations Committee.

I yield the remainder of my time. I yield the remainder my time. I move to table the amendment.

I ask for the yeas and nays.

Mr. WARNER. It is a simple question.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 66 to S. 672. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—54

Akaka	Domenici	Lautenberg
Allard	Dorgan	Leahy
Baucus	Durbin	Lieberman
Bennett	Enzi	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Grams	Moynihan
Brownback	Grassley	Murkowski
Bryan	Gregg	Murray
Burns	Hagel	Reed
Byrd	Harkin	Reid
Campbell	Hatch	Roberts
Chafee	Inouye	Rockefeller
Collins	Jeffords	Roth
Conrad	Johnson	Sarbanes
D'Amato	Kennedy	
Daschle	Kerrey	
Dodd	Kerry	
Smith (NH)	Stevens	Torricelli
Snowe	Thomas	Wellstone

NAYS—46

Abraham	Frist	Mack
Ashcroft	Glenn	McCain
Bond	Graham	McConnell
Boxer	Gramm	Nickles
Breaux	Helms	Robb
Bumpers	Hollings	Santorum
Cleland	Hutchinson	Sessions
Coats	Hutchison	Shelby
Cochran	Inhofe	Smith (OR)
Coverdell	Kempthorne	Specter
Craig	Kohl	Thompson
DeWine	Kyl	Thurmond
Faircloth	Landrieu	Warner
Feingold	Levin	Wyden
Feinstein	Lott	
Ford	Lugar	

The motion to lay on the table the amendment (No. 66) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. If we could have order, I would like to tell Senators what will happen now.

Let me make a parliamentary inquiry.

How much time is left under cloture, Mr. President?

The PRESIDING OFFICER. We will have to compute that.

Mr. STEVENS. I thought I had an answer. The answer I received is not correct?

The PRESIDING OFFICER. No. We are computing it right now. It will have to be recomputed.

Mr. STEVENS. I urge the Parliamentarian to compute it before I finish here because I think Senators ought to know.

We, I hope, will finish this bill under the original cloture period.

Senator BYRD, from West Virginia, will be recognized under the agreement we entered into last evening to complete the statements on his amendment to delete the CR provision in the bill.

After that, Senator REID's amendment is the pending business. It is our intention to go to Senator REID's amendment. There is an agreement on that.

Following that amendment, Senator GRAMM, who has a series of amendments, has asked to bring up one of his amendments. And it is my hope that the Chair will recognize him after that.

I urge Senators to come forward now and tell us what they are going to bring up. If I am correct, the time under cloture expires before 6 p.m. tonight. It is my feeling we should finish in that original period. That will mean that we will have to shorten the time on every amendment that comes up and seek an opportunity to vote, if there is going to be a vote, within a reasonable period of time.

So, Mr. President, I want to announce, as chairman, once an amendment is called up and a statement is made in support of it, I will seek the

floor to table that amendment. But I hope to seek from each Member a reasonable period of time for any Member who wants to speak on the pending amendment. I urge Senators to limit their time so we can finish by 6 o'clock.

Has the Parliamentarian come close to an estimate?

The PRESIDING OFFICER. We are still computing.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Could I say to the distinguished chairman, the manager of the bill, on the Reid amendment we have an agreement, and we can move rather quickly on that, if you want to get one more thing taken care of.

Mr. STEVENS. Mr. President, that is precisely what we have agreed to do. As soon as Senator BYRD, who has the amendment that is pending, because of an agreement that was entered into before—the Reid amendment was set aside—we shall finish Senator BYRD's amendment, and once that is finished we will go back to regular business, which is the Reid amendment, as soon as the Byrd amendment is voted upon. Then we would proceed, by agreement, I hope, to raise every amendment that a Senator wishes to raise within the time limit that is left under the cloture period.

Mr. CHAFEE. Is there any suggestion how long the Byrd amendment might take?

Mr. STEVENS. Mr. President, it is our hope that after the Senator has completed his statement that he did not make last night that we will be able to reach an agreement as to time in very short order. But he has not completed his statement yet, so I cannot answer that question yet.

Again, this is a consistent pattern. I hope the Senate will realize the person who offers an amendment will be allowed to make the statement that he or she wishes to make, and after that time we will seek to limit the time for any further comment on the amendment before I make a motion to table.

Mr. REID. Mr. President, if I could ask the manager of the bill, we understand there is no specific time, but I wonder, for those of us involved in the next amendment, can you give us a ballpark? Would it be like 2:30, something like that?

Mr. STEVENS. It is my hope the Senator will agree—and I have discussed with the Senator from West Virginia—that sometime around the 2 o'clock time we can vote on the amendment because we do have some people who have already notified us that they are going to leave, and I think that they are on the Senator's side. So we would like to accommodate people who will leave. But we have not any agreement.

The question was asked to you, I say to the Senator. You may want to respond now. If you do not, we will wait.

Mr. BYRD. I am in no position to respond at this moment. But I do have at least 9 or 10 speakers on this side other than myself, and they will want somewhere from 5 to 10 minutes each probably.

Mr. STEVENS. Again, when the Senator is finished with his statement, I intend to seek a limitation—before I make a motion to table his amendment—on any of those who wish to speak. So I do hope that we will be able to get that. When the Senator is finished with his statement, we will get to this and decide what the time will be.

I yield to Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, at what time did cloture occur?

The PRESIDING OFFICER. Cloture was invoked yesterday at 10:28 a.m.

Mr. BYRD. What time?

The PRESIDING OFFICER. At 10:28 a.m.

Mr. BYRD. At 10:28 a.m. So the 30 hours for debate could well not occur today, not take place today.

Mr. President, am I recognized?

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 59

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Massachusetts for not to exceed 10 minutes without losing my right to the floor. He has to go to another appointment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague from West Virginia for yielding the time. Once again I commend him for bringing his amendment to the floor of the Senate. And for the reasons that I will outline, I hope that his position will be overwhelmingly accepted.

Mr. President, this automatic budget proposal is a Trojan Horse, and the Senate should reject it. It would freeze the level of last year's spending on any appropriations bill where Congress and the President failed to agree. By creating the certainty of a particular result in the event of a deadlock, it creates the certainty of a deadlock. There will always be those who favor a freeze. They obstruct the process. This provision guarantees that they will get their way.

Mr. President, by creating the certainty of a particular result in the event of a deadlock, it creates the certainty of a deadlock. There will always be those who desire a freeze. If they obstruct the process, this provision guarantees they will get their way. They will have many opportunities to obstruct.

Already, continuing resolutions are a regular part of the congressional procedure. A forthcoming article by Professor Meyers of the University of Maryland calculates that since 1974, when the Congressional Budget Act set the October 1 deadline for enacting appropriations, more than two-thirds of appropriation bills have been enacted after that date. With this automatic budget provision tilting the outcome, it will be a rare case, indeed, when it is not used by our Republican friends to achieve their ideological goals.

Our Republican friends seek to sell this Trojan horse as a way to prevent shutting down the Government. We all know the real target. This proposal would simply guarantee cutting back on funds for education, for health, safety, and the environment.

This year, a freeze at last year's level would be $27 billion below President Clinton's request for total discretionary spending for 1998. It would yield a devastating cut in education, in health, and safety. We all remember the long and difficult struggle and battle that was held here on the floor of the U.S. Senate in making sure that those priorities, which are the priorities of the American people, were going to be achieved. It was only in the final days of the consideration in the Congress that we were able to do so.

It would cost $330 million from Head Start, depriving 35,000 children of the chance they would have to participate in Head Start under the President's plan.

It would slash $1.7 billion from Pell grants, denying crucial aid to 350,000 needy college students.

It would cut $300 million from the education for disadvantaged children, denying 483,000 children the extra help they need to survive in school.

It would cut $5 million from programs like Meals on Wheels, resulting in $2.8 million fewer home-delivered meals for senior citizens.

It would cut $23 million from the President's budget for occupational safety and health, resulting in thousands of fewer health and safety inspections.

It would cut $300 million from the President's budget for the National Institutes of Health, slashing the number of new research grants and contracts, dramatically jeopardizing the research on cancer, AIDS, diabetes, Parkinson's disease, and many other diseases.

These are unacceptable results. This is unacceptable budget policy. It is a GOP Government shutdown on the installment plan.

If we give the obstructionists and donothings this raw power, they will have carte blanche to do it every year. The cuts will grow like compound interest. Five years of a freeze would lead to cuts of $165 billion. The 2002 level for appropriated spending would be 9 percent below the President's budget.

If you take inflation into account, the cuts would total $287 billion below the levels needed to maintain current

services. The 2002 level would be 16 percent below the level needed to maintain current services.

Appropriated spending is now its smallest share of the economy since 1938—7 percent, roughly half of its high of 13.6 percent in 1968. We are reducing spending, and we are doing it the right way, not the right-wing way.

Under the President's budget and the budget agreement, spending will already decline further in inflation-adjusted terms. From this already shrinking pie, Congress has to fund education, health research, and other needed investments to keep our economy strong and growing.

This proposal is extreme. Make no mistake about it. The Nation cannot afford a robot procedure that robs future generations and weakens the economy. Congress should not put the budget on an automatic shrinking pilot. We can work together, Republicans and Democrats, we can write a better budget than this provision will allow—and still meet any reasonable goals for restraining spending.

I urge all Senators to support the amendment offered by the Senator from West Virginia.

Mr. President, I ask unanimous consent a table showing the calculation results in the cuts I described be printed in the RECORD at this point.

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

LOSSES FROM THE AUTOMATIC BUDGET COMPARED TO THE PRESIDENT'S BUDGET [1]

[Billions of dollars in budget authority for discretionary spending]

	1998	1999	2000	2001	2002	Over 5 years
President's budget [1]	537.1	535.5	542.3	549.2	560.4	2,724.5
100 percent of prior year	511.8	511.8	511.9	511.9	511.9	2,559.3
Loss in funding	25.3	23.7	30.4	37.3	48.5	165.2

[1] As estimated by the Congressional Budget Office.

LOSSES FROM THE AUTOMATIC BUDGET COMPARED TO SPENDING NEEDED TO MAINTAIN CURRENT SERVICES [1]

[Billions of dollars in budget authority for discretionary spending]

	1998	1999	2000	2001	2002	Over 5 years
Current services [1]	532.9	550.8	569.0	587.4	606.3	2,846.4
100 percent of prior year	511.8	511.8	511.9	511.9	511.9	2,559.3
Loss in funding	21.1	39	57.1	75.5	94.4	287.1

[1] As estimated by the Congressional Budget Office.

Mr. KENNEDY. Mr. President, if you look at the cuts, for example, in the area of education, and you take the cuts plus what is happening in terms of inflation in education alone, it would be a 16-percent reduction in the real purchasing power of education programs—in all education programs. Those are the student loan programs which are such a lifeline for children, young people that are looking forward to funding their education with the help and assistance of the Pell grants. It would cut back on the title I programs that reach out to children and help to provide programs to advance math, science, and literacy in schools across the country. It would cut back on the Head Start Programs which provide the early kind of intervention in terms of developing self-confidence and character building among the children in this country. These are programs with proven results, Mr. President.

The reality is that it is generally this appropriation, the HEW or HHS appropriation, which is the last one that comes through here. It is amazing to me, Mr. President, that after we have an agreement on the President's budget, bipartisan agreement on the President's budget, that there are still those in the Senate that want to continue to support this proposal. We are supposed to have an agreement on the President's budget, but nonetheless they want to insist on this continuing proposal. So we have to look at why they might want to continue with this proposal. You have to reach the conclusion that, given their record in the areas of education, in the areas of health, in the areas of Head Start Programs, Meals on Wheels, fuel assistance program, substance abuse programs to help young people free themselves from addiction, you can reach no other conclusion than they want further cutbacks than agreed to under the President's budget, or why would they insist on it?

Are we going to see the day when, sure, we have a budget deal, a tall sign, people are prepared to deal with it, and then we come back to the appropriations process, and it just so happens that appropriations in the areas of education, training programs, or other programs affecting our senior citizens like Meals on Wheels conform to what was agreed on, but there are perhaps a handful of Senators who say, "We will not consider that appropriations bill. We are not going to bring it up."

All right, if we do not, we are back to running on the agreement that was in this particular supplemental bill. What is that going to mean? It will mean a very small and tiny minority can effectively renege on what has been agreed to by Republicans. If that is not their position, then there will be an overwhelming majority that will support the Senator from West Virginia, an overwhelming majority. It is a pretty clear indication of what the real intentions of Members of this body are with regard to that particular agreement.

I think for all of these reasons, Mr. President, whether the agreement that was made last week between Republicans is really a true agreement, or whether there will be those who say, OK, we agreed on that particular day, but we will wait until the ink dries on this particular agreement, and next year, the year after or the following year, we will go ahead and put, in effect, a freeze that will mean lower kinds of support for funding, education, and health programs—programs that are a lifeline for our senior citizens, our children, those that too often have been left out and left behind. We will see those programs further threatened.

Mr. President, I commend the Senator from West Virginia. He really, I think, in many respects, has by far the most important amendment that is going to affect the quality of life of millions of our fellow citizens. We have seen dramatic reduction in what has been termed the "domestic investment programs for the future," a term that has been agreed to by GAO and by CBO, and talks about education, a training infrastructure and domestic research and development. That percent, which is so essential in terms of our Nation's future, has gone down and is on the slippery, slidy slope of going down further, and we endanger it more so if we do not accept the amendment of the Senator from West Virginia.

I commend him for offering this amendment. I thank him for bringing this amendment to the attention of all the Members. This really is, I think, the heart and soul of this whole proposal.

I join with those that regret, as we are trying to deal with the problems of those fellow citizens in North and South Dakota, and other flood State victims across this country, that we are having to face this particular issue.

The PRESIDING OFFICER (Mr. ALLARD). I announce that the pending question is amendment No. 59, offered by the Senator from West Virginia.

I now recognize the Senator from West Virginia.

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

Mr. BYRD. Absolutely, gladly.

Mr. MCCAIN. I had a discussion with the Senator from West Virginia, and I wonder if he would be agreeable, after the completion of his remarks, to enter into a unanimous-consent agreement that would allow an hour and a half on his side and an hour on this side before the vote. Would the Senator from West Virginia find that proposal agreeable?

Mr. BYRD. Mr. President, in response to the question, I may very well find it agreeable at that point. In the meantime, I will ask staff to attempt to identify those Senators who wish to speak in support of my amendment, at which time I will be in a better position to discuss a time limitation.

Mr. MCCAIN. I thank the Senator.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts [Mr. KENNEDY] for his very illuminating remarks. He is the chairman of the committee in the Senate which would feel the brunt of the cuts that would ensue. He has stated them very eloquently. I hope that Senators will have been paying attention.

Mr. President, my amendment would strike Title VII from the bill. This title contains what the proponents call the "Government Shutdown Prevention Act." It might better be termed the "Congressional Responsibility Prevention Act" because, if its provisions were in effect for all of Fiscal Year 1998 for the thirteen regular appropriation bills, funding for all discretionary spending in Fiscal Year 1998 would be on automatic pilot.

I offered this same amendment to strike Title VII of the bill in the committee markup of the bill, and it failed on a party-line vote of 13 yeas to 15 nays. As reported, Title VII would continue funding for any of the thirteen regular appropriation bills not enacted into law by October 1, 1997, at a rate of 98 percent of the 1997 levels for every program, project, and activity. That amounted to a cut in budget authority of some $35 billion below President Clinton's 1998 discretionary budget requests. Of that $35 billion cut, $10 billion resulted from the 2 percent reduction below 1997 levels. The remaining $25 billion in cuts would result from the fact the President's budget for Fiscal Year 1998 is $25 billion higher in budget authority than would be required under a freeze at the 1997 levels.

During the debate on this issue last evening, after my remarks in relation to the provisions in Title VII as reported by the committee, Senators MCCAIN and HUTCHISON urged me not to object to an amendment to which I ultimately agreed to which changed the percentage contained on page 81 of the bill from 98 percent to 100 percent. This means that Title VII as it now stands in the bill would provide an automatic CR for Fiscal Year 1998 for any of the thirteen appropriation bills not enacted into law by October 1, of this year, at a rate of 100 percent of 1997 levels. In other words, all programs, projects, and activities for the discretionary portion of the budget in Fiscal Year 1998 would be continued at a freeze level.

In explaining their purpose for making this change last evening, the Senator from Arizona and the Senator from Texas expressed their view that this would pretty much alleviate the funding problems with the previous language. But, Mr. President, this is certainly not the case.

Even at a freeze level, if put into effect for all of fiscal year 1998 for all 13 regular appropriations bills, title VII would result in cuts totaling more than $25 billion in budget authority below President Clinton's requests. So the devastation that would have occurred and about which I spoke at some length last evening, would still occur to a large extent, devastation to the programs and activities in the area of law enforcement, education, transportation and transportation safety, health and human services programs, such as WIC, LIHEAP, Head Start, and so forth. In total, cuts to these and other programs throughout the Federal Government would, as I have said, equal more than $25 billion if title VII were in effect for the full year for all 13 appropriations bills.

Now, it never ceases to amaze me that so much time and effort are put into proposals such as this, trying to find ways to get around the responsibilities of the executive and legislative branches for making certain that the power of the purse—the power of the purse—is used very carefully and thoughtfully in every respect for every dollar of spending that we provide each year. If we focused the energy that we spend on issues such as this toward redoubling our efforts in passing budget resolutions and reconciliation bills on time, thereby enabling the 13 appropriations bills to proceed on time, we would not have as much difficulty in enacting appropriations bills, and, in so doing, we would greatly lessen the possibility of a Government shutdown.

No one in this body supports Government shutdowns. But what this proposal would do is ensure that when the going gets tough and the issues involved in deciding the funding levels for every activity of the Government get too tough, Congress is likely to just yield to the mindless, automatic mechanism provided in title VII and thereby simply continue all programs, all projects, all activities—whether justified or not—at some arbitrary, fixed level. Even though its proponents call it a "failsafe mechanism," it is really foolhardy.

Furthermore, it should be obvious to everyone that this is some type of political ploy, else the attempt would not be made to attach it to a bill that the President, naturally, would find very difficult to veto.

In fact, if one can believe what one reads in the press—and I don't believe everything I read in the press—the reasons for this proposal are set out rather starkly in an article which appeared in the April 18, 1997, issue of a publication called Inside the New Congress. That publication discusses this so-called "automatic CR" provision under a heading entitled "Automatic PR"—not automatic CR, but automatic PR. That article states the following about this proposal:

> The automatic CR proposal, crafted by Senators Kay Bailey Hutchison and John McCain, with the blessing of GOP leaders, would fund discretionary programs at 98 percent FY 1997 levels in the event that a budget deal isn't agreed upon by September 30. More simply stated, the McCain-Hutchison bill would force Clinton to either compromise with Hill Republicans on a fiscal year 1998 budget or stomach mandatory cuts of 2 percent.

I am still quoting from the article:

> "This is 100 percent politics," says the Senate GOP aide close to the issue. "It's payback to the Democrats for the public relations war" [in 1995 and 1996 over the Government Shutdown].
>
> Anticipating certain opposition from Clinton and Congressional Democrats, Gingrich and Lott apparently have convinced appropriators to tuck the automatic CR bill inside the popular $4 billion emergency spending package for disaster relief and the troops in Bosnia. By doing so, [the article goes on] Republicans will force Clinton and Hill Democrats to jeopardize much-needed funds for "the troops and for poor flood victims" to kill a "simple measure that protects citizens from a Government shutdown," says the House leadership advisor.
>
> And according to McCain [still reading from the article] the GOP will dare Daschle and Democrats to filibuster the legislation by attaching the automatic CR as a floor amendment, even though Lott is uncertain if he has 60 votes to limit debate. "I'd love to debate them on this," McCain said with an insidious smile, [still reading from the article] "We will win the PR war this time."

So there you have it, Mr. President. According to this article, we have in this bill a proposal that is "100 percent politics," according to a Senate GOP aide. "It's payback to the Democrats for the public relations war in 1995 and 1996 over the Government shutdown."

Why, Mr. President, have its authors chosen this particular bill to include this political payback proposal? Because, as intimated in the article I have just quoted, this is a very difficult bill to hold up. It contains billions of dollars that are desperately needed across the Nation to aid hundreds of communities and hundreds of thousands of our citizens who have been devastated by natural disasters. It contains almost $2 billion to support our men and women overseas in Bosnia and elsewhere, who are there doing their duty. They didn't ask to go. They are there doing their duty for our country.

So it becomes very difficult to try to fend off proposals such as this which sound good and which make good PR, but which are, in reality, fatally flawed, cynical exercises. This particular proposal does not deserve to be enacted into law. It calls for a mindless exercise in setting spending levels for 1998. No further action will be required on the budget resolution. There will be no need to hold any more hearings on the 1998 budget. We will not have to spend the time of the Appropriations Committees in going over the justifications for each of the thousands of programs, projects, or activities for which funds are requested for 1998.

In fact, once this measure becomes law, we will not need the Appropriations Committees at all. We can simply set each year's spending at a percentage of the 1997 rate for the entire Federal Government and let it go at that. There will be no hearings and there need be no hearings, may I say to my friend from Mississippi, who is on the Appropriations Committee. There would need to be no markups and no time spent by the Senate debating spending levels on the 13 regular appropriations bills. It could work that way. Is that where we want to go?

Never mind the fact that some programs should be eliminated. Just keep them going at last year's level anyway. And what about programs which must have increases in 1998 for reasons beyond anyone's control—such as veterans' medical care? If we fund that program on automatic pilot at the 1997 level, we will have to drop medical care to 140,000 eligible veterans in 1998. Is that what we ought to do?

I am sure the authors of the proposal will tell us that they have no desire to cut veterans' medical care. They simply want to avoid shutting down the Government if Congress reaches an impasse on the VA-HUD bill for 1998. But, Mr. President, what they will not recognize is how difficult it is to enact bills such as the VA-HUD bill, even without the disincentive to do so provided by this proposal. If this language is in place, when the going gets tough, there will be less desire to successfully negotiate very difficult issues between the Houses of Congress and with the administration. I am convinced that, notwithstanding the best efforts of all parties, negotiations are much more likely to fail because of this so-called "failsafe" proposal. Then, when we do, in fact, fail to enact the VA-HUD bill, the veterans' medical care cut I described earlier will happen. Furthermore, this same result will occur over and over again throughout the Federal Government.

Having said that, I do not necessarily believe that Congress will fail to enact the 1998 Department of Defense appropriations bill. That bill will make it. It is probably more likely that the DOD bill will be enacted without cuts. Perhaps one or two other bills will be enacted—possibly the legislative branch will get through so Congress itself will not have to take a 2 percent cut, and maybe the District of Columbia bill, and perhaps the military construction bill.

But I believe it would be highly likely that, if this proposal is enacted, we will never complete action on the bills where the President has asked for major increases. In other words, if we enact this proposal, we will have abdicated our responsibility to thoroughly review and justify the taxpayers' money that we are spending each fiscal year.

I say to my colleagues that this is the wrong time and the wrong place for such a device. There is no need to put a continuing resolution of this sort in place before we have even written one line of one appropriations bill and before we have even passed a budget resolution. We could consider this measure on its own at a later time. That is what we ought to do, although I would certainly oppose it then. But we could do that without so drastically encumbering an emergency disaster bill.

Are we not just making absolutely sure that this important funding will be delayed? Certainly, that will be the result of our actions here today, unless we strike this language from the bill. The President has told me personally, by telephone, that he will indeed veto this supplemental bill if it contains this automatic CR language.

Hundreds of thousands of Americans are suffering and are in need of this assistance. They do not deserve to have their needs shackled to a rather obvious attempt to rig the budget and appropriations process for fiscal year 1998 in favor of those in this body who would like to see across-the-board budget cuts to pay for very large tax breaks for the privileged few in our society.

But, Mr. President, without disparaging the good intentions of the authors of the language, this is, at best, a cynical measure and, at worst, it is playing games with the lives of real people who are in trouble and who are entitled to expeditious assistance in their hour of need.

Not only does this proposal show a callous disregard for the appropriations process and for the Appropriations Committees, but it also demonstrates an insensitive, indifferent, and unsympathetic attitude toward the suffering of the people of 33 States that stand in need of water and sewer facilities and roads and other infrastructure that have been destroyed by the raging waters of great rivers. This is playing politics on a bill that will help people who have lost their homes, their cars, their trucks, their farm machinery, their livestock, their furniture—everything that they have worked and skimped and saved for, in many instances, throughout a lifetime. It is politics at its worst and everyone knows that it is politics at its worst. The people in these 33 States need help. They need it as soon as they can get it. They need it now. They needed it yesterday. They needed it a week ago. And it is grossly unfair to them to use this instrument of disaster relief as a vehicle for political gain. It is cynical, and it is cruel.

I am not an advocate of the Presidential veto. I am certainly not an advocate of the line-item veto. I am not an advocate, in many cases, of a constitutional veto that the President has had for these 208 years. But I believe that, in this instance, the President would be derelict in his duty if he did not use that constitutional weapon. And I so said to the President when I discussed this matter with him. I said that I felt that he would be derelict in his duty if he did not strike down this bill if it reaches his desk carrying this ill-conceived, ill-begotten, and ill-advised proposal. I can well say with Macduff: "Confusion now hath made his masterpiece."

This is politics run amuck.

So I have an amendment that is now before the Senate which will strike from the bill the provisions which I have discussed.

Before I yield the floor, I shall read a letter, or portions of a letter, that I received today from the Executive Office of the President, the Office of Management and Budget.

I will read it into the RECORD.

DEAR SENATOR BYRD:

As the Senate continues consideration of S. 672, a bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, we ask that you consider the administration's views on the pending amendment concerning the automatic continuing resolution.

Prior to markup of the bill by the Senate Appropriations Committee the President indicated that he would veto the bill if it were presented to him with the automatic continuing resolution language contained in S. 547. His reasons follow:

First and foremost, this bill contains $5.6 billion in urgently needed disaster assistance funds for hundreds of thousands of victims of recent natural disasters in 33 States, and this assistance should not be delayed while the Congress and the President consider a budget process issue.

Secondly, the McCain-Hutchinson automatic continuing resolution would not provide requested funding for essential investments in education, the environment, for research and technology, and for fighting crime. It would also reduce funding below the request for critical core Government services resulting in reduced hiring of air traffic controllers, Border Patrol agents, and Social Security disability claims processing personnel. It would also result in reductions in the numbers of women and infants served by the WIC program, the number of veterans receiving medical care services, and the number of kids in the Head Start program. The Federal Crop Insurance Program would be terminated.

Finally, such a continuing resolution is premature, and prejudices the outcome of the bipartisan budget agreement.

Our recent agreement calls for the regular order, implementing the agreement through reconciliation, tax and appropriations measures. By enacting a continuing resolution at levels significantly below the level in the agreement it would allow one House—or, in the case of the Senate, a minority in one House—to essentially veto an appropriations bill by inaction.

The amendment adopted last night to provide for an automatic continuing resolution at 100 percent of the FY '97 enactment level does nothing to respond to these concerns. Even with the amendment adopted last night, the automatic continuing resolution provides resources over $20 billion below the President's request, and significantly below the level contained in the bipartisan budget agreement.

If the bill were presented to the President containing the automatic continuing resolution now pending in the Senate, the President would veto the bill.

We urge the Senate to strike the provision from the bill, and as the bill moves through the process we urge the Congress to remove other extraneous provisions from the bill so that the President can sign the legislation making available essential relief to the victims of the recent disaster, and providing resources for our overseas peacekeeping efforts:

Franklin D. Raines, Director.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Arizona.

Mr. McCAIN. Mr. President, I wonder if the Senator from West Virginia at this time would be ready to enter into a time agreement of an hour and a half on his side and an hour on this side.

Mr. BYRD. I beg the Senator's pardon.

Mr. McCAIN. I wonder if the Senator from West Virginia would be prepared to consider a proposal that I mentioned to him a short time ago, that we could enter into a time agreement on this amendment of an hour and a half on his side in support of the Byrd amendment and an hour on this side in opposition to the Byrd amendment.

Mr. BYRD. Mr. President, if the Senator would allow me.

Mr. McCAIN. Mr. President, I yield for purposes of a response.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. If the distinguished Senator would be willing to include in his request that I have 20 minutes additionally, I would be very glad to agree with the request.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I understand that would be an hour and a half for the Senator's side plus 20 minutes for Senator BYRD to speak himself.

Mr. BYRD. Yes.

Mr. McCAIN. And an hour on this side.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. McCAIN. I believe the Senator from Alaska would have to be consulted. But I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I would simply like to state that I think the Senator from Alaska ought to be consulted. He is due to return to the floor very soon. I hope the Senator would withhold seeking the unanimous consent request until he returns.

Mr. McCAIN. I would be glad to. I say to the Senator from Mississippi, I had discussed my original proposal with the Senator from Alaska before he left, and that is why I made the proposal. Obviously, with the additional request for time on the part of the Senator from West Virginia, we will wait until the Senator from Alaska returns.

Mr. President, I see the Senator from California on the floor who is eager to speak. I will make my remarks relatively short.

I think it is important that we make a few facts clear on this issue. The Senator from Massachusetts, who was on the floor before, and others, will allege that there is somehow some motivation to sabotage the budget agreement. Mr. President, the Senator from Indiana and I proposed this amendment last year. I know of no one who believes that the budget was even discussed last year; not this year. It is a matter of record. We wanted a vote on it, and were dissuaded from doing so at that time.

My motivation on this issue is simple. It is clear, and I can be very concise about it; that is that I saw thousands of residents of my State whose lives were disrupted, and in many cases destroyed, because of the inability of the Congress of the United States and the President of the United States to come to an agreement on appropriations bills—not a budget. Let's get one thing clear. We have had a budget agreement. In 1990, we had a budget agreement, too, I might add, which was quickly destroyed and dismantled in a very short period of time. The appropriations process still has to be gone through.

We all know from previous years that many times there are riders on an appropriations bill, even if there is an overall spending agreement which causes the President of the United States to veto a bill.

As I say, my motivation is very simple. I saw the lives of hundreds and even thousands of people in my State, and millions all over the country, destroyed for reasons of political gain. I will freely admit to the Senator from West Virginia, who quoted me, that, yes, I intend to win this debate.

I will also admit to the Senator from West Virginia with rhetoric that was used the last time the Government was shut down that his side of the aisle won the debate. The President of the United States during the last debate said what they really want is to end the role of the Federal Government in our lives * * * which they have, after all, been very open about * * * the President said. A lot of them—referring to Republicans; these are the comments of the President of the United States back when the Government was shut down—A lot of them will be happy about this because they don't think we ought to have a Government up here anyway.

Mr. President, I found those remarks insulting. I have never said that about the President of the United States. I have never said that about the proponents of the Byrd amendment. I was offended. The rhetoric went on and on during that period.

While we are talking about rhetoric, "Democrats contended that Mr. GINGRICH was being overrun by a minority of children and inexperienced lawmakers, and should defer to more experienced Members. It is about time that adults with adult minds and adult experiences get together as Democrats and Republicans and at least agree to a 3-day continuing resolution to get the Government working again," said Senator James Exon, calling the GOP freshmen "The Magnificent 70."

Mr. President, there was a lot of rhetoric thrown around the last time, and there will be on this floor. I know what the Senator from California and others who will speak here will say. They will allege that this amendment somehow will prevent the assistance being given to their States and to their areas that are devastated.

Nothing could be further from the truth.

We have agreed to a time agreement. We have been urging a time agreement. We have been urging quick passage of this bill.

If the President of the United States chooses to veto it, then that is his privilege and his constitutional right to do so.

It is also my obligation—and those Members of this Senate and the Congress—to make sure that what happened never happens again.

There are natural disasters which need to be addressed. By the way, as the Senator from Texas pointed out yesterday, they are being addressed. The money is flowing. There is no holdup in the money. Disaster assistance is being rendered as we speak.

But there are also manmade disasters. My State went through one, and the Nation went through a manmade disaster. And it is equally our obligation to see that a manmade disaster does not happen again. And it was a disaster.

I understand some mayors of some of the towns that are affected by this latest natural disaster are here. I could bring mayors of cities from Arizona and from all over America, also who have had the lives of their citizens disrupted and destroyed because of a manmade disaster.

Those of us on this side of the aisle who support the prevention of a Government shutdown have the deepest and most profound sympathy, and are willing to do anything within the Government's power to alleviate their incredible problems that they are suffering under.

We also should be committed to seeing that we don't inflict on American citizens what we did last time.

Later on, Mr. President, I will go through the statistics of the terrible tragedy that was inflicted when the Government was shut down. I will go through that. It has nothing to do with rhetoric. It has nothing to do with debate, nor political leverage. It has to do with harming the lives of American citizens which we did because we didn't carry out our obligations to them. When we don't carry out our obligations, it seems to me that some of us should join in an effort to see that it doesn't happen again. That is what this is all about.

There will be an allegation that this is premature, that we shouldn't do this at this time. If we wait, as we did last year, the reason we were dissuaded from passing this amendment last year was we were too far down the road in the appropriations process, and it would disrupt the process then.

So we are doing this early. We are doing it now. And we think it is important.

Let me point out one other thing, Mr. President, because I have heard a lot of very interesting rhetoric already, questioning of motives, about not caring, about insensitivity, and all of that.

I urge my colleagues to elevate it a little bit here. OK. All right. I don't question the motives of anybody on that side of the aisle. I resent it when our motives, those of us who are acting in good faith, are questioned.

The second point I want to make, finally, is, look, we have asked the White House to negotiate with us on this issue. They say, as do my colleagues on the other side of the aisle, "We want to prevent a Government shutdown too."

I again will quote later all of the lamentations and criticism of a Government shutdown that were uttered by the President of the United States, and all of the Cabinet, and all of those on the other side of the aisle. If we share the same goal, why can't we sit down and work out an agreement, an agreement that will prevent the shutdown of the Government from taking place? It seems that we should be able to do that.

So, I, obviously, will be discussing this issue at more length. But, again, I urge my colleagues. Let's not let this debate degenerate into name calling and questioning of motivation, which I already heard from the Senator from Massachusetts.

By the way, I have not heard that from the Senator from West Virginia.

Do not accuse us of a lack of compassion; otherwise this debate will degenerate into name calling and questioning motivation, which I do not think will be illuminating nor in the best interests of the Senate. But if necessary, if necessary, obviously, we will respond, which I do not choose to do.

Mr. President, I note the Senator from Alaska is on the floor. We have been searching for a unanimous-consent agreement on this issue, so I will yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I do seek that we get some understanding about a time limit now. I understand the Senator from California wishes to speak. I do not know how many others wish to speak. May I inquire of the Senator from West Virginia if he understands how many on his side might be willing to speak?

Mr. BYRD. If the distinguished Senator will yield, I understand, Mr. President, that we have seven or eight speakers on my side other than myself.

Mr. STEVENS. We have on our side, to my knowledge.

Mr. McCAIN. We will need not more than an hour.

Mrs. HUTCHISON. One hour on our side will be sufficient.

Mr. STEVENS. Could we have an understanding how much would be used in total on that side of the aisle, I ask the Senator?

Mr. BYRD. If the Senator will yield, I had responded earlier to the distinguished Senator from Arizona indicating that I would be in a position to agree to a request for 1½ hours on this side, plus 20 minutes under my control, as against 1 hour on the other side.

Mr. STEVENS. The Senator and I have deep respect for the Senator from West Virginia, but I understand some people are leaving at 2 o'clock, right after 2, and we would very much like to have the vote sometime soon after 2 so they might leave; otherwise we are not going to have a vote on this amendment today. I urge the Senator to find some way to get an agreement that we can limit—even if we limit each side to 45 minutes now. There has been almost 2 hours spent on it so far. I think that would be quite fair.

Is it possible we could get such an agreement to limit each side to 45 minutes and allocate the time on each side, you being in control of one side and I be in controlling on this side?

We will give the Senator an hour and take 30 minutes over here on this side, so that would be 1½ hours from now. You have an hour and we have a half-hour?

Mr. BYRD. Let me think about that.

Mr. STEVENS. You have seven speakers, I believe, plus yourself.

Mr. BYRD. Let me run that by my colleagues. I am sorry that Senators are leaving at 2 o'clock on a Thursday afternoon. We have a most important problem, a most important amendment that will be offered on this bill.

Mr. STEVENS. I think there is a problem, but they will be back tomorrow.

Mr. BYRD. I will be here tomorrow.

Mr. STEVENS. I will, too.

Mr. President, may I inquire of the Senator from California—I know she seeks the floor—would she be willing to start the process of limitation and tell us how long she will take on the bill?

Mrs. BOXER. If the Senator will yield, I would be delighted to keep my remarks to 10 minutes.

Mr. STEVENS. May I then ask unanimous consent that the Senator from California be recognized for 10 minutes and I recover the floor at that time? Would the Senator mind that?

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

Mr. STEVENS. I thank the Chair. I thank all Senators.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, today the Senate is considering the Emergency Supplemental Appropriations and Rescissions Act for 1997. I am a member of the Appropriations Committee, which wrote this bill, and, despite my strong reservations about several provisions, I voted to send the bill to the full Senate.

I voted to bring this measure to the floor because it will provide much needed assistance to my State of California, which suffered massive loss and damage from the terrible winter floods a few months ago, and is still paying for cleanup and repair of damage from 15 other natural disasters in the past few years.

Before I talk about the specifics of this bill, I would like to offer my deepest appreciation to the chairman of the Appropriations Committee, Senator STEVENS, and the committee's ranking member, Senator BYRD. They and their staff have been so helpful to me and my staff in making sure this bill addresses the needs of California. I am sincerely grateful for their assistance.

California suffered enormous losses from the winter floods this year. The scope of the floods is unprecedented in modern times: Over 300 square miles of land flooded; 48 of California's 58 counties declared natural disaster areas by the President; 120,000 people forced to leave their homes—the largest emergency evacuation in the State's history; 9 lives lost; estimated $1.8 billion in damages to property; and unprecedented structural damage to one of the most popular natural sites in the world, Yosemite National Park.

Californians are also still coping with losses and trying to rebuild after 15

earlier natural disasters, from the Loma Prieta earthquake in October 1989, to the severe fires in southern California last October.

This fiscal year 1997 emergency supplemental bill will help California in many important ways:

First, emergency aid to people who need help coping with the immediate impact of the floods;

Second, help for local governments and the State to repair or rebuild public works projects, including levees, dams, roads, bridges, and other infrastructure;

Third, assistance to farmers and ranchers who have sustained damage and loss of land, crops, orchards, and livestock, to help them reestablish their businesses;

Fourth, funds to repair and rebuild at Yosemite Park, in order to meet the needs of the more than 1½ million visitors it receives each year.

I ask unanimous consent to include in the CONGRESSIONAL RECORD at this point a detailed list of how California will benefit from the bill.

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

DISASTER ASSISTANCE IN S. 672 FOR CALIFORNIA

1. Emergency Conservation Program, a cost-sharing assistance program to farmers and ranchers whose land was damaged by flooding. Funds used to clean up debris, mend fences, etc. California farmers and ranchers will receive up to $12 million.

2. Tree Assistance Program, a costsharing program to help small orchard owners remove dead trees and replant. The bill will provide California orchardists with approximately $9 million.

3. Livestock indemnity program for losses of cattle, swine, and other livestock, to be authorized by the Secretary of Agriculture. California ranchers need to replace 11,500 head. Applicants would get about 28 percent of value of each animal. California ranchers could get about $1 million.

4. Private levee repairs and reconstruction. The bill provides funds for emergency grants from the Economic Development Administration, and the report allows use of some of these funds for infrastructure grants, including levee work. California could get $2.4 million.

5. Corps of Engineers repairs on dams, reservoirs, flood control facilities, and other Corps projects that are under direct federal control. California share is $29.9 million.

6. Corps of Engineers repairs of eligible federal and non-federal levees damaged by floods, and also other emergency operations related to the floods. California share is approximately $275 million.

7. Bureau of Reclamation repairs of damage to certain facilities during winter flooding. California will get approximately $7 million.

8. Construction in National Parks, including Yosemite and others in California. Yosemite National Park will get $176 million, $9 million will go to Redwoods National Park, and about a million will go to all the other parks in California, for a total for California parks of about $186 million.

9. Emergency Relief Program, which provides money to repair damage to federal aid highways from the floods. California requested $331 million. The bill will provide a minimum of $220 million plus another $80 million or so from previously unallocated funds.

10. Natural Resources Conservation Service hazard mitigation assistance to watersheds damaged by recent and prior year disasters. California will receive some funds from this program.

11. FEMA disaster assistance for family and individual emergency assistance following disasters, and for public works repairs and reconstruction following damage from disasters. California will receive from the bill about $1.6 billion and will receive from existing FEMA reserves another $1 billion.

12. Devil's Slide tunnel in San Mateo County. Language in the bill recognizes that the project is eligible for additional FY 97 federal aid highway funds included in the bill.

Mrs. BOXER. Unfortunately, Mr. President, this legislation contains several controversial provisions which I strongly oppose, including: First, substantive and significant changes to the Endangered Species Act; second, a prohibition on enforcing a new policy protecting Federal wilderness areas, parks, and wildlife refuges from road construction; third, a prohibition on implementing the most effective and least costly method of taking an accurate census in 2000; and fourth, the automatic continuing resolution for fiscal year 1998.

In addition, I believe the bill as currently written fails to provide enough additional funds in fiscal year 1997 for the Women, Infants, and Children Nutrition Program. The President requested $100 million to cover shortfalls in projected caseload maintenance requirements for the balance of the fiscal year. However, the bill reported by the committee provides only $58 million.

I hope that these flaws will be corrected later in the legislative process, before the bill becomes law.

Regarding the automatic continuing resolution, which is title VII of the bill as reported, I am extremely disappointed that this provision is still in the bill. I had understood that as part of the bipartisan budget agreement, announced last week by the President and congressional leaders, the automatic continuing would be taken out of the supplemental bill and voted on separately later. I am sorry that did not happen.

I want to start off where the Senator from Arizona left off, so before he leaves the floor let me assure him and the Senator from Texas—and the Senator from Texas and I did get into quite a discussion in the Chamber. People said to me, well, do you get along with the Senator? I said I really like the Senator from Texas. We just disagree on this. I absolutely do not question anyone's motives in any way, shape or form. What I do question is what outcome we would have to live with if the Senator's amendment were to pass.

So I just wanted to assure the Senators who have offered this amendment in the committee, I do not question their motivation at all. What I question is the outcome. And as I look at the outcome, if this Government goes on automatic pilot, Californians get hurt.

What is interesting about that is here is a wonderful bill that is going to ease the pain of the victims of the flood, is going to ease the pain of victims from disasters that occurred years ago where we are still rebuilding in California, and yet there is this amendment tucked into the bill, which has nothing to do with this bill, nothing to do with natural disasters. Californians who have suffered mightily in the floods and lost their homes and their businesses. This automatic CR which is tucked into this emergency supplemental appropriations bill will cause cuts in education and a whole host of other important things. So here we have a very important bill—indeed, Mr. President, a crucial bill. I want to say to my colleagues from both sides of the aisle on the Appropriations Committee, of which I am a new member, how much I appreciate the help we received from both the Republican side and the Democratic side in putting together this bill. It really answers the call of help from North Dakota, from California, and the other 20 States that were hit by terrible natural disasters. The help we will get to Yosemite, to our farmers, to our people for our roads and our highways, that help is very much appreciated.

What disturbed me is that added to this important bill are these riders that have nothing to do with the issues at hand. You had an amendment tucked in there on the census, on the Endangered Species Act, on allowing the States to pave over very precious parts of our national parks and wilderness areas, all this is tucked into this bill, including this automatic continuing resolution.

Now, I know, because I have been around Congress for a while, that we do use these bills on occasion to add other issues, but I have never seen so many controversial issues added to a bill like this. We usually can come together on consensus issues and add them.

I want to address the issue that was raised by the Senator from Arizona, and before him the Senator from Texas, who wrote this automatic CR, that this is very appropriate to be attached to this bill, and I see my colleague is here. Her contention is that the Government shutdown was a man-made disaster, and therefore having this automatic CR, if we cannot agree on appropriations bills, is very appropriate for this bill.

Now, the last time when the Senator from Texas and I got into a little debate in the Chamber the point I was making was that never in our history

until last year did we ever have an extended shutdown of the Government. We never had it under other Republican leadership and other Democratic leadership. We worked out our differences. We did our job. And I want to say very clearly for the record and for my people from California, the largest State in the Union, that I did not come here to shut down this Government. I also did not come here to put this Government on automatic pilot. And to present those two choices to the American people as the only choices that we have is presenting a false choice.

This Constitution is very clear on the responsibilities of the Congress. The rules of the Congress are very clear on how we are to do our jobs: get a budget resolution to the floor in April, and after that budget resolution is passed, allow the appropriators to do their job.

Is it an easy job? No, it is not. Does it require compromise? Yes, it does. Does it require tough debate? Yes, it does. But that is what we are here for. That is what we get paid to do.

I say to you that I am very tempted, but I did not do it, to offer an amendment that would say if we do not pass a budget—no automatic CR, no easy way out—if we do not pass our appropriations bills and we come to another stalemate—and I know; I offered this up the last time; it made me a most unpopular person—we should not get paid, just like the Federal employees did not get paid. But I did not choose to do that. I hope my colleagues would rethink this whole thing. We know what we have to do to avoid a Government shutdown—simply do the job we were sent here to do.

I said before that my people would be hurt in California if this automatic CR went into effect. Even though the Senators changed their resolution to 100 percent of fiscal year 1997 levels, we would still have a reduction of about $25 billion from the President's funding levels. Clearly, this is a great problem for us.

What it would mean to my State is very clear. College aid would be cut by approximately $1.26 billion nationwide, and about $126 million of that would be a loss for my State. My California students would suffer under this automatic CR. Nationally, about 280,000 students would lose their Pell grants. Those Pell grants are crucial so that our children can get an education. Under that scenario, approximately 28,000 California students would lose their Pell grants. Aid to approximately 1,400 school districts would be cut; about 6.5 percent of the school districts are in California.

Cleanup of approximately 630 Superfund sites would be delayed. Those Superfund sites must be cleaned up. Approximately 80 of those sites are located in California. We would not be able to clean up 80 Superfund sites that are poisoning the water because the pollutants are sinking down into the water supply. The CR would prevent the hiring of about 380 new FBI agents; around 2.5 percent of those are slated for work in California.

If you ask the average person what is the enemy that we face today now that the cold war is over, they will tell you cancer, they will tell you Alzheimer's, they will tell you heart disease. Under this automatic CR, $414 million would be cut from the National Institutes of Health, and that is an area where we want to increase funding. As a matter of fact, I am a cosponsor of Senator MACK's bill to double the amount that we spend on the NIH, and here we would have a cut in the National Institutes of Health.

The American people have already told us that they want us to invest in education, the environment, health care, and crime prevention.

So, Mr. President, I do not in any way demean the reasons why my colleagues from Texas and Arizona have placed this automatic CR into the emergency bill. If they believe in their hearts it is good for America, I respect their view. But I have to say I did agree with my chairman, Senator STEVENS, in the early part of the CR, or the emergency supplemental bill, when he said he would prefer this to be offered freestanding, and then he was convinced, no, it belonged on it. I think he was right originally. I think we should keep controversial amendments off this bill.

It is true; immediately we are not going to see a problem in the States, but I want to say to my friend from Texas and to my friend from Arizona, who have offered this, people understand that this is a delay. You can stand up there all day and tell them, not a problem, but when this bill is sent to the White House and the President looks, he will say, I am not going to hurt education; I am not going to hurt health research.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I ask for 30 seconds to complete my remarks.

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

Mrs. BOXER. The President will look at this and say, I am not going to hurt the American people. We have just signed a budget deal. It allows us to do some wonderful things. It seems to him, I am sure, that it is not in very good faith to have this automatic CR when we have just had a budget agreement.

Mr. President, I hope we can take this issue off this bill, keep it clean, move forward, and help the people in this country. Then bring it back another day and give it all the debate it deserves.

I thank my leader, Senator BYRD, for his brilliant remarks, and I certainly associate myself with his remarks as well. I yield the floor.

Mr. CRAIG. Mr. President, I rise in opposition to the Byrd amendment and in support of the shutdown prevention provision, the automatic CR in this bill.

The purpose of this provision is simple: To prevent another government shutdown, in case all 13 appropriations do not become law by October 1.

Democrat or Republican Congresses, divided or one-party government, the record has been consistent: The 13 regular appropriations bills are almost never all enacted by October 1.

The shutdown prevention CR would take millions of innocent bystanders out of the line of fire if Congress and the President take longer than expected to finish the budget details this fall.

It would protect Federal employees, small businesses supplying Government needs, patients in veterans hospitals, their families, and others.

If the President vetoes this bill over the shutdown prevention provision:

He is saying his power to shut down the Government in October is more important to him than replenishing funds in emergency programs today.

He is willing to delay putting money back into FEMA and DOD and other essential projects in this bill.

He is saying he is not concerned whether disaster relief or operations in Bosnia or other functions are threatened by a shutdown this fall.

Is he already planning to threaten us with a shutdown to get his way on the budget details, as they are negotiated this summer and fall?

There is only one reason for opposing this provision: To keep alive the threat of shutting down the Government.

Some Senators oppose this provision because they are afraid it might be used to prevent spending increases in some programs. But, whether they realize it or not, implicit in that argument is the willingness to use the threat of a shutdown to get those increases.

The shutdown prevention provision does not undermine the budget agreement, it enforces it.

It gives the President fallback leverage in case the Congress tries to pass spending cuts or new policy provisions he wants to veto.

It gives the Congress fallback leverage in case the President demands unrealistic spending increases or policy changes.

Which would do more damage to the spirit of the budget agreement: Temporary, 100 percent continued funding, or a shutdown?

The shutdown prevention CR will not become a substitute for implementing the budget agreement.

The automatic CR is not an end result, but a safety net.

There are still plenty of details, priorities, cuts and increases that all parties in the appropriations process will be motivated to work out.

There very well may be some disagreements that drag out the process of agreeing on and implementing all the details of the budget agreement.

This provision simply ensures there will be time to work out all those details, without a government shutdown looming over the negotiations—and over the American people.

There is no spending cut here. It is incredible: We keep hearing how many dollars will be slashed, how many jobs will not be filled, if we enact the automatic CR provision. How is it that continuing a function at 100 percent of current levels can be called a cut?

Why must this provision be passed now?

No matter when this provision is offered, opponents will use some kind of timing or procedural excuse to oppose it.

Now they say it's too early. This fall they would say it's too late. Now is the best time to enact this provision, because now it is still an objective, neutral safety net, and because this provision will start the appropriations process with all parties on a level playing field.

The best time to agree on the fair rules of the game is before the game starts.

There is no way to write a CR provision that would automatically comply with the spending levels in the budget agreement, as the administration suggests.

There are still thousands of details to be worked out over the coming months, in the normal legislative process, to implement that agreement.

We do not know today, for a certainty, all the programs that will go up and which will go down in spending in the end.

But this provision holds all current services and employees harmless until all those details in next year's budget are worked out.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, does the Senator seek time on this matter?

Mr. WELLSTONE. I do.

Mr. STEVENS. We are trying to sort of reduce that time so we can get to the motion to table.

Mr. WELLSTONE. I say to my colleague, I only planned on taking an hour or so—5 minutes?

Mr. STEVENS. The Senator is trying to make me smile. Very few people can do that.

Mr. President, I ask unanimous consent that Senator WELLSTONE be recognized for 5 minutes and I retain the floor after that time.

Mrs. HUTCHISON. May I make a parliamentary inquiry? Is the time now running on the time of the Senator from California and the Senator from Minnesota? The time, is it running against an agreement?

Mr. STEVENS. Mr. President, I would say to the Senator from Texas, it is only running on a chart that is up here.

The PRESIDING OFFICER. It is running against the cloture, now.

Mr. STEVENS. I am keeping track of it, I say to the Senator from Texas, but I do urge I be allowed to yield 5 minutes to the Senator.

Mrs. HUTCHISON. As long as it is counting.

Mr. STEVENS. There is nothing for it to count against. We have not got that agreement. But we will keep it in mind when we have that agreement.

Mrs. HUTCHISON. I then ask, if the Senator will yield, if the other side of the equation will be able to speak as well? If there is no time agreement, at some point we would like to answer.

Mr. STEVENS. I will be happy to yield to the Senator from Texas next, but I ask I be permitted to do this now by unanimous consent.

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

The Senator from Minnesota.

Mr. WELLSTONE. That was a unanimous-consent agreement that I have up to an hour to speak?

Mr. STEVENS. Minus 55 minutes.

Mr. WELLSTONE. Mr. President, in the 5 minutes—and I thank my colleague from Alaska.

Mr. President, I have spoken about the budget agreement on the floor of the Senate several times. I have said I very honestly and truthfully believe it is an agreement without a soul. I have compared the tax cuts over the next 10 and 20 years as we project to the future, and who is likely to benefit—those at the very top—alongside the failure to invest in rotting schools, invest in early childhood development; alongside some of the cuts in programs that affect the most vulnerable citizens. And I do not see the standard of fairness. I do not see the soul to this budget. I think we can do much better. I have challenged my colleagues to please avoid symbolic politics and, if we are going to talk about children and opportunities for children, let us make the investment.

Now, we have in this continuing resolution, which I am sure has been offered in good faith, a couple of problems. First of all, many of us—all of us from the States that have been affected by this flooding with people who have just felt the devastation—have made the plea, please do not attach extraneous amendments. If we have to deal with the problem of Government shutdown—and there is not one person in the U.S. Senate or House of Representatives who is going to let that happen. I think people learned their lesson—we can deal with that in the fall, if it ever should be a problem that is staring us in the face. I do not think that will ever happen. But why such an amendment would be put on a disaster relief bill where what we are trying to do is get the assistance to people as soon as possible so they can rebuild their lives, rebuild their homes, rebuild their businesses—I don't understand this. I think it is a profound mistake, and I do not believe this amendment should be on this bill at all.

In addition, when I look at the budget agreement—and I do not think we have done it nearly as well as we should for people —and now I see additional, I won't even go through the statistics, additional cuts from what the budget agreement calls for in Head Start, in research at the National Institutes of Health, over and over again I am faced with the painful choice, and other colleagues are as well, of meeting with people struggling with Alzheimer's or struggling with Parkinson's or struggling with breast cancer or struggling with diabetes, and we do not want one group of people who are struggling with an illness pitted against another, or struggling with mental illness —what in the world are we doing with a resolution that is going to cut funding for the National Institutes of Health?

Mr. President, Meals on Wheels, a senior nutrition program —cut? Substance abuse and mental health services—cut? The Centers for Disease Control—cut? Pell Grant Program—cut, when we know the whole question of affordable higher education is an issue that cuts across a broad section of the population?

So, in the 5 minutes I have, I make two points. One, please vote against this, I say to my colleagues, because it is extraneous to what the mission is, which is to get the assistance to people in Minnesota, the Dakotas, and across the land who have been faced with a real disaster in their lives. And, second, do not vote for this amendment because we are talking about real cuts in programs that are vitally important to families' lives in this country. And people in the country do not favor these priorities. People do not want to see reductions in Head Start, in Pell grants, in the National Institutes of Health research on disease. People are not in favor of that.

This is, in a way, a back-door approach to trying to effect cuts in programs that command widespread support in this country. So, I rise to speak against it. I hope we will have a strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Alaska.

Mr. STEVENS. Does the Senator from Texas seek time?

Mrs. HUTCHISON. Mr. President, I am willing to wait until we have a time agreement, until the time starts running, if you would prefer. I just do not want to loose our ability. If I have free time, I am going to take it. If I do not, then I will withhold.

Mr. STEVENS. Mr. President, there is no such time agreement. Does the Senator from North Dakota seek time?

Mr. CONRAD. I would like, if I could, to speak for 5 minutes?

Mr. STEVENS. I will be happy to enter into the same agreement with the Senator from North Dakota, 5 minutes and I retain the floor.

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

Mr. CONRAD. I thank the Chair and thank my colleague from Texas.

Mr. President, I rise in support of the Byrd amendment to strike the automatic continuing resolution language in this bill. No State has been as devastated as mine by this remarkable series of weather events. I represent North Dakota. My State has had the greatest snowfall in its history—10 feet of snow. We were then hit in the first week of April with the most powerful winter storm in 50 years, including an ice storm that took down the electrical grid for 80,000 people. We were then hit by what we are now told is a 1,000-year flood. And to cap it off, we had fires rage through downtown Grand Forks, ND, and burn up most of three city blocks. A city of 50,000 people has been almost entirely evacuated and still, today, there are more than 25,000 homeless.

I do not think there has been another disaster of this type in our country's history. I do not know of another circumstance in which a city of 50,000 has been mass evacuated and 3 weeks later more than half the population has still not been able to return. We have just had the mayor of Grand Forks, ND, and the mayor of East Grant Forks, MN, here, talking to our colleagues about the needs of these communities. This is a critical moment.

On Monday night, these communities are going to have to make a decision about their future and about what parts of the community will be able to be rebuilt, and those areas that will have to be turned into a floodway so we can prevent something like this ever happening again. They need to know now what resources are going to be available and we have already been told by the White House, if this provision is included, the President will veto the bill. There is no question about that.

Frankly, he should veto the bill if this is included because it has nothing to do with natural disasters. Some of the sponsors of this legislation have indicated they are trying to deal with a manmade disaster. The manmade disaster was last year. We are addressing something that happened last year. For this year, there is a budget agreement. So, if they feel strongly about this measure—and I understand that they do—they have every right to advance their proposal. But it is not an urgent matter now. It is not an urgent matter now. The manmade disaster they are talking about happened last year. This year there has been a budget agreement negotiated between the White House and the Congress. There is no urgency to this provision now. It does not need to be on this supplemental appropriation bill that is designed to deal with natural disasters. I can tell you there is an urgency to that bill now. These people need help.

We have people who have been living on cots in shelters for 3 weeks. We have nearly 1,000 people who are still in that circumstance, in shelters, on cots, wondering what is going to happen to them.

I just ask our colleagues to not push amendments that are not necessary to this legislation. I can just say when the shoe was on the other foot and they suffered disasters, we did not offer amendments that were not related to disasters. We never did that. I tell you, I had lots of amendments that I would have liked to have had considered that were on things that mattered a lot to me, but I have always understood, and always responded to the request that disaster bills be clean.

Every single time we have had a disaster bill, I have responded to that call and I just ask our colleagues to extend the same courtesy to those of us who represent areas that have been devastated by disaster now. Our people need help. The last thing they need is to have the legislation that can help them be made some kind of political football. That is not a service to those people who are hurting and need assistance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Texas now seek time?

Mrs. HUTCHISON. Yes, Mr. President. I would just say, unless the other Senator from North Dakota was seeking time right after his colleague, I will yield. Otherwise I will take 2 or 3 minutes.

Mr. STEVENS. Does the Senator from North Dakota seek time?

Mr. DORGAN. I will wait until the Senator is finished.

Mrs. HUTCHISON. Mr. President, I request 5 minutes.

Mr. STEVENS. I renew my request that following the Senator from Texas, I be permitted to gain the floor after 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to thank both the distinguished leader of this effort, Senator STEVENS, and Senator BYRD, for working with us to try to get this bill through because it is very important. And that has been mentioned this morning. We want to make sure that we get the disaster relief fund replenished. But I think there are a couple of points that need to be made.

I want to respond to my colleague from California, to say we are, indeed, friends and we do work on many issues together. I think it is very important that we be able to have debates between friends and know that we disagree on principle and that is exactly what we should do, is disagree on principle without being disagreeable. I think that is very important for all of us to remember.

I want to refute a few points that have been made. First, my colleague from North Dakota talks about the people needing help, and he is absolutely right. It is very important that everyone understand that the people are getting help. They are getting all of the disaster relief to which they are entitled under the law right now. In fact, they are getting more than other disaster victims in our country have received because we have seen the terrible pictures. The President made a commitment that they would get 100 percent relief, and they are getting that right now.

You see, Mr. President, this bill is not about helping the people who are in need right now; they are being helped. This bill is to replenish the coffers for future disasters, and that is what we are talking about. So there is no money being held up at this point, or in a week. What we are talking about is replenishing the coffers for future disasters that have not yet occurred.

But when we talk about the difference between a natural disaster, which has occurred in North Dakota, and a manmade disaster, which occurred in 1995 and which we are now trying to avoid, they are both deeply moving disasters that need to be addressed, because people who cannot go to work or people who have planned for a family vacation that they can no longer take, or people who are worried about getting their veterans' benefits because the Government is shut down are in just as much distress as someone who has been a victim of a natural disaster. So I do not think it is in any way fair not to equate the impact on people's lives if they do not think they are going to be paid or if they do not think they are going to get their veterans' benefits.

Second, I think it is important when we talk about cuts—and I heard discussion this morning about cuts that we would provide in this continuing resolution. There are no cuts. There has not been a budget agreement that has gone through this Congress. We have not talked about the specific appropriations that would go for Meals on Wheels or Pell grants. This Congress has not acted at all on any appropriations for the 1998 year, so there are no cuts.

There are no cuts to Meals on Wheels; there are no cuts to Pell grants. In fact, what we are saying is that we are setting the process—and

that is why it is so important that we do this now rather than later—we are setting the process for how we will appropriate. This is the first appropriations bill that has come out of the committee in the process and on to the floor. So we are trying to set the process that says how we will respond if all of the appropriations bills are not finished by September 30, which is the end of the fiscal year.

What we are saying is that funding will go forward just as it has for all of this year. There is not one dime of a cut. It will go forward at the present spending levels. Then, as Congress decides the priorities, along with the President in an agreement, which is exactly how we do things around here, then that appropriations bill will go into effect. But if there is not an agreement between Congress and the President, then we will keep Government functioning just as it has been this year until the priorities are set by Congress and the President.

No one will have a hammer over anyone's head. The appropriators will have their full rights, Members of Congress will have their full rights, the President will have his full rights, and everyone will be able to go forward in an orderly process from which they can plan. That is why we are doing this now.

Why would we wait until an appropriations bill that might come forward in June or July? Why would we wait? Why would we not plan for the future? All of us admit that the shutting down of Government does not work; it disrupts people's lives. We are trying to prevent that now, while keeping the prerogatives of Congress and keeping the prerogatives of the President to negotiate in good faith on principle about what the priorities in spending will be.

Yes, there is a budget resolution that will come to Congress that will set the general guidelines, but even after that is set, we do not know what the priorities are yet. We do not know how much money will be spent on Pell grants. We do not know how much money will be spent for Meals on Wheels because Congress has not spoken.

So what we are trying to do is have an orderly transfer from the end of the fiscal year to the beginning of the next fiscal year without disruption, without people worrying about whether they are going to be paid or whether they are going to receive their veterans' benefits.

But make no mistake—there are two very important points —people needing help in North Dakota are getting help; the people who are on cots are there because the help is there and they are going to get the help in rebuilding their homes and businesses, just as the law allows. Make no mistake that that is the case. And if you believe Government should not shut down, then you should vote against the amendment put forward by the Senator from West Virginia.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Alaska.

Mr. STEVENS. Mr. President, I inquire of the Senator from North Dakota now if he wishes to speak.

Mr. DORGAN. Yes.

Mr. STEVENS. I will be delighted to yield to the Senator. Can we make it 5 minutes in the normal process here? Does the Senator seek more than 5 minutes?

Mr. DORGAN. Mr. President, I had sought 10 minutes, but I will try to shorten it.

Mr. STEVENS. That is fine. I will be happy to accommodate the Senator's request. I ask unanimous consent for the same procedure then, that I yield to the Senator from North Dakota 10 minutes and recover the floor when he is finished.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my colleague from North Dakota, Senator CONRAD, spoke a few moments ago about what is in this supplemental bill to provide appropriations for the disaster that has occurred in our region of the country.

I rise today to support the amendment offered by the Senator from West Virginia, Senator BYRD. He is trying to strike a provision in this disaster relief bill that has been included that has no relationship to the need for this bill to provide some help to folks around the country who need help. I really believe that we need to move without delay to get this bill enacted and get the help to those who need it in our country.

I am not critical of anyone else's efforts on the floor of the Senate. I only am here to urge that we not include this provision, which does not belong in this bill. It is included in this bill in a way that delays the bill and, quite likely, will provoke a Presidential veto. I implore those who feel strongly about this proposal to bring it up another time, bring it another day, bring it next week on another bill, but do not delay this piece of legislation.

I have a lot of people who have come to me, as they have, I am sure, to my colleague from North Dakota, and they said, "Did you see the movie 'Fargo'?" Especially around the Academy Award time, "Did you see the movie 'Fargo'?" A lot of people apparently saw the movie "Fargo." It was a Hollywood caricature of our region of the country, set with some drama on the movie screen.

But a real-life drama has occurred in North Dakota, Minnesota, and South Dakota that is the most significant tragedy, in my judgment, that has occurred in our State. Short of massive loss of life, it is the most significant tragedy that has occurred in the history of our State. It is a drama full of tragedy, heartbreak, broken dreams and, at the same time, full of strength, courage, and hope.

What has occurred? My colleague from North Dakota described it: 3 years worth of snow dropped in 3 months on our State, the last storm bringing nearly 2 feet of snow in about 36 hours, with 50-mile-an-hour winds. When the combination of all that snowfall, 3 years worth of snow, began to melt in the Red River Valley, it flooded the valley, and the Red River exceeded its banks quickly and dramatically and was higher than at any other time in history.

The city of Grand Forks, ND, for example, was 95 percent evacuated, a city of 50,000 people that was virtually a ghost town and under water. In the city of East Grand Forks across the river, 9,000 people are out of their homes. The entire city was evacuated.

And if you could go to Grand Forks and East Grand Forks today, what you would find at Grand Forks is 25,000 people still homeless. In East Grand Forks, not one of the 9,000 people is back in town, according to the mayor. You have a city empty and a city across the river that is half empty.

Where are those 25,000 people? They woke up in a bed or cot that was not in their homes. They are displaced. Many of them have lost their homes. Hundreds of them will never go back to their homes because their homes are destroyed.

We are told, well, we want to help, and I very much appreciate the help that has been offered in the Senate. Our colleagues, Senator STEVENS, Senator BYRD and so many others have said, let us help. I have been willing to do that on every occasion I have been in Congress, to extend a helping hand to offer hope to people who have suffered through floods, fires, tornadoes, hurricanes, earthquakes, and more. Now the rest of this country through this Congress is extending a helping hand to the folks in our region, to give them cause for hope, to allow them to believe they can rebuild their dreams.

Is it urgent we get this done soon? Yes, it is. As I said, 25,000 people in Grand Forks alone woke up this morning not in their own homes, but someplace else—a shelter, a cot, a friend's home, a different city.

Is it urgent that we finish this bill? Is it urgent that the badly needed appropriations in this bill can be used to offer hope to those folks, to help rebuild, to recover? It is urgent that this be done and be done now.

Adding controversial amendments to this bill delays the bill. Adding controversial amendments, as was done in the committee, especially with respect to the provision that is now the subject of the motion to strike, delays this bill. For the sake of those thousands of

North Dakotans, Minnesotans, and South Dakotans who have suffered this terrible tragedy, and for the sake of many others in this country for whom disaster relief appropriations are in this bill to meet their needs, for their sake we should not seek to further delay this bill.

Let us support the motion to strike. Let us take this provision out of this legislation, pass the legislation, have the President sign the legislation and deliver this message of hope, and deliver these appropriations that offer real hope, to the people of a region who so desperately need it.

There are some who say, Well, we are doing the right thing. I would say to them that they need to understand that it is not urgent that this provision be done now; it can be done later, we can add it to something else. As for the disaster relief aid in this bill, it is urgent that it be done now. Having controversial amendments in this bill, amendments that will provoke a veto, will delay this urgently needed help.

Let me end as I began. I do not come here to be critical of others. I greatly respect every Member of this body. I thank so much the chairman and the ranking member of the Appropriations Committee and all of the others with whom I have worked to address these real human needs. Now I simply ask that the Senate decide, as it has so often in the past, that on an appropriations bill that is designed to reach out and help victims of disaster, that we should not do anything to impede or delay that help.

So, for that reason, I am happy to rise today to support the motion to strike offered by Senator BYRD.

I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I do retain the floor, Mr. President. Does the Senator from New Jersey seek time?

Mr. LAUTENBERG. Ten minutes.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from New Jersey be given 10 minutes and that I retain the floor at that time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the chairman of the Appropriations Committee for making sure we have a chance at a full debate on this issue.

I am strongly opposed to this so-called automatic CR, and, if I may say, barring none others from competing, when it comes to understanding the rules and understanding the process, there is no better informed Senator than the senior Senator from West Virginia Senator BYRD, who is the ranking member of this Appropriations Committee, and his leadership tells us that we better look out, that we better know what we are talking about.

I am deeply dismayed that we are debating this provision just a few days after we reached an agreement on the outlines of a 5-year balanced budget. Mr. President, I am the senior Democrat on the Budget Committee and, as such, have been relegated a relatively awesome task of trying to find a consensus that would enable us to get the Government going, to keep us from getting into these disputes year after year, but have an honest debate and a review, a determination of the importance of the issues.

We worked very hard over the last few months to try and get the outlines of a balanced budget. We are not there yet, but I think we have all of the ingredients to finally say yes. We did agree last Friday that we have the makings of a budget resolution for the next 5 years. It would bring us to a zero deficit balance and take care of the programs, as best we could, that we care about.

The automatic CR, on the other hand, could force deep cuts in education, environment, health, research, and crime fighting and contradict the agreement that we just arrived at.

Mr. President, I consider it an abandonment of our constitutional responsibility. It is so nice to take your fingerprints off the deal that you may not like. It is so nice to back away and say, we are going to do it automatically. That is not why people sent us here, not to do it automatically but to put our reputations on the line, to put our thoughts on the line, and let us work out what we think is the proper direction for the funding in our Government.

I worked with distinguished counterparts in this budget decision—Senator DOMENICI, the chairman of the Budget Committee; Congressman KASICH, the chairman of the House Budget Committee; Congressman SPRATT, the ranking Democrat in the Budget Committee; and the administration officials at length to negotiate a budget agreement.

We had lots of policy differences. But we worked through them in good faith. And we worked through them without producing such a hostile environment that we could not talk to one another, because it was carefully thought out. It was balanced with everybody's views and concerns. But part of this agreement includes a level of discretionary spending for fiscal year 1998, and for the following 4 years.

It is not easy to reach agreement on these matters, but we did despite all of the hard work to reach a compromise on discretionary spending. This automatic CR could change these levels only days after we made the agreement. With this type of development, I am afraid we will never finish implementing this agreement, this budget agreement.

It is not surprising that the President said that he will veto this bill if the Republican leadership insists on retaining this amendment to the bill. We ought to strip out this amendment immediately and pass the supplemental appropriations bill. Just look at the critical funding that we are providing in this supplemental.

We heard the distinguished Senator from North Dakota describe the conditions that people are forced to exist under. And it touched all of our hearts when we saw the pictures, when we understood what it must be like to lose a home, to lose your roots, to lose your pictures, to lose the memorabilia, to lose all the history that a family goes through, things that are so precious. And where do you go in the next phase? People do not know.

They are saying to us, "Help us out, America. We are an integral part. We're there when you need us. We're there to pay our bills. And we're there to fight for the country. And let us have the resource to rebuild our lives a little bit." We all want to do it. So why do we get entangled with this extraneous matter at this point?

We are also talking about more support for our troops in Bosnia. That is a tough job. Who here wants to walk away from that responsibility? Who here wants to say, "Well, we have our troops there, but we're not going to give them their resources they need"? I doubt if anyone really wants to say that.

If the Republican majority insists on pushing this legislation, we ought to consider it as a stand-alone bill. Let us debate it. Let us review what is in there, and not hold this supplemental appropriations bill hostage.

Mr. President, if the automatic CR became law, the American people could pay a steep price. Compared to the President's budget, the budget ax could fall on many critical programs. Under the automatic CR, cuts are possible in the following programs:

Do we want to risk programs like Pell grants, sending kids to college who otherwise cannot afford to go?

Do we want to risk cutting NIH funding where research is so precious, so essential?

Ryan White AIDS services. We are beginning to see some diminishment of the immediate death from AIDS. We are beginning to see life extended.

Do we want to stop those programs?

Who wants to put your family on an airplane if we have to cut back on FAA safety and security programs? Who wants to run that risk?

We have EPA operations. They are able to respond to emergencies, oil spills, things of that nature. Do we want to run the risk of cutting back when we may need that kind of emergency assistance?

Mr. President, the automatic CR is also, in my view, an abandonment of

our constitutional responsibility. Our constituents sent us here to make decisions about our Nation's priorities. They expect us to consider and review carefully appropriations bills, spending bills, debate them, amend them and pass them in a way that meets the full blush of sunlight and meets their health, education, and other needs. This automatic CR would take a mindless meat ax—could take a mindless meat ax to 13 appropriations bills. It is not a very good way to decide our country's priorities.

Mr. President, my Republican colleagues—and I respect them, but challenge their judgment on this one—argue if we do not pass the automatic CR we will have another Government shutdown. This is not the case. If we do our work we can pass most appropriations bills by October 1. And if we cannot pass them by that date we can pass a short-term continuing resolution that will allow us to finish all 13 bills. That is not the best way to do it. The best way to do it is get it done. We have done this numerous times in the past and have avoided any disruption of Government services.

Mr. President, I strongly urge the Republican leadership to remove this onerous provision. This threatens the foundation of the entire 5-year budget agreement. If the majority does not budge soon on this issue, the whole budget deal could collapse, and we may never have a balanced budget, a children's health initiative, or any of the tax cuts that are also agreed upon though in some cases reluctantly. But it is a consensus. Is that where we want to go? I do not think so, Mr. President. I hope that my colleagues will stand up, analyze the situation carefully, and support Senator BYRD in his effort to strike this from the bill.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It is my understanding that the Senator from California wishes some time.

Mrs. FEINSTEIN. Yes.

Mr. STEVENS. How much time would the Senator like or would settle for?

Mrs. FEINSTEIN. Is it possible to have between 5 and 10 minutes?

Mr. STEVENS. I will be happy to yield to the Senator 5 minutes-plus. We will try to run it if we can.

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

Mr. STEVENS. As usual, I request that I retain the floor.

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

Mrs. FEINSTEIN. I thank you, Mr. President.

And I thank the chairman of the Appropriations Committee.

I rise to support the Byrd position. I believe that to take an automatic cut of an additional $25 billion in real terms with the constraints of this budget would be extraordinarily difficult.

Mr. President, I have just in the last few days participated in several initiatives with respect to cancer, and appeared before Senator SPECTER's subcommittee on cancer and heard members on both sides of the aisle speak to the goal of doubling cancer research over the next 5 years. I think if this CR remains, any additional dollars for critical health research is really condemned.

Additionally, many of us believe that the bipartisan White House-Congress concordat bringing to this body a bipartisan plan to balance the budget was to be without the CR attached. So just a week ago both sides were cheering about this budget deal. Given the optimism surrounding the announcement, I think it is somewhat disingenuous to include the automatic CR in this legislation.

I think all of us want to avoid another Government shutdown and are willing to do almost anything to prevent a repeat of 2 years ago. But the way to do that is simple. Do what is necessary to pass an appropriations bill on time. And that means compromise. No one wants a Government shutdown. And the fact that a year-long CR was eventually passed following the last shutdown shows that reasonable minds are capable of reaching compromise when there is a will.

The automatic CR essentially means that we do not have to pass another appropriations bill this year. Conceivably we could all pack up and go home. However, the budget deal struck is going to require some very tough decisions, difficult negotiations, some forced compromises. Not everyone is going to get what they want, but I think we all recognize that in the interest of getting the job done we are prepared to sublimate some of our priorities.

The President said he would veto this bill if the automatic CR provision is included when it hits his desk. I cannot think of any clearer reason to drop this then from the bill. The emergency funding carried in this bill is simply too important.

This is a big bill. About $3.4 billion of it goes to California. Additionally, it goes really to people who are just destitute. And we have about 9,000 miles of delta levees, and we have had almost 100 levee breaks, 62 of them substantial. You had areas, 15 square miles, flooded, homes up to their rooftops, orchards of 14,000, 15,000, 16,000 trees at a crack just lost, people losing their homes and their livelihoods.

I really earnestly implore this body not to complicate this bill by attaching the CR.

If the CR is added, there are other things that happen as well.

We have a proposal for 500 additional border guards in 1998. That is on hold; 544 FBI agents delayed; the FAA unable to hire 500 air traffic controllers and 173 security personnel; Pell grants cut by $1.2 billion; funding of Goals 2000 cut by $97 million; Title 1 education, which goes to educate the poorest of youngsters at a time when everybody believes education is a top priority, cut by $320 million; and NIH, cancer research or death-inducing disease research could be cut by $414 million.

So, from the California perspective—I know my colleague and friend, Senator BOXER spoke to this earlier: 48 out of our 58 counties were declared disaster areas—this money is important. It should go. So I am hopeful that the majority will remove the request for the CR.

I am happy to rise to support the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator.

Mr. President, it is my understanding the Senator from South Dakota seeks time.

Mr. JOHNSON. That is correct.

Mr. STEVENS. I beg your pardon. I am in error.

Mr. President, let me apologize to the Senator from South Dakota. I did commit to the Senator from Minnesota that I would yield to him 6 minutes at this time. And I yield the floor for 6 minutes so he might have the floor for 6 minutes, with the same understanding that I retain the floor at the end of that time.

At this time let me have an understanding with the Senator from South Dakota that he would automatically be recognized before I be recognized again.

How much time does the Senator from South Dakota seek?

Mr. JOHNSON. Two minutes for now.

Mr. STEVENS. The Senator is very conservative. It is nice to see one on the floor.

Two minutes for the Senator from South Dakota, and then I retain the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 6 minutes.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I would like to make a few brief comments about the Government shutdown prevention plan contained within the supplemental appropriations that would protect flood victims and every American whose paycheck depends upon the Federal Government by preventing future shutdowns of the Federal Government.

In the 104th Congress, as a result of disagreements between Congress and the President during the budget process, we witnessed the longest shutdown of the Federal Government in history. The shutdown created enormous financial damage, emotional distress, and

just plain inconvenience for millions of Americans. Hundreds of thousands of Americans could not receive their social services, such as Medicare benefits, or travel overseas, or visit national parks and museums. Small business owners and local communities lost millions of dollars. Federal employees were furloughed with the fear of not getting paid. Even our troops stationed overseas were affected by the shutdown.

But the most serious damage caused by the 27-day shutdown was that it shook the American people's confidence in their Government and elected officials. We have not yet undone that damage, but we have the opportunity to do that today. We need to restore the public's faith in its leaders by demonstrating that we have, indeed, learned from our mistakes.

Now, we can all point fingers at who was the cause of this shutdown. But the inclusion of the Government shutdown prevention plan will send a clear message to the American people that we will no longer allow them to be held hostage in future budget disputes between Congress and the White House.

I am surprised by the opposition to this plan, and one has to ask the question, why would they oppose it? Each of us have differences in philosophy on policy and budget priorities. Often we do not necessarily agree on these priorities, but there are essential functions of the Federal Government that provide critical services to the American people, and those services must continue, regardless of our budget differences.

Now, consider the devastation caused by the flooding in Minnesota and the Dakotas in recent days. I have heard some declare that the supplemental appropriation that is before us today will be the answer to all of our problems. That could not be further from the truth.

What would happen if a budget shutdown in Washington forced a Government shutdown just as it did 2 years ago? Minnesotans who have struggled against the floods could find themselves victimized a second time if their rebuilding efforts were stopped. This natural disaster has already been an exhausting nightmare for Minnesotans, and we cannot tolerate a manmade disaster on top of it.

Mr. President, I will work not to allow the citizens of Minnesota to be used as chips in some sort of high-stakes budget contest. Therefore, I support the critical provision within the disaster relief bill that will prevent a future Government shutdown. I believe this is the only way to stop the politics, to ensure that Congress and the President are committed to keeping the Government open, and protect our flood victims from any gamesmanship in Washington.

Now, last Friday, a budget agreement was reached between the White House and negotiators in Congress, and as a result some of my colleagues have argued there is no longer any need for this language. Well, if they did not intend to use the threat of a shutdown as a tool to extract more of what they want in budget talks, why would they oppose it?

I think a provision like this is kind of like insurance. We always hope we never need it, but it would be there if we did.

Last week's agreement does much to take the political pressure away from the current debate, which would allow us to focus more on the merits and the necessity of the shutdown prevention language and whether it is sound policy to have such a plan in place to prevent future shutdowns. More often than not, the lack of a Government shutdown prevention plan has yielded a "money grab" at the end of each fiscal year, as Members take advantage of the last-minute rush to pass a budget and avoid a shutdown by loading it up with pork projects. The merits of the spending are not debated at all, and programs are funded based not on merits but, many times, on political leverage. As a result, billions of hard-earned taxpayers dollars are wasted in the process.

Mr. President, the American people should not be held hostage to the efforts of those who want to keep alive the threat of future Government shutdowns for their own political purposes. We cannot allow for the possibility of a Government shutdown in the future that would prevent us from addressing the longer term needs of those Minnesotans who are trying to rebuild their lives in the wake of the flood. We must ensure we have a plan in place that will keep the Government up and running in the event the budget agreement is not reached.

Again, Mr. President, the Government shutdown prevention plan is sound policy. It is wise policy. It is also responsible policy. It is the right priority. And, by the way, it cuts nothing, and it allows the Government to do its job.

I urge all my colleagues to vote against the Byrd amendment.

Mr. STEVENS. The Senator from South Dakota is recognized for 2 minutes.

Mr. JOHNSON. Mr. President, I rise in strong support of the motion to strike by the Senator from West Virginia, and I thank, as well, the work and support from the Senator from Alaska on this matter.

Mr. President, there is a tremendous amount of pain and suffering across many States of the Union. In my State of South Dakota, where thousands of people have been evacuated, many are still not back in their homes, contamination of flood water is present, hundreds of thousands of livestock have been lost, businesses have been shut down, roads are still under water, there has been incredible damage to culverts and bridges, and public schools have suffered.

This is no time to use the suffering of these people as a point of leverage to compel this Congress and the President of the United States to accept an extraneous budget amendment. As a member of the Budget Committee, I welcome an opportunity to debate those who believe there ought to be a reduction in aid to schools, kids nutrition programs, law enforcement, environmental protection, or cancer research, among other items, that ought to be reduced. I welcome that debate. That is what this institution is for.

But South Dakotans wonder, as I think Americans wonder, why can't this Congress handle one issue at a time rather than tying extraneous issues onto bills of incredible urgency? Let us deal with this disaster in a constructive, positive and bipartisan way, and then take up the budget issues that have been raised by the CR issue in a separate context, and have a full-blown debate on the real consequence of these budget priorities. Some, no doubt, will win, and some may lose, but let them be debated separately and not try to tie the President's hand, not try to use the suffering of thousands of people in this country as a point of leverage for an agenda that he cannot accept and which will only in the end delay the urgent assistance so badly needed in my State of South Dakota and in some 30 other States, as well, as a result of the natural disasters that we have faced over these last several months.

I think this is simply a matter of equity and of fairness. We seem to be in the process of reaching a bipartisan budget agreement. That is a helpful step. We should take each process, one at a time, in its rightful order, and deal with this disaster now, and then deal in a timely fashion with the rest of the budget priority issues in their order.

I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the remarks of the Senator from South Dakota. I did not mean to limit his time. He asked for 2 minutes, and he got 2 minutes. Would the Senator like more time?

Mr. JOHNSON. That was fine.

Mr. STEVENS. Mr. President, I notice the leader is here, and I know he has leader time.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. I appreciate very much the distinguished Senator from Alaska, and I will use my leader time.

I want to talk to the amendment, as well. But I first want to express profound appreciation to the two managers of the bill. Senator STEVENS and Senator BYRD have done an incredible job in dealing with the array of needs

that the country has demonstrated and that we have brought to their attention. They have been remarkably responsive in addressing these needs, to the extent that our resources allow. I want to publicly praise both our leaders in this regard and thank them for their extraordinary response thus far.

I also want to thank the staff director of the Committee on Appropriations, Mr. Steve Cortese, for his helpfulness and his willingness to consider the needs of States like mine that have been devastated by disasters. He has performed admirably in his new role, and we look forward to working with him in the future. I would also like to thank the Democratic staff director, Mr. Jim English, for his fine work in putting this package together.

We can finish this bill easily this afternoon. I expect we can come to a conclusion with the remaining amendments. I only hope somehow even before we vote on final passage, we can come to some conclusion about this extraneous provision.

I cannot agree more heartily with the Senator from South Dakota, my distinguished junior colleague, in his remarks about the repercussions that this amendment could have and the extraordinary divisiveness in what otherwise has been a remarkably bipartisan effort, with Senators on both sides of the aisle responding to a natural disaster in so many parts of the country, that has to be addressed by this legislation. This is not the place for this. There is a way with which all of us can assure that there will never be another Government shutdown.

Those of us on this side of the aisle warned about Government shutdowns long ago and did as much as possible to prevent them when they occurred. We can commit our determination, we can commit our willingness in every way, legislatively and otherwise, to assure that there will not be a Government shutdown. We will do everything in our power to prevent another one.

To hold this bill hostage to finding a mechanism to prevent one, to hold this bill hostage and tell all the people who are waiting, as we speak, for assistance, that that cannot happen until we resolve this particular problem, in my view, is a travesty. It sends exactly the wrong message about how cognizant we are of the urgency of this legislation.

I am troubled not only by the fact that it is on this bill, but by the proposal itself as it is now structured. I am troubled for three reasons. First of all, the level set, the 100-percent level of last year's appropriated amount, is substantially below the amount that we have just agreed in bipartisan budget negotiations would be the investments we make in education and in health care, in safe streets, in agriculture, in transportation, and in the array of investments that we spent so much time negotiating over the course of the last month.

What does this say to those who have committed, now, as this Senator has, to that agreement? That we did not mean it? That, indeed, we are willing now to settle for investments substantially below those that we agreed to just last week? That is what we are saying with this particular level of commitment in a continuing resolution, that it does not matter what we agreed to, because now we are going to submit to a much lower level.

That means 285,000 students lose Pell grants, 37,000 kids are cut from Head Start, 20,000 workers are dislocated from job training, 1,400 school districts lose aid, 640 Superfund sites do not get any help, 960 NIH research projects will be killed, public safety and crime prevention will be affected, 350 fewer air traffic controllers would be hired, and 390 fewer FBI agents would be hired.

Mr. President, we understood the need for a commitment in all of those and many other areas. For us now to negate that is very troubling. That is point one.

Point two: There will be needs that we must address in the future that we do not yet know about. We just had a discussion this morning by Republicans and Democratic Senators representing States most directly affected by this disaster. We all recognize that we do not know what it is we are going to be doing in the coming months with regard to this disaster because we do not know yet what the circumstances will bring. But we do know this: Because we cannot predict it all, we know we will have to go back again. We will have to talk to the distinguished Senator from Alaska, we will have to talk and consult with the distinguished Senator from West Virginia, we are going to be back again with corrections, with a need for additional commitments that we cannot contemplate now. To lock in a continuing resolution, to say we are not going to be cognizant, we are not going to be responsive to those particular needs this fall does a real disservice to the bill itself.

Finally, Mr. President, this is an exercise in futility. That is what is most disconcerting. The President said he will be compelled for the reasons I just stated to veto this bill. I have a letter, signed by 38 U.S. Senators, who will commit to sustaining that veto.

I ask unanimous consent to have that letter printed in the RECORD at this time.

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

U.S. SENATE,
Washington, DC, May 6, 1997.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, the Senate Committee on Appropriations attached an automatic continuing resolution to S. 672, the emergency supplemental appropriations bill. Congress should not hold disaster assistance to 33 states hostage to any political agenda. We applaud you for expressing your intention to veto the bill unless the Republican majority drops this extraneous provision.

There is no justification for holding up the disaster relief bill over an automatic plan to cut spending now that we have reached a bipartisan agreement for a five-year budget plan which includes fiscal year 1998 discretionary budget levels. It is inappropriate and premature to use the disaster-relief bill as a vehicle to lock-in next year's budget before Congress has even begun consideration of a budget resolution for FY 1998.

While we opposed the 1995–96 government shutdowns and will oppose all future efforts to shut down the federal government, passage of a new budget gimmick is not the answer. This provision would place the entire discretionary budget on automatic pilot. Far from making the government more accountable, this approach would actually make it easier for Congress to abdicate its responsibility. Instead of making the difficult choices needed to pass an appropriations bill, Congress could make no decisions and watch passively as funding for everything in the bill is automatically and indiscriminately reduced. The reductions would amount to 2 percent from this year's funding level and an average of 7 percent reduction from your request.

Congress has never resorted to such desperate measures in the 220-year life of this Nation, and we shouldn't resort to them now. This is no way to run the federal government.

Not only would such a provision abrogate Congress' constitutional responsibility to enact spending bills, but it would decimate programs that are vital to our nation's economy, and to working families. It could gut funding for education, the environment, health care, agriculture, transportation, veterans, crime prevention and other urgent needs of the American people.

Last year, the Republican majority held government workers and their families hostage to their demands for cuts in education, the environment, health care and crime prevention. This year, they may try to hold the victims of disaster hostage to a budget scheme that would install cuts in those programs automatically.

If you veto this bill over an automatic continuing resolution, we would vote to sustain the veto.

Sincerely,

TOM DASCHLE,
ROBERT C. BYRD,
And 36 other Democratic Senators.

Mr. DASCHLE. Mr. President, this veto ought not be necessary. This veto ought not even be necessary to consider today. This veto represents a determination by the President that this Congress do the job for which we were all sworn to do. We can do it right. We can complete the appropriations bills on time. We can be responsive to the needs that we anticipate this fall. We can recognize that the budget agreement we have agreed to is one that we will toil through and that the agreement is better than what we imply with this amendment, that our word is our bond and that we are going to commit to that level of investment this year, next year, and for the next 5 years. That is why this legislation, this amendment, is so ill-advised. It breaks

the agreement. It discounts the need to come back, and it will be vetoed.

Mr. President, I urge we reject the automatic CR by supporting the amendment of the distinguished Senator from West Virginia if we cannot find a way with which to resolve it through compromise. I stand ready to continue to find ways with which to make compromise possible, and I hope we could do it prior to the time we find the need to vote on final passage. Short of that, Mr. President, I hope Senators will realize the extraordinary repercussions that this provision will have for this bill. I urge support for the amendment to strike the automatic CR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I see the Senator from Nevada is here. Does the Senator seek time on this amendment?

Mr. REID. To the Senator from Alaska, I was one of the Senators that Senator BYRD had listed as speaking. If the Senator would grant me the time, I can go forward at this time, leaving, I think on this side, only Senator BYRD.

Mr. STEVENS. I understand the Senator wishes 5 minutes; is that correct?

Mr. REID. I have asked for 10 minutes.

Mr. STEVENS. Mr. President, I ask that the Senator be recognized for 10 minutes and I will retain the floor at that time.

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

Mr. REID. Will the Chair advise the Senator when I have used 9 minutes?

The PRESIDING OFFICER. I will do so.

Mr. REID. Mr. President, last New Year's Day, the people of northern Nevada suffered from flood waters that were untoward. We had never experienced anything like the floods that occurred in five northern counties. The State of Nevada, as large as it is, has the seventh largest area, State-wise, including Alaska. It has 17 counties, very large counties, and five of those counties were severely damaged as a result of the flood—Washoe, Story, Douglas, Carson City and Lyon. I traveled over the area by car and helicopter. The picture that I saw is something I will never forget. The Carson, Walker, and Truckee Rivers, small as they are, when the floods came, were devastating.

Now, Mr. President, the flooding that we suffered in Nevada was significant. But the flooding and the disaster that hit Nevada was relatively small, as bad as it was, compared to the magnitude of disaster that we have seen in the Dakotas. To say that the community of Grand Forks, ND, is changed forever is an understatement. I had the opportunity the other evening of meeting the mayor of Grand Forks, ND, Pat Owens, and I had heard from the Senators from North Dakota, Senators CONRAD and DORGAN, and I have seen in the papers, watched on television, as we all have, the devastation that hit the Dakotas—lives lost, tens of thousands of people dislocated, many of whom will never get back in their homes, 156,000 cattle died; some of them died standing, frozen stiff. Almost 2 million acres of cropland were under water. North Dakota had more snow in a matter of weeks than it had in the previous 3 years. Total damages are still being added up, but it will be nearly $2 billion in that State, which has a little over 500,000 people in it. Neighborhoods were destroyed by fire.

Mr. President, we have had significant damage all over these United States this past year. That is what this bill is about—the damage caused by the floods in northern Nevada, by the floods caused by the Red River, which I understand runs normally at about 50 yards wide and now, in areas, is as much as 40 miles wide. That is what this bill is all about. It should not be about extraneous matters. That is the reason I am so committed to the amendment that has been offered and is pending.

We know that the Government was shut down. We know that those of us on this side of the aisle had nothing to do with shutting down the Government. We know the American people rose up against the shutting down of this Government. I think it is commendable that people are concerned about never shutting down the Government again, and I agree with that concept. I hope we never shut the Government down again. But this legislation is not the vehicle to do that. We need to go on with this legislation, this disaster relief, this emergency legislation. There are important matters in this.

In Hawaii, at the Lualualei Naval Station, there was flooding and mudslides, and tremendous winds have ripped this naval station to pieces. We need these moneys to go there, as have been committed. There is $45 million which will go to emergency infrastructure grants to repair water and sewer lines. These are fundamental to any community struck by these devastating floods. Only $4 million—a relatively small amount, as large as this bill is—will go for rural housing assistance programs to help the elderly with emergency repair of the housing. That is a priority. We should be doing that and not having continuing resolutions and other such matters in this legislation.

The principal nonemergency item is the one that we are now here having struck. We know the Government was shut down for a lot of reasons. One of the reasons was spread across all the newspapers and television shows that could carry it last year when the Speaker of the House was offended because he was asked to go out of the wrong door of Air Force One. This took a personal vendetta to a whole new level, but it should not have led to a shutdown of the Government.

Again, it is important that we don't have the Government shutdown at any time in the future. But this isn't the legislation that should do that. Last week, Friday, there was a celebration by the Democrats and Republicans that we had done something on a bipartisan basis; we had joined hands to come up with a bipartisan budget agreement, or compromise. Why don't we go ahead and see what bills we can get passed in the right way, the ordinary way—that is, we have 13 appropriations bills; why don't we pass those 13 appropriations bills. That would really send a message to the American public that we are doing things the right way around here.

We have been told the President will veto this legislation. We have been told by the minority leader that there are enough votes to sustain the veto. What are the things that will be affected by this amendment? We know that the stockpile stewardship program will be affected. We know that privatization projects to clean up nuclear waste will be affected—97 of them, to be exact. We know that the Appalachian Regional Commission, serving some of the poorest counties in the Nation, will be affected with this amendment.

The agreement that was reached by the President and leadership of both Houses of Congress is an important step in the right direction, so that we can go about Government in a normal fashion. This substituted amendment still cuts about $25 billion below what was agreed upon. All of us here can live with this McCain-Hutchison amendment. We can live with this. Everybody knows that. But let's live up to the agreement that we have, also, and that is, let's fund at levels that will get us to a balanced budget by the year 2002, or even earlier.

Is there something here that I don't understand that is going to say that we are going to agree to a budget but we are not going to really live up to it, and that is why we are not going to have to pass any of our appropriations bills and we are going to have to rely on a continuing resolution? I hope that we can move on beyond where we are here, that we don't have to have a veto of this legislation, and that we can go ahead and get the emergency relief to the five counties in Nevada that so desperately need it and the 21 other States in our Union that have had disasters that also need the relief. We should not be legislating on an appropriations bill, and that certainly is what this does.

I yield the remainder of my time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have heard the debate and I think the debate has really been good today. I think that everyone has made their points, and I think everyone has stood on the principle that they believe is the correct one, and I think the lines are very clear.

I think it is very important that people understand exactly what we are doing. What we are doing in the first appropriations bill that has come to the floor in this session of Congress is we are setting the process by which we will move appropriations bills before September 30 of this year. And in stating what the process is, we are saying, right now, for all planning purposes, that if there is not an agreement by September 30, at the beginning of the fiscal year, we will make sure that we have a way to continue to fund the Government, a seamless transition into the next fiscal year so that there will be no disruption—no disruption in people's lives who work for the Federal Government, no disruption in people's lives who depend on the Federal Government for their veterans' payments, no disruption in people's lives who might have saved for family vacations. There will not be a disruption because we are going to continue Government, as we are saying right now, in a responsible way, which is what the people expect. So we are laying the framework for how we are going to appropriate this year, and we are going to have an orderly process that assures the people of this country that there is not going to be a stop in Government. We are going to fund at present levels all the way through, even if we don't have an agreement on an appropriations bill.

Of course, we are going to try to come to an agreement. But we believe the best way to do that is in the light of day, no hammers over anyone's head, no hammers over Congress, no hammers over the President. Everybody will be able to talk about the priorities and determine how much we will spend in Pell grants, how much we will spend for Meals on Wheels, and how much we will spend for education priorities. You see, I have heard talk on the floor about cutting Pell grants. Well, we are not cutting anything. We haven't passed one appropriations bill yet. So nothing has been set for the 1998 year.

Mr. STEVENS. Will the Senator yield?

Mrs. HUTCHISON. Yes.

Mr. STEVENS. I was called off of the floor. I have been seeking to ensure that there will be some limitations on Senators speaking on this amendment. How long does the Senator intend to speak?

Mrs. HUTCHISON. Just 5 minutes, or less if the Senator would like.

Mr. STEVENS. Mr. President, I renew my request that I regain the floor at that time.

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

Mrs. HUTCHISON. I have spoken approximately 2 minutes. So I will finish in approximately 3 minutes.

Let me just say that the President doesn't have to veto this bill. This is the President's bill. It is a supplemental appropriation. It is going to renew the coffers of the Federal Emergency Management Agency. Let's make no mistake, the money is going into North Dakota right now. The victims are getting all of the money to which they are entitled under Federal law right now. There is no delay. We are talking about refilling the coffers for future disasters that have not yet occurred. So there is no emergency here. The money is going out and we want to refill it. It is the same for the people serving in Bosnia. The money is going in there. They are having all the equipment and they are having all of their needs being met. But the fact is, we need to replenish the Department of Defense. So that is what we are talking about today.

The President has asked for more money for Bosnia. The President has asked for more money for FEMA, and we are going to give it to him. Now, he has a choice to sign the bill or to veto it on a process issue. I don't know why, if the President says he doesn't want to shut down the Government, he would even consider vetoing this bill. Why would the President veto the bill? It is his choice, his bill. We are giving him everything he has asked for in this supplemental bill. So why would he veto it, especially when he says he doesn't want to shut down Government?

So when we hear people say the President is going to veto this bill and it is going to hold up aid, that is not the case. First, the President has a choice. He can sign the bill, which is giving him everything he asked for, or the President can choose to veto the bill on the process. But that is his choice. If he wants to delay putting the money back into the Federal Emergency Management Agency, if he wants to delay putting money back into the Department of Defense, then that is his choice. I think it is the wrong choice. I hope the President will sign the bill because we have, in good faith, given him all of the money that he has asked for, and we want to do that.

Why should he worry about our setting the process so that we will know how we are going to deal with appropriations bills as we go through the end of the year?

Mr. President, I think it is very clear that we are doing the responsible Government operation here. We are going to make sure that the people in North Dakota get the help they need. We are going to make sure that our troops in Bosnia get the help they need. We are going to make sure that the Department of Defense can put the money back into buying spare parts for airplanes and retraining the people who are coming out of Bosnia. All of those needs will be met.

The question is, will the President really veto the bill because he doesn't want to assure that we will not shut down Government? That is the only issue here. I can't imagine that the President would veto a bill because we are providing for an orderly transition into the next fiscal year. In case we have disagreement, we will be able to negotiate those agreements without a hammer over the President's head or Congress' head.

Mr. President, the issue is responsible Government. I hope we can defeat the amendment by Mr. BYRD and stay with our program to keep the prerogatives of Congress for a more orderly transition into the next fiscal year.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have again the floor now. There are to my knowledge two remaining speakers, the Senator from Arizona and the Senator from West Virginia [Mr. BYRD]. The two of them started this process last night. They did so well I do not want to try to interfere and put limits.

So I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I intend to be brief.

I thank the Senator from Alaska. This has taken up a great deal of time. We are completing this legislation soon. I appreciate his patience and his appreciation on this very difficult issue.

I also want to thank the Senator from West Virginia for his usual courteous, informative, and compelling debate in which we have engaged for many years.

Mr. President, as I said, I will try to be brief. Let's try to be clear about what we are talking about here. There isn't an either/or choice here. The money is going to the disaster areas. It will continue to flow. The President doesn't have to in any way veto a provision that would prevent what he so loudly decried for a period of about 2 months in December and January—December 1995 to January 1996—when the Government was shut down.

I am, frankly, astonished that during this debate people somehow think that because we will include a provision that prevents the shutdown of the Government that it would jeopardize anything else.

Let me also point out that, although the agreement on a budget is a laudable situation, we all know that the heavy lifting is in the appropriations process.

Mr. President, I still remember this much heralded budget agreement of

1990. It fell apart in a period of weeks. We got lots of tax increases. I remember a budget agreement in 1982 when it raised taxes to balance the budget. That was back in 1982. I know the Senator from West Virginia remembers it well.

Let's be clear. A budget is a framework upon which to work, and the appropriations is the heavy lifting. Whether it is right or wrong, fair or unfair, the Congress sometimes puts provisions on appropriations bills which the President of the United States does not like and, therefore, as is his right and responsibility, vetoes those bills.

What I am trying to prevent here is a situation where, even if it were within the agreed upon budget framework, there would not be a shutdown of the Government, which is patently and outrageously unfair to the American people. That is all we are trying to do here. To somehow convey the impression that that impairs either the budget process or the appropriations process simply is not accurate.

Let me point out the problems that we face just very quickly, because we have to remember what happened last time. We can't allow it to happen again.

Mr. President, according to a Greater Washington Consumer Survey in a poll taken, 4 out of 10 Federal employees fear losing their jobs because of budget reductions; 4 out of 5 Federal employees believe their agency will be hit by cutbacks; one-third of private sector employees believe their firms would be hurt by Federal budget reductions; and one-fifth of private sector employees believe their own jobs may be in jeopardy as a result of Federal budget reductions associated with the impact of a Federal shutdown.

Mr. President, I know my colleagues remember when the Government was shut down. Let me remind you of the impact during that 23-day period.

New patients were not accepted into clinical research at the NIH; the Centers for Disease Control ceased disease surveillance; hotline calls to NIH concerning diseases were not answered; toxic waste cleanup work at 609 sites was stopped; 2,400 Superfund workers were sent home; 10,000 new Medicare applications, 212,000 Social Security card requests, 360,000 individual office visits, and 800,000 toll-free calls for information and assistance were turned away each day—each day; 10,000 new Medicare applications were denied every day; 13 million recipients of Aid to Families with Dependent Children, 273,000 foster care children, over 100,000 children receiving adoption assistance services, and over 100,000 Head Start children experienced delays.

Mr. President, is that fair? Is that a decent way to treat the American people because we have a disagreement over an appropriations bill here in Washington, DC?

Ten thousand home purchase loans and refinancing applications totaling 800 million dollars' worth of mortgage loans for moderate- and low-income working families nationwide were delayed; 11 States and the District of Columbia temporarily suspended unemployment assistance for lack of Federal funds.

Mr. President, I ask again: Was that fair to the American people? Shouldn't we take whatever steps necessary not to have these innocent people suffer again? This is what it is all about.

The disaster relief is about the suffering of American citizens because of a natural disaster. We are taking steps to cure that, and provide them with the relief assistance that is the obligation of Government to its people. I argue, Mr. President, that we have an obligation to provide relief, comfort and, care, and Federal programs and assistance that innocent Americans deserve, and not shut down the Government.

I don't know how we justify 13 million recipients of aid to families with dependent children not receiving their funds, and 273,000 foster care children and over 100,000 children not receiving adoption assistance services. I don't know how we justify that. I think it is one of the blackest chapters in the history of the Federal Government. All we are doing is trying to see that that doesn't happen again.

There was suspension of investigative activities by the IRS. I am not sure that was all bad, Mr. President. So I will pass over that one.

Delays in processing alcohol, tobacco, firearms, and explosive applications by the Bureau of Alcohol, Tobacco and Firearms. The Department of Justice suspended work on more than 3,500 bankruptcy cases. OPM canceled recruitment and testing of Federal officials, including hiring 400 border control agents. On delinquent child support cases, the deadbeat dads program was suspended; closure of 368 National Park Service sites; loss of 7 million visitors; the Grand Canyon National Park closed for the first time in its 76-year history; local communities near national parks, losses estimated at $14.2 million per day in tourism revenue; and the closure of national museums and monuments for a loss of 2 million visitors; 20,000 to 30,000 applications by foreigners for visas for coming into this country went unprocessed each day; 200,000 U.S. applications for passports went unprocessed; U.S. tourist industries and airlines sustained millions of dollars in losses because of visa and passport curtailment.

It had a terrible effect on Native Americans and American Indians. The American veterans sustained major curtailment in services as a result of the Federal shutdown, ranging from health and welfare to finance and travel.

The impact of Federal contracting on the local and national economy is best shown by the fact that in 1994 the Federal Government purchased 196.4 billion dollars' worth of goods nationwide, and $18 billion in the Washington region. The billions of dollars received from Federal contracting is a boon to local economies. Over 500,000 small companies nationwide faced delays in Federal payments, and several companies with millions of dollars of exports couldn't get off the docks because there were no Federal inspectors to clear their cargo.

Mr. President, I could go on and on as to the terrible and devastating effects not brought about by a natural disaster but brought about by a man-made disaster.

I would argue that the facts are clear. The American people—who, by the way, don't think a great deal of us, if you believe the polls—deserve better. And, if we are concerned about the esteem or lack of esteem in which we are held by the American people, we should assure them that we would never do this to them again.

So I hope we will vote on this issue.

And let me finally say, in conclusion, Mr. President, as I have said on numerous occasions, I am eager—not willing but eager—to sit down with the White House and with my colleagues on the other side of the aisle and frame a proposal and an agreement that will prevent the shutdown of the Government.

If this isn't appropriate, if the President of the United States feels that this is not the right way to go, then we are open for business. We would like to talk, if we share the same goal. I know that the Senator from West Virginia shares the same goal to prevent the shutdown of the Government.

Again, it seems to me that reasonable men can reason together in a reasonable fashion.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as we close the debate on my amendment, I pause first to thank the distinguished Senator from Alaska for his generosity, for his courtesy, which he has accorded us on this side of the aisle and on this side of the question. He could very well have made a motion to table at any point and, therefore, shut off debate on the amendment. He probably has the votes, if we look at the Appropriations Committee vote a few days ago when we saw a straight party-line response to my efforts to strike out the language during the markup. He probably has the votes.

So he could very well have moved to table, and could have tabled my amendment. So I thank him for his consideration in that respect. I think it is good for the Senate to have the debate on this matter. I found him to be,

many years ago, not only a fine Senator but a gentleman.

Mr. President, I also wish to express my respect to Mr. MCCAIN, who is a genuine American hero. I respect him as one who has suffered not hours nor days nor weeks nor months but years. I take my hat off to him in that regard.

What I say about the amendment and my motion to strike language is not said in derogation of the Senator, nor any particular Senator, for that matter. I am addressing my remarks in the main to my amendment and to the language that my amendment seeks to strike from the bill.

We have heard much said, Mr. President, about this being an effort to avoid a manmade disaster. It has been said that the bill addresses a natural disaster. But that the language, which is supported by the other side in the main, and particularly by Senators MCCAIN and HUTCHISON, is to avert a manmade disaster.

Mr. President, let us reflect a little with respect to that so-called manmade disaster. Who caused that? I am against shutdowns in the Government. I had no part in bringing about that shutdown of late 1995 which continued into early 1996.

I say to my friends, I have only to point to the words of a distinguished Member of the other body. I do not know whether Senators are all aware of the fact that we are not supposed to refer to a Member of the other body by name, and so I will not do that. I have heard that done. It should not have been done. And I have noted in the past that the House leadership has been very circumspect about calling to the attention of House Members the rule against their making mention of a Senator by name in floor debate. So I do not make mention of a House Member by name, but I call attention to some statements that were made by a very prominent House Member and one which was repeated in the Washington Post on September 22, 1995. This is what that very prominent House Member had to say with respect to manmade disasters, shutting down the Government, and I quote:

> I don't care what the price is. I don't care if we have no executive offices and no bonds for 30 days—not this time.

So that is what a very well-known Member of the other body had to say about manmade disasters. He did not care.

And then I refer to a quotation from the same prominent, very distinguished Member of the other body, a quotation that appeared in Time magazine of June 5, 1995, when that same Member, in referring to "manmade disasters," said:

> He can run the parts—

He, meaning the President—

> He can run the parts of the Government that are left [after the Republican budget cuts] or he can run no Government. . . . Which of the two of us do you think worries more about Government not showing up?

Now, I could quote from the same individual additional instances, but so much for manmade disasters. This was a collective mistake that was made by the other party in 1995 and 1996. It was a collective mistake, and the so-called manmade disaster was the result of that collective mistake, which was a very definite strategy. That was the strategy. That was the Damocles sword that would be held over the Congress and over the President's head. And so the joint leadership of the Republican party sought to carry out those threats, and they got their fingers burned. They made the threats. They carried out the threats. And as a result there was the so-called manmade disaster. They got their fingers burned. Now they dread the fire.

It was not the President's strategy. That was the strategy of the Republican leadership of the Congress. Perhaps that is now conveniently forgotten, but it does not take a slip of the memory as long as Rip van Winkle's slip of memory to remind oneself of how that so-called manmade disaster was strategized and implemented by the Republican Party in Congress.

Rip van Winkle, as we all remember from our early studies—and as far as I myself am concerned, I read about it in Irving's "Sketch Book" back in a two-room schoolhouse in southern West Virginia—was a very amiable, idle, bibulous Dutch settler who had a termagant wife and who, while hunting in the Catskill Mountains, met up with the spirits of Hendrick Hudson and some of his companions who were playing ninepins and drinking schnapps. After taking a few drinks of that liquor with Hudson and his companions, our friend Rip van Winkle went to sleep and slept for 20 years. And when he awakened, he thought he had just taken a short nap. He went home. His wife had been dead, himself forgotten, his friends had died or were scattered, and the colonies had become the United States of America.

Well, it seems to me that some of our friends have been asleep less than 20 years and perhaps no more than 1 or 1½ years, but they seem to have forgotten whose strategy it was that brought on the manmade disaster which they now deplore. It was not mine. It was theirs. They got their fingers burned.

Now, under the cloak of hoping to avoid another manmade disaster, they come with this language in the bill I am seeking to strike.

Mr. President, I shall sum up the arguments that I make against the language. But before I do, there has been a good bit said with respect to the continuing "flow of funds," to use their words, that will go to the people who are suffering as a result of the natural disasters, and it is said that delaying this appropriations bill will not delay succor and comfort and relief to those poor people who have gone through this travail in the instances to which we refer.

I have here a memorandum from the Office of Management and Budget which says that "the resulting delay from the automatic continuing resolution will impede the disaster response effort." And I read extracts from that memorandum.

> While several Federal agencies that provide immediate relief to disaster victims (FEMA, SBA, and the Corps of Engineers) have resources available and are providing immediate assistance to disaster victims, many long-term recovery and reconstruction efforts cannot proceed until the Disaster Supplemental is signed into law. In addition, some immediate assistance will be jeopardized by delay.
>
> Unlike other Federal agencies such as FEMA, HUD does not currently have funds available to dedicate to the disaster recovery efforts. Any delay—

I repeat, "any delay—

> in enacting the disaster supplemental would impede HUD's efforts to provide disaster recovery assistance. The delay would increase the uncertainty over the amount of assistance that will ultimately be provided and thus compound the difficulty in planning for disaster recovery. Affected communities would experience a comparable delay in receiving funding.

With respect to the Department of Agriculture and the emergency conservation program, I quote from the memorandum.

> No funds remain in the program to restore farmlands to production after natural disasters. A list of eligible recipients is being developed, but no one is receiving assistance. The delay in funding means that farmland remains vulnerable to future floods (spring thaw) and less ready to be planted to cropland this year. Cropland will not be leveled, debris will not be removed from fields, pasture remains unfenced, and conservation structures remain in disrepair. As a result, the damages to farmers increase, as the planting delay reduces their farm income (later planning results in lower yields per acre).

Now, as to watershed and flood prevention, I quote again from the memorandum by the Office of Management and Budget.

> No funds remain for new projects.

I am talking about watershed and flood prevention.

> No funds remain for new projects, all funding has been committed to addressing earlier natural disasters. USDA offices are accepting applications from local sponsors, assessing damages, and making determinations. A list is being developed, but no one—

No one—

> is receiving assistance. The effect of the delay is to increase the likelihood of increased damages from flooding later this year as areas are left vulnerable: streams can overflow because they remain constricted from debris that has not been removed, threatening roads and bridges with wash-out. Other infrastructure and property can end up destroyed by the failure to repair damaged levees. Also, the opportunity for non-structural measures, like the purchase

of floodplain easements from willing sellers, decreases with the delay in supplemental funding because landowners need to decide now whether to crop this year or wait for the possibility of an easement buyout.

As to emergency loans under the Farm Service Agency, here is what the memorandum says.

Existing appropriations for these loans will be depleted by mid- to late May. Any delay in the supplemental beyond this time frame will cause farmers to wait emergency loan assistance to offset economic losses from natural disasters. This loss of credit will reduce their ability to repair farm structures and purchase inputs for spring crop planting.

And so, Mr. President, here is a memo which I quote for the RECORD which clearly indicates that delay in action on this bill will spell delay for the people who are seeking relief from those terrible disasters. This bill will have some impact on West Virginia. West Virginia suffered during this time from floods. And for 40 years, Mr. President, 40 years I have been in Congress working to support the building of flood prevention structures, working in support of appropriations to provide relief in the wake of floods.

It was 40 years ago this year, while I was in the House of Representatives, that I introduced legislation to provide for the construction of a reservoir to give future protection from floods along the Guyandotte River, which had just flooded in that instance, in 1957, the cities of Logan and Stollings and other communities along the river.

So, I have seen the Guyandotte, I have seen the Cheat, I have seen the Greenbrier, I have seen the Tug Fork, and these other mighty rivers in West Virginia flood and take lives, destroy property, and cause hundreds and thousands of people to flee from their homes. Yet, because of their love for their roots, their love for their home State, they have gone right back in after the floods and they have hosed out the mud and the muck and sought to continue life again, as it were.

So I know something about the suffering and losses of people and, as I say, the loss of life that comes from disasters of this kind. We had the Buffalo Creek flood disaster. West Virginia has had more of its share of disasters. So my heart goes out to the people of North Dakota and South Dakota and Minnesota and the other States, as well as my own State, but not to the degree that those States have suffered in this particular instance. My heart goes out to them. I think we ought to enact this measure. I hope we will strike from the bill this language, and I am sorry that my hopes at this moment are probably not well founded.

But, in any event, we have it clear from the President that he will veto this bill if it comes to his desk with the language in it that I sought to strike during the markup at the Appropriations Committee and which still remains in the bill, though slightly changed from 98 to 100 percent, which is a freeze. But it would still amount to reductions of $20 billion to $25 billion, or possibly even more if this language goes into effect. So, while there may be a slackening, from the standpoint of raising the figure from 98 percent to 100 percent, which makes it a freeze, which would continue it as a freeze, the President's requests that were included in his budget are in jeopardy.

Mr. President, I hope Senators will support my motion to strike. Does the Senator plan to move to table my motion?

Mr. LEAHY. Mr. President, I wonder if the Senator could withhold for just 1 minute on that, if I might speak on this?

Mr. STEVENS. Mr. President, I do seek the floor, but I will be happy to yield to the Senator from Vermont for 1 minute.

Mr. LEAHY. Sometimes we little tiny States——

Mr. BYRD. Mr. President, I call attention to the fact that I have not yielded the floor yet.

Mr. STEVENS. I presumed, Mr. President. When I get the floor, I will be happy to yield for a minute.

Mr. BYRD. I yield to the Senator with the understanding that the Chair protects my right to the floor.

Mr. LEAHY. I thank the Senator from West Virginia, and I will be very brief, as I advised the senior Senator from Alaska also.

I hope Senators will support the Senator from West Virginia on this issue. I have been here for 22 years. Twenty of those years I have served on the Appropriations Committee and proudly so. I know how hard we work to get our 13 appropriations bills through. Sometimes we have not. We have gotten most of them, and the rest have had to be done by a continuing resolution; but usually for just a few weeks, while we finish them up.

If this went through, this automatic continuing resolution, I do not care if it is at 125 percent of funding or at 30 percent of funding, it is poor policy. Basically it says to the Appropriations Committee—actually it says to the House and Senate—go home. We do not need you. We are on automatic pilot.

That is not what we are elected to do. We are elected to make the tough choices, vote for or against them, and do it on time.

So I support, and gladly and proudly support, the Senator from West Virginia on this. Whether we have a Republican President or Democratic President, Republican or Democratic Senate, I would vote exactly the same way. I do not want automatic continuing resolutions because we will not, then, have our feet put to the fire and have to actually cast the tough votes and make the policy decisions the people of America expect us to do.

Mr. BYRD. Mr. President, I thank the distinguished Senator. May I assure the distinguished manager that I will not detain the Senate very much longer.

Let me, in summation, state that the language that is in the bill, authored by Mr. MCCAIN and Senator HUTCHISON and others, means in a practical sense that if we fail to pass an appropriation bill, all of the programs contained in that bill will receive a cut, because they will remain at a freeze; in other words, no increase over inflation. But it will be a hard freeze. This means education programs, law enforcement programs, immigration programs, transportation programs, agriculture programs and so on.

Second, we will have lost most all of our negotiating strength with regard to fiscal year 1998 appropriations issues because all that the other side has to do is just pass the bills they want to pass and find some reason not to pass others, like the labor and health appropriations bill, and they will automatically keep those programs on a freeze level. I feel reasonably sure, also, that domestic discretionary programs are the ones that will end up feeling the automatic budget axe.

Moreover, any leverage that the White House thinks they may have in the budget talks will turn to quicksilver, because when the rubber hits the road in these appropriations bills, any hard-won victories by the administration can easily vanish just by the tactic of bogging down certain bills.

Fourthly, if we go down this road once we can be sure that we will go down it again next year. Slowly, slowly, we may be reducing the baseline for these programs by continuing on a freeze level and perhaps it could go below a freeze the next time around. So, we are talking about a real loss of buying power. If inflation should rise, we would be in a real hole.

Fifthly, we will be funding programs that may need serious cutting and should not be kept on the level of a freeze. If Congress exercises its oversight—and oversight is really exercised for the main part in connection with appropriations bills, appropriations hearings and so on—we will be continuing programs that perhaps ought to be reduced. Some ought to be eliminated. But under this language that I am seeking to strike, there would not be any reduction, and they would continue at a freeze level. Furthermore, because we are already so late with the budget resolution, appropriators are now behind the eight ball in getting started with our bills this year. So it is particularly easy for the other side to make sure that several appropriations bills bog down and then we get this automatic CR in place for bills which they may not like.

So, Mr. President, in short, this new gimmick would quite likely change the dynamic of the way we traditionally fund programs, this year and in the

coming years. I hope it will not be successful. It is clearly a futile effort in the face of the President's threat to veto the bill if the language remains in it. And, to that extent, it constitutes a delay in the delivery of relief to the people who need that relief.

Mr. President, I ask unanimous consent to include in the RECORD at this point the memorandum by the Office of Management and Budget to which I have referred and from which I have already quoted excerpts.

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

[From the Office of Management and Budget]

AUTOMATIC CONTINUING RESOLUTION DOES NOT BELONG ON DISASTER SUPPLEMENTAL

RESULTING DELAY WILL IMPEDE DISASTER RESPONSE EFFORT

While several Federal agencies that provide immediate relief to disaster victims (FEMA, SBA, and the Corps of Engineers) have resources available and are providing immediate assistance to disaster victims, many long term recovery and reconstruction efforts can not proceed until the Disaster Supplemental is signed into law. In addition, some immediate assistance (see USDA discussion below) will be jeopardized by delay.

A budget process issue such as the automatic continuing resolution contained in S. 672 does not belong in emergency disaster relief legislation. The Senate should drop Title VII of S. 672 so that disaster relief is not delayed. Examples of Federal response efforts that would be delayed by the inclusion of this provision follow:

HUD: Community Development Block Grant

Unlike other Federal agencies such as FEMA, HUD does not currently have funds available to dedicate to the disaster recovery efforts. Any delay in enacting the disaster supplemental would impede HUD's efforts to provide disaster recovery assistance. The delay would increase the uncertainty over the amount of assistance that will ultimately be provided and thus compound the difficulty in planning for disaster recovery. Affected communities would experience a comparable delay in receiving funding.

This delay would impact activities not funded through other Federal disaster assistance programs, in particular activities to address the needs of lower-income individuals. The proposed $100 million in Community Development Block Grant (CDBG) funds would be used to buy out properties as part of a relocation effort; and to provide grants or loans to businesses and families who lack the income, savings, or credit history to qualify for an SBA loan.

Department of Agriculture

Emergency Conservation Program

No funds remain in the program to restore farmlands to production after natural disasters. A list of eligible recipients is being developed, but no one is receiving assistance. The delay in funding means that farmland remains vulnerable to future floods (spring thaw) and less ready to be planted to cropland this year. Cropland will not be leveled, debris will not be removed from fields, pasture remains unfenced, and conservation structures remain in disrepair. As a result, the damages to farmers increase, as the planting delay reduces their farm income (later planting results in lower yields per acre).

Watershed and Flood Prevention

No funds remain for new projects, all funding has been committed to addressing earlier natural disasters. USDA offices are accepting applications from local sponsors, assessing damages, and making determinations. A list is being developed, but no one is receiving assistance. The effect of the delay is to increase the likelihood of increased damages from flooding later this year as areas are left vulnerable: streams can overflow because they remain constricted from debris that has not been removed, threatening roads and bridges with wash-out. Other infrastructure and property can end up destroyed by the failure to repair damaged levees. Also, the opportunity for non-structural measures, like the purchase of floodplain easements from willing sellers, decreases with the delay in supplemental funding because landowners need to decide now whether to crop this year or wait for the possibility of an easement buyout.

CCC Disaster Reserve Assistance Program (livestock indemnity)

No payments can be made until the supplemental is enacted (the program does not exist under current law). As a result, producers will likely not be able to replace livestock killed by the natural disasters, reducing farm income. (See note below)

Tree Assistance Program

No payments can be made until the supplemental is enacted (program doesn't exist under current law). As a result, orchardists and foresters will likely not be able to replace trees destroyed by natural disasters, reducing farm income. (See note below)

(NOTE: these two disaster payment programs do not have regulations in place, so while applications may be taken, payments will not be able to go out "the next day" after the supplemental is enacted, but will have to wait for regs—which will be expedited nevertheless.)

Emergency Loans (under the Farm Service Agency)

Existing appropriations for these loans will be depleted by mid-to late May. Any delay in the supplemental beyond this time frame will cause farmers to wait for emergency loan assistance to offset economic losses from natural disasters. This loss of credit will reduce their ability to repair farm structures and purchase inputs for spring crop planting.

Department of the Interior

Delays in supplemental funding would have significant impacts on DOI park and refuge restoration work, particularly on Yosemite National Park in California. Interior has proceeded with the most urgent repairs to roads and infrastructure (using existing authority to transfer balances and presumably a similar DOT authority), but these are partial and interim solutions. The supplemental will be too late to help this summer season (it will be a mess), but the biggest effect from delay will be in the 1998 summer season. Contracts need to be awarded now to get as much work as possible started on widening roads, permanent utility repairs, replacing housing and lodging buildings before next winter, when this sort of work will not be possible. The public will not be as patient next summer and will rightly expect this to be fixed.

Department of Commerce/Economic Development

Delay in funding post-disaster economic recovery planning grants will mean that disaster-impacted local communities will not have the immediate institutional capacity to focus on long term recovery planning issues. These issues are both critical to reviving the local economy in the short term and restructuring the economy in the long term.

Post disaster technical assistance grants to States for marketing/promotion to help revive the tourism industry will not be available to salvage the Summer tourism season and bookings for the convention business.

The delay in implementing the EDA Revolving Loan Fund (RLF) program will slow down business recovery. For example, business segments not eligible for SBA funding will not be addressed, i.e., landscaping and nursery industries.

Mr. BYRD. Mr. President, I again thank Mr. MCCAIN, Mr. STEVENS, Senator HUTCHISON, and all other Senators, and I yield the floor.

Mr. LOTT. Mr. President, the Government Shutdown Prevention Act is the right thing for us to do, and this is the right time for us to do it.

If there's one thing we should be able to promise the American people, knowing we can keep that promise, it's that there will not be another Government shutdown, as there was in 1995.

We all know what happened back then. President Clinton vetoed appropriation bills because the Congress would not give him all the money he wanted to spend.

No matter what gloss my friends on the other side of the aisle want to put on that situation, that was the bottom line: He wanted more tax dollars than we wanted to spend, and he was willing to see much of the Federal Government close its doors rather than make do with less cash.

But the President did a masterful job at handling the PR of the situation. In fact, he ran rings around us, so much so that, to this day, most Americans probably believe that it was the Republican Congress that shut down their Government.

There's nothing we can do about that now. We have to leave all that to the judgment of the historians. But we should not leave the future to chance.

We have the chance today to guarantee the American people that the departments and agencies and bureaus of their Government will remain open this year, even if the Congress and the President cannot agree on spending issues.

We have a chance to redeem the reputation of Congress by placing the daily operations of Government—from our national parks to the FBI—above politics and beyond political squabbles.

All we are asking is that, if a department's appropriation bill is not completed by the start of the new fiscal year on October 1, 1997, that department can continue all its programs and services, spending at the rate of 100 percent of its current budget.

Just so no one misunderstands, let me restate that. All we want to do is ensure that, if any part of the Government does not have its annual appropriation in place by October 1, it can continue all its operations at 100 percent of their current level.

That is a reasonable, modest, prudent measure to safeguard the public interest. And yet, it seems to have provoked a considerable amount of opposition from both the administration and Senate Democrats.

I can understand why, and the reason has nothing whatsoever to do with some of the procedural arguments that have been advanced against this legislation.

No, the Government Shutdown Prevention Act does not abdicate Congress' responsibility to produce individual appropriation bills.

The appropriations process will go forward, and I hope to be able to call up—and pass—every one of those 13 bills. But what if that process fails? What if its failure imperils the operations of the Department of Justice? Or the Department of Health and Human Services? Or the Defense Department?

No, the Government Shutdown Prevention Act is not out of place on the supplemental appropriation bill. The indignation that has been expressed on this point in some quarters ignores the fact that it is not at all unusual for Congress to accomplish other important business in the context of a supplemental appropriation.

No, the Government Shutdown Prevention Act is not imperiling or delaying emergency assistance to the victims of floods in several hard-hit States. The aid they need will be forthcoming, and it will come on time.

The people of my own State of Mississippi have known, all too frequently, the force of natural disasters. Neither they nor I would tolerate efforts to play political games with the aid our neighbors need.

So let's set that canard to rest. The only way emergency aid will be held up to the Dakotas, to California, and to other hard-hit States is if a large number of Senators deliberately freeze the legislative process.

Under our Senate rules, a small minority can bring this place to its knees, can paralyze our most important activities. But I don't believe that's going to happen, not on this critical bill.

There is, however, one procedural argument against this bill that is right on target.

Enactment of the Government Shutdown Prevention Act will substantially reduce the ability of individual Senators, or a small group of Senators, to hold hostage the Nation's money bills.

I admit it. With this legislation in place, no one in this Chamber—and no one on any committee—will be able to threaten to shut down one or another part of Government unless he gets his own way with an amendment or a project.

It is hard to give up power. It is hard to give up even a little bit of power. But I think that's what the American people want us to do this time. They don't want any of us to have the power to play chicken with Government shutdowns. And I don't blame them.

So on this count, I plead guilty. I am, indeed, asking my colleagues to give up their ability to create a Government crisis by thwarting the appropriations process.

I am asking them today to enter into a formal agreement with the American people—a legal enactment of our promise that there will be:

No more legislated layoffs. No more concocted crises. No more administrative Armageddons. In short, once and for all, no more Government shutdowns.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I announce that after this vote is completed, we will announce the schedule for the remainder of the afternoon to the extent we have some agreements already. We do have some very good agreements for the Senate to consider. Following this amendment, it will be my intention to move to the pending amendment, which is the Reid amendment. There will be a process to take that to a very rapid conclusion. We are pleased to announce there is an agreement on the endangered species amendment.

Mr. President, my one comment at this time would be that Members should keep in mind that we are finishing today, but the House has not acted yet. There will be a procedure so that when the House sends over its bill, we will automatically substitute our bill for that bill and go to conference with the House as soon as possible. But I do want to thank Senators for what they have done so far. We are, I think, moving on schedule. We do have agreements on at least five amendments that are ready to be considered by the Senate, as far as timeframes, for the balance of the amendments. And there is one left to be determined how long that will take.

At this time I move to table the Byrd amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, is it in order to ask unanimous consent at this time? I ask unanimous consent a fellow in my office, Bob Simon, be allowed the privilege of the floor during the pendency of S. 672.

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

Mr. STEVENS. Does the Senator care to have his colloquy at this point?

Mr. BINGAMAN. Mr. President, I would prefer to make a short statement after this bill and then do the colloquy.

The PRESIDING OFFICER. The question is now on the motion to table the Byrd amendment to the McCain amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. STEVENS. Mr. President, I seek to clarify that. The Byrd amendment is to delete a portion of the bill before the Senate. The McCain amendment was incorporated in that.

The PRESIDING OFFICER. The Senator from Alaska is correct.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—55

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

NAYS—45

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

The motion to lay on the table the amendment (No. 59) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

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

Mr. STEVENS. We are proceeding now to get a consent agreement. To my knowledge, I report to the Senate we have agreements on all but two amendments I know of that will come up.

Let me state that we will proceed with the ESA amendment, the Reid amendment, now. There is an agreement to dispose of that. Then we will go to the amendment of Senator GRAMM of Texas, No. 118. And after that we have several small amendments, about 10 minutes to a side.

I would predict we will have a vote in about an hour and 10 to 20 minutes.

And that will be on the amendment of the Senator from Texas [Mr. GRAMM].

I now ask unanimous consent that when the Senate now takes up the pending business, which is the Reid amendment—that is correct, is it not?

The PRESIDING OFFICER (Mr. ENZI). The Senator is correct.

Mr. STEVENS. I ask for the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I do ask unanimous consent that the Reid amendment come before the Senate.

Mr. REID. Reserving the right to object, what is your unanimous consent?

Mr. STEVENS. By regular order, I am bringing back the Reid amendment. It was set aside temporarily.

The PRESIDING OFFICER. The Senator has a right to demand the regular order.

Mr. STEVENS. Mr. President, I ask unanimous consent for a 15-minute time limit equally divided between the Senator from Nevada and the Senator from Idaho [Mr. KEMPTHORNE].

Mr. CHAFEE addressed the Chair.

Mr. STEVENS. The Senator will have 5 minutes of that time, I might add.

Mr. CHAFEE. You have 15 minutes equally divided.

Mr. STEVENS. We talked about the fact the Senator had 5 minutes; the Senator from Idaho, 5 minutes; and the Senator from Nevada, 5 minutes.

Mr. BAUCUS addressed the Chair.

Mr. STEVENS. Does the Senator wish any time in addition to that?

Mr. BAUCUS. Yes.

Mr. STEVENS. Who wants to speak on this amendment?

One, two, three, four, five.

I ask unanimous consent each one of these five Senators have 5 minutes on the amendment, that Senator REID, Senator BAUCUS, Senator CRAIG, Senator KEMPTHORNE, Senator CHAFEE each have 5 minutes on this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. Before that starts, Mr. President, I ask unanimous consent on the amendment of the Senator from Texas, amendment No. 118—following that time that these Senators will use and the disposal of the ESA amendment—that there be 1 hour equally divided, that the Senator from Texas may have his 1 hour equally divided on amendment No. 118.

Mr. GRAMM. That will be fine.

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

Mr. STEVENS. Does the Senator wish a rollcall vote?

Mr. GRAMM. I do.

Mr. STEVENS. There will not be a rollcall vote on the ESA.

I ask unanimous consent that it be in order to ask for the yeas and nays at this time on amendment No. 118 to be offered by Senator GRAMM from Texas.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Following that amendment, for the information of the Senate, we will have an amendment to discuss that involves Senator HUTCHISON's amendment. Then there is an amendment from Senators CONRAD and DORGAN. We have a colloquy with Senator BINGAMAN, and two other amendments we do not have agreement on. It is still my hope, Mr. President, we would finish this bill before 6 p.m.

Mr. REID. Mr. President, if I could get the attention of the manager of the bill.

Mr. STEVENS. Yes.

Mr. REID. The Cloakroom just informed me of another Democratic Senator who wants 5 minutes.

Mr. STEVENS. I believe that would make it even. I am happy to add the Senator.

Who is it?

Mr. REID. Senator FEINSTEIN.

Mr. STEVENS. Mr. President, I ask unanimous consent to add 5 minutes for Senator FEINSTEIN or that the 5 minutes be designated by Senator REID.

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

AMENDMENT NO. 171

Mr. REID. Mr. President, I ask that the Reid amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 171) was withdrawn.

AMENDMENT NO. 139

(Purpose: To allow emergency repairs of flood control projects, structures and facilities)

Mr. REID. Mr. President, I call up amendment No. 139 which is at the desk.

That is an amendment that is offered by Senators KEMPTHORNE, REID, CHAFEE, BAUCUS, and CRAIG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KEMPTHORNE, for himself, Mr. REID, Mr. CHAFEE, Mr. CRAIG, and Mr. BAUCUS, proposes amendment numbered 139.

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

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

The amendment is as follows:

"(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing under Section 7(a)(2) or Section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any federal agency to repair a Federal or non-Federal flood control project, facility or structure, may be deferred until after the completion of the action if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility or structure to a condition that will prevent an imminent threat to public health or safety.

"(b) MITIGATION.—Any reasonable and prudent measures proposed under section 7 of the Endangered Species Act to mitigate the impact of an action taken under this section on an endangered species, or a threatened species to which the incidental take prohibition of Section 9 has been applied by regulation, shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action.

AMENDMENT NO. 139, AS MODIFIED

(Purpose: To amend the provisions of the bill with respect to consultation under the Endangered Species Act)

Mr. REID. Mr. President, I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 139), as modified, is as follows:

Beginning on page 50, line 15, strike all through page 51 and insert the following:

"(a) CONSULTATION AND CONFERENCING.—As provided by regulations issued under the Endangered Species Act (16 U.S.C. 1531 et seq.) for emergency situations, formal consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Act for any action authorized, funded or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure may be deferred by the Federal agency authorizing, funding or carrying out the action, if the agency determines that the repair is needed to respond to an emergency causing an imminent threat to human lives and property in 1996 or 1997. Formal consultation or conferencing shall be deferred until the imminent threat to human lives and property has been abated. For purposes of this section, the term repair shall include preventive and remedial measures to restore the project, facility or structure to remove an imminent threat to human lives and property.

"(b) REASONABLE AND PRUDENT MEASURES.—Any reasonable and prudent measures specified under section 7 of the Endangered Species Act (16 U.S.C. 1536) to minimize the impact of an action taken under this section shall be related both in nature and extent to the effect of the action taken to repair the flood control project, facility or structure.".

Mr. REID. Mr. President, this place we now find ourselves in is one that is a perfect example of legislation. It is the art of compromise or the art of consensus building. It has been very difficult. It has taken several days. I

initially want to extend my appreciation to the chairman of the full committee, Senator CHAFEE, the ranking member of the full committee, Senator BAUCUS, and also the two Senators from Idaho for their cooperation in this matter.

It has taken a long time. Our staffs have worked very hard. I think, though, we have made something that will answer the questions that are now before us in this emergency supplemental appropriations bill dealing with disasters.

Over the past days we worked hard to resolve the issue. I think we have worked something out that is a compromise. There are things that we do not all agree on, but it is something that I think will do the job.

I also state for the record that the administration has also agreed to this amendment and a modification. I understand that the administration has also agreed to work with the Senators from Idaho on the St. Maries issue involving a problem in the State of Idaho that was a result of the floods that took place early this year. I have authority on behalf of the administration to extend that offer and that cooperation to my friends from Idaho.

I hope that there are no large conclusions drawn from this debate that has taken place behind the scenes the last few days. I hope that, however, this will allow us to go forward in the months to come with a reauthorization of the Endangered Species Act. It is important that we do that. It is important that we all recognize that the Endangered Species Act is important, but we do need to do some things with it to make it more practicable, and one that the States accept more than they do now.

The application of this amendment on the pending legislation is something that is debatable as to whether it should have been done. Some of us feel that the work done by the administration and the Fish and Wildlife Service over the past several months, especially in the State of California where they issued a regulation that dealt with the 47 counties there, was sufficient.

This is not the time to debate that issue. It is a time to declare that the legislative process has worked and that we are now able to move on past the issue that we now have before the Senate.

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

Mr. KEMPTHORNE. Mr. President, we have all read the stories lately about the floods in North Dakota, along the Mississippi River, in California, and last year in Idaho and the Pacific Northwest. What we didn't read much about though was the unnecessary loss of life and property that was the result of preventive measures that weren't taken and repairs that weren't made. In some cases, those repairs weren't made because the local communities were told that the repairs might adversely affect an endangered species and that therefore consultation with the Fish and Wildlife Service would be required under the Endangered Species Act. Public safety, human lives, and property were put at risk because of a procedural, bureaucratic requirement. And that's just wrong.

Let me tell you about a community in Benewah County, ID, which has just been through this consultation process. Last year, that community, St. Maries was devastated by floods. We were lucky that no lives were lost, but people lost their homes, their businesses, and their property. The floods also caused significant damage to levees on the St. Joe River. The County began work with the Army Corps of Engineers and the Economic Development Agency to repair the levees last year, but the work stopped in February of this year when they were informed by the Fish and Wildlife Service that consultation under the ESA would be required on the repair work because there might be American Bald Eagles in the area. No work has been done to repair the levees since February, while the Federal agencies have engaged in consultation.

The problem is that St. Maries and Benewah County are facing more flooding again this year. Snow pack in north Idaho is at 150 percent above normal levels. When that snow melts, communities like St. Maries that were devastated by last year's floods may again be destroyed and people killed if the levees aren't repaired. And in the case of St. Maries, it isn't even really a question of protecting an endangered species. The Fish and Wildlife Service has acknowledged that the levy repair work would not adversely affect the American Bald Eagle.

We are dealing with a true emergency situation. And it's not just an emergency in St. Maries, ID. There are emergency situations in North Dakota, California, and other States too. That's why I am offering this amendment, along with Senator CHAFEE and my colleague from Idaho, Senator CRAIG.

Our amendment would accomplish three things.

First, the amendment will allow critical flood repair work and preventive maintenance to go forward, protecting human lives and property in an emergency situation. It gives Federal action agencies—those responsible for authorizing, funding, and carrying out flood control activities—the authority to defer the consultation process until after the threat to human lives or property is gone. For St. Maries, that would have meant that the repair work could have continued, and the risk to that community may have been avoided.

Second, the amendment will ensure that endangered species and their habitat are protected. it recognizes that in certain situations, some additional measures might be appropriate after the fact to mitigate the impacts of flood repair activities. Mitigation measures, however, should not ever delay flood repairs or preventive measures where human lives are at stake. And they must be resonably related in nature and scope to the actual impact on the endangered species. St. Maries, which is surrounded by millions of acres of State and National Forests, was told that, among other things, it would have to take out of farm production 35 acres and dedicate it to habitat for the Bald Eagle if it wanted to proceed with its levy repair, even though there is no evidence that Eagles would ever use the habitat. The total additional cost of the complete package for the mitigation that the Fish and Wildlife Service wanted was almost $1 million. That has to change.

And finally, our amendment will require the Federal Government to share in the costs of mitigation to the extent that it is involved in funding or carrying out a flood repair activity. It is only reasonable that the Government, which both conducts activities that impact endangered species and also requires mitigation for that impact, to pay its fair share of the costs of species protection. Communities like St. Maries should not have to bear the burden of mitigation costs when one Federal agency directed the activity that another thought would impact the species and a third Federal agency funded the activity.

I strongly support this amendment and I urge my colleagues to do so as well, because an emergency can happen at any time and in any community. And when it does, your communities also will want to have the protection that is offered by this amendment.

But I want to emphasize at the same time that this is a narrow, targeted amendment to address a true emergency situation. There are many other problems in the current Endangered Species Act that also need to be addressed, but this is not the appropriate vehicle to address those broader, more fundamental problems. What we need is an ESA bill that provides meaningful reform, while improving protection of our rare and unique fish and wildlife species, and we need that legislation now. Indeed, the very fact that we face amendments to the ESA on appropriations bills every year—last year, the ESA moratorium and others this year—clearly demonstrate that there is a need for ESA reform and a need to act now.

Many of you know that I have been working with Senator CHAFEE on a comprehensive bill to reform and improve the ESA. We have drafted a bill that will significantly improve the way

the ESA works, benefiting both people and species. It will work to actually save species from extinction. It will treat property owners fairly. It will minimize the social and economic impacts on the lives of citizens. And it will provide incentives to conserve rare and unique species. These are important goals and ones which we should all be able to support.

I look forward to continuing to work with Senator CHAFEE, my colleagues on both sides of the aisle, and the administration to pass legislation that will finally bring much needed reform to the ESA. And the time for that legislation is now.

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

Mr. BAUCUS. Mr. President, I would like to join Senators KEMPTHORNE, CHAFEE, CRAIG, and REID in offering this amendment. I would like to briefly explain why Senator REID and I strongly oppose section 311 of S. 672 and then summarize the alternative we worked out with Senators KEMPTHORNE, CHAFEE, and CRAIG.

We all sympathize with the victims of the recent floods in North Dakota and Minnesota, and also with the victims of flooding earlier this year in central California and along the Ohio River. These people have suffered terribly.

This debate is not about whether they should receive assistance from the Federal Government. Of course they should. And the assistance should not be delayed.

But that is precisely the consequence of the language that the committee included in section 311 of the bill. The President has indicated that he would veto the bill if it includes section 311. So, if section 311 remains unchanged, we would, at the very least, delay the delivery of urgently needed assistance.

Another point. Section 311 doesn't belong in this bill. It is not a limitation on the use of funds, which is within the jurisdiction of the Appropriations Committee. Rather, it amends the authorizing statute, the Endangered Species Act, which is within the jurisdiction of the Environment and Public Works Committee.

As our colleagues know, Senator REID and I have been working closely with Senators CHAFEE and KEMPTHORNE for a number of months to write a bipartisan bill to reauthorize and reform the Endangered Species Act. it is complicated work, because we are trying to improve the conservation of species at the same time we make it easier for landowners to comply with the law.

So far, it has been a bipartisan effort, including the administration.

However, section 311 threatens our progress. If we start down the path of piecemeal changes, such as section 311, it may undermine the spirit and intent of those negotiations.

Finally, section 311 would open up a large loophole in the Endangered Species Act.

Let me put this argument in perspective.

The heart of the Endangered Species Act is section 7, which provides that Federal agencies must consult with the Fish and Wildlife Service to ensure that their actions are not likely to jeopardize the continued existence of an endangered or threatened species or destroy the critical habitat of such a species. It's a sensible requirement that's central to our efforts to conserve species.

But let's face it. There may be times when it's just not possible to comply with the ordinary consultation process. There's an emergency. A flood or a forest fire. Lives and property are threatened with imminent destruction. Federal agencies must react quickly. They may not have time to carefully consult to assure that their actions won't jeopardize a species.

As things now stand, this is taken into account. A provision of the current regulations allows Federal agencies to dispense with the ordinary consultation process in emergencies. The regulation says:

> Where emergency circumstances mandate the need to consult in an expedited manner, consultation may be conducted informally through alternative procedures that the Director determines to be consistent with the requirements of sections 7(a)–(d) of the Act. This provision applies to situations involving acts of God, disasters, casualties, national defense or security emergencies, etc.

To put it another way, when there's an emergency, the Forest Service, the Corps of Engineers, or any other action agency can initiate the emergency procedure, by calling the Fish and Wildlife Service and explaining the situation. Fish and Wildlife will then step out of the way, so that the action agency can concentrate on addressing the emergency. Later, after the danger has subsided, Fish and Wildlife will begin formal consultation to determine whether additional measures are needed to minimize the impact on the species.

This provision has already been successfully invoked many times. It has been used to provide emergency assistance to victims of hurricanes, forest fires, and more recently, flooding in 46 counties in California.

In fact, in February of this year, the administration issued a policy statement applying the emergency provisions, for the remainder of this year's flood season, to the 46 counties in California that had been declared Federal disaster areas.

As a result, the Corps of Engineers can move quickly to repair or replace flood control facilities in those counties, without being impeded by the ESA.

In short, we don't have to choose between flood protection and species conservation. Using common sense and existing procedures, we can ensure that agencies like the Corps of Engineers can do what needs to be done, quickly, to save human lives and protect property.

Section 311 of the bill, however, would go much further. It provides a permanent exemption, from sections 7 and 9 of the Endangered Species Act, for operating, maintaining, repairing, or reconstructing flood control projects to the extent necessary to address public health or safety, in several different circumstances.

The language is confusing. What's more, the language creates a loophole, by creating a permanent exemption for any flood control measures undertaken "to comply with a Federal, State, or local public health or safety requirement that was in effect during 1996 or 1997."

What does this mean? The phrase "public health or safety requirement" is very broad. Conceivably, it could be stretched to include almost any State or local law that conflicts with the Endangered Species Act. This could have major consequences for the operation of the act. At the very least, these consequences should be considered carefully, in the context of the overall reauthorization of the Endangered Species Act, and not jammed into a supplemental appropriations bill.

Because of the grave nature of the flooding this year, Senator REID and I recognize the need for an immediate and effective emergency response. In doing so, we reserve judgment about whether any provisions of this amendment should be applied more generally. That question must be considered independently, in the contest of our negotiations on an ESA reauthorization bill.

Drawing on the U.S. Fish and Wildlife Service's emergency regulations and their February 19, 1997 policy, the Kempthorne-Chafee-Craig-Baucus-Reid amendment would assure that people threatened by flooding could respond quickly to an imminent threat to lives and property.

Specifically, our amendment would do two things. First, it would allow a Federal agency to defer formal consultation on repairs to flood control projects that the agency determines are needed to respond to an imminent threat to human lives and property in 1996 or 1997. Unlike section 311 of the bill, however, it would not exempt the agency from the requirements of section 7 of the ESA. It would simply defer formal consultation until the imminent threat to human lives and property had been abated.

Second, our amendment would require that any reasonable and prudent measures to minimize the impact of emergency repairs under this section must be related in nature and extent to the effect of the action taken to repair the project.

Mr. President, the Kempthorne-Chafee-Craig-Baucus-Reid amendment was agreed to only after several days of difficult negotiations. Although the amendment represents a compromise, I believe it addresses the needs of Federal agencies to respond to flood emergencies without undermining important protections for threatened and endangered species. Without doubt, it is a significant improvement over section 311 of the bill.

Like Senator REID, I strongly opposed the endangered species provision that was included in the committee bill, and I will tell you the four reasons.

First, the provision in the bill simply does not belong in the bill because it amends the Endangered Species Act. This is an appropriations bill, not a legislative bill.

Second, the provision is unnecessary. Why? Because existing regulations and policies already allow agencies to respond to floods and other emergencies without getting tied up in red tape under the act.

Third, the provision would undermine our efforts to provide badly needed disaster relief, because the President has indicated that he would veto the bill if the provision was included.

Fourth, and most significantly, the provision would open a loophole to the Endangered Species Act. The amendment we are offering today, in contrast, is a compromise, that is the result of several days of hard negotiations.

In contrast to the provision in the bill, this amendment by Senator REID would not exempt agencies from the requirements of the Endangered Species Act. Instead, it simply provides that, in certain emergency situations in which it is necessary to make flood control repairs, an agency can defer formal consultation until the imminent threat to human lives and property has been abated.

By doing so, the amendment confirms that Federal agencies can respond to flood emergencies, but does not undermine protections for threatened and endangered species. It is a substantial improvement over the provision in the committee bill. I urge my colleagues to support it.

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

Mr. CHAFEE. Mr. President, I am pleased to report after much debate and negotiation, my distinguished colleagues—Senator KEMPTHORNE, Senator REID, Senator BAUCUS, Senator CRAIG—and I have reached an agreement on language relating to the Endangered Species Act requirements for emergency flood control activities. I want to also say that the administration was a big help in this agreement. They were in on our negotiations.

Our amendment will ensure that the requirements of the Endangered Species Act will not impede actions to address emergency situations. It removes any uncertainty that the emergency procedures in the Endangered Species Act and its implementing regulations shall apply in those situations, and it resolves several ambiguities and procedures. It is a significant resolution that will not only expedite the passage of the Supplemental Appropriations and Rescissions Act—the main bill we are on here—but it also represents a promising step in our ongoing efforts to reauthorize the Endangered Species Act itself.

Briefly, I will touch on that. This, in my judgment, represents a significant step forward on the reauthorization of the Endangered Species Act which we are now working on in the Environment and Public Works Committee, and especially in the subcommittee headed by Senator KEMPTHORNE, with Senator REID being the ranking member.

I thank my colleagues for their hard work on this issue. We took a lot of time. I especially want to thank Senator KEMPTHORNE and Senator REID because of the hard work that they applied in bridging the differences between the original Craig amendment and the Reid amendment. I also want to thank the senior Senator from Idaho, Senator CRAIG, who was very, very helpful in reaching this final accord. Everybody gave a little bit of something. That is why we are here today.

Mr. President, the floods that have devastated much of the Midwestern and Western United States have been a tragedy of immeasurable dimensions, both financially and emotionally for all of the affected communities. The Supplemental Appropriations and Rescissions Act will provide desperately needed funds to continue the rebuilding process in those communities. It should be passed without any controversial riders that will slow its progress and threaten a veto.

No one can disagree with the absolute need to ensure that flood damage is minimized and that emergency flood response measures can go forward without unnecessary impediments. Nothing should compromise our efforts to save lives and homes in times of emergencies, catastrophic events and other disasters. These efforts must include measures to response adequately to threats to health and safety as well measures to repair damaged flood control projects quickly and efficiently.

At the same time, there is a belief that the requirements of the Endangered Species Act do not allow for such exigencies, and that the act is inflexible and unworkable. This is a mistaken belief. The ESA itself and its implementing regulations explicitly allow for emergency actions to proceed without delay. Only after the emergency would the Fish and Wildlife Service or National Marine Fisheries Service formally review the action to determine its effects on endangered or threatened species, and whether such action requires any mitigation.

The FWS recently issued a policy for emergency flood control actions that expounds on these emergency provisions and gives them specific application to parts of California. The FWS has not only agreed to emergency procedures upon request by the Federal action agency, but it has invited action agencies to use the emergency provisions of the law.

Mr. President, let me set the record straight: The Administration—both the Army Corps of Engineers and the Fish and Wildlife Service—believe that these policies and procedures have addressed the needs of the emergencies adequately. These provisions indicated that the ESA itself has the flexibility to address emergency situations, so that a full exemption from the ESA is not required. To argue otherwise is just not accurate. Upon careful review of the anecdotes that abound, it has not been demonstrated that the ESA has impeded emergency response efforts.

But just as emergency flood control activities are to be carried out without impediments, it is equally important to recognize that such activities can have long-term impacts on the environment, including fish and wildlife and their habitat. Merely because an action must be taken to address an emergency does not mean that it has no effects on wildlife, or that those effects need not be considered subsequent to the emergency. When necessary and appropriate, the impacts of these activities on our natural resources should be mitigated. Indeed, Congress has explicitly required such mitigation in the Army Corps of Engineer's own authorities, such as the Water Resources Development Act.

The ESA, in turn, contains its own requirements with respect to endangered and threatened wildlife. Specifically, section 7(a)(2) requires that each Federal agency ensure that its actions are not likely to jeopardize listed species, and section 7(b)(4) requires that FWS or NMFS specify reasonable and prudent measures to minimize the impacts of any taking of such species.

The fact that mitigation is required both in the corps' statutory authority and in the ESA underscores the dual purpose of mitigation: Not only is it important for protection of wildlife, it is also important for effective management of the flood plain. Effective flood plain management requires adoption of measures to reduce flood damage, as well as measures to reduce future susceptibility to floods. These measures go hand in hand with protection of the flood plain resources themselves. Mitigation is thus an important component of flood control that cannot be ignored.

Yesterday, the House of Representatives debated and defeated the original

version of H.R. 478, a bill that provided a sweeping exemption of all operations, maintenance, repair, and restoration of flood control facilities. While this exemption ostensibly was intended to address emergency situations, one does not have to read between the lines to see that H.R. 478 would have exempted all actions relating to flood control facilities from the ESA, even without any emergency situation. That bill was nothing more than a transparent attempt to use the ESA as a scapegoat for natural disasters and thus exempt a broad category of activities from the law, in perpetuity, under the guise of an emergency. I strongly oppose the terms of that bill, as well as similar bills or amendments in either the House or Senate.

By contrast, my distinguished colleagues—Senators KEMPTHORNE, CRAIG, BAUCUS, and REID—and I have negotiated an amendment to S. 672, with involvement by the administration, that is narrowly tailored to remove any uncertainty that the emergency procedures under the ESA shall apply in emergency situations. Let me repeat: The emergency procedures of the ESA shall apply in emergency situations. This would not require either an exemption nor an amendment to the current law. Our amendment does not contain language that could be misconstrued to create emergencies when none exist. Our amendment considers emergency situations to be those natural events that cause an imminent threat to human lives and property. Our amendment applies to emergencies that occurred in 1996 or at any time during 1997. We are including 1996 to ensure that flood control facilities damaged in last year's floods can be repaired expeditiously, to address emergencies that might arise this year. There is no sunset provision in our amendment, because of this inherent temporal limitation to emergencies only in 1996 and 1997.

Our amendment effectively codifies the current practice of the administration to defer formal consultation until after the emergency is over. This practice provides that the Federal agency taking the emergency action will consult informally with either FWS or NMFS at any time prior to or during the emergency. This informal consultation can be nothing more than a phone call between the agencies.

More importantly, our amendment resolves several ambiguities as to application of the existing emergency provisions. First, it makes clear that it is the Federal action agency that will have the discretion to determine whether an emergency exists.

Second, it clarifies that the actions to which this provision applies are repairs as needed to respond to an emergency causing an imminent threat to human lives and property, until that threat has been abated. This is consistent with the description of emergency actions in the statute and regulations of the Army Corps of Engineers. The corps considers emergency activities to include flood emergency preparation, flood fighting and rescue operations, postflood response, and emergency repair and restoration of flood control works. These measures are designed to meet an imminent flood threat, while permanent rehabilitation of flood control works are considered separately. Our amendment includes those emergency measures, and does not include routine maintenance and operations that would otherwise require ESA consultation.

Third, it makes clear that repairs can include both preventive and remedial measures to restore the project to a condition to remove an imminent threat to human lives and property.

Lastly, the amendment would require that reasonable and prudent measures be related both in nature and extent to the effect of the action. The current law requires that reasonable and prudent measures must not alter the basic design, location, scope, duration, or timing of the action and may involve only minor changes. This requirement makes sense for proposed actions that have yet to be taken. However, it does not apply well to actions already taken, such as those necessary to address emergencies. There have been instances where FWS has specified measures that the action agency feels go too far, but about which the agency can do nothing because its action has already been completed. Our amendment would ensure that reasonable and prudent measures specified for an action already taken or currently in progress will be similar in scope to measures that may be required for proposed actions.

It is important to note that the measures must be related to the effects of the action on listed species, not to the cost or nature of the action itself. Furthermore, by including this requirement, we do not prohibit any particular type of reasonable and prudent measure, such as offsite mitigation.

Mr. President, Senator KEMPTHORNE and I have been working diligently together to reauthorize the ESA. We issued a discussion draft for reauthorization in late January 1997, and we have since been negotiating with the minority members of the Committee on Environment and Public Works and the administration. My strong preference is to avoid any amendments relating to the ESA in this, or any other, appropriations bill. The proper context in which to discuss whether the ESA needs to address emergency situations better, and how the ESA should define reasonable and prudent measures, is our reauthorization process, not here. My other goal is to avoid a contentious debate on the ESA when we are trying to pass an appropriations bill expeditiously, and when we are trying also to reauthorize the ESA itself expeditiously. I believe that our amendment accomplishes both of those goals.

In sum, our amendment will ensure that the requirements of the Endangered Species Act will not impede actions to address emergency situations. It removes any uncertainty that the emergency procedures in the ESA and its implementing regulations shall apply in those situations, and it further resolves several ambiguities in those procedures. It is a significant resolution that will not only expedite passage of the Supplemental Appropriations and Rescissions Act, but also represents a promising step in our ongoing efforts to reauthorize the ESA itself. For these reasons, I encourage my colleagues to support this amendment.

I thank my colleagues for their hard work in this issue, especially Senator KEMPTHORNE, who worked tirelessly with me to bridge the differences between the original Craig amendment and the Reid amendment. The amendment on which we agree today is based on an amendment filed by Senator KEMPTHORNE.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to speak on the Reid amendment and really on the subject in general, particularly from a California perspective.

California has over 6,000 miles of flood control levees. In the last decade, we have had three 100-year storms, in 1986, 1995, and 1997.

In 1986, four levees failed, three in the delta, one in Yuba County.

In 1995, 25 levees failed.

In 1997, there were 62 significant levee breaks, according to the Corps of Engineers. Of these, 40 were federally maintained levees, and the rest were non-Federal.

On January 2, the Feather River broke through the levee at Star Bend, flooding 15 square miles of farmland and the community of Olivehurst. The breach was 1,500 feet long.

This flood damage is relevant to the amount of money that is going to California in emergency assistance right now—$3.3 billion.

On January 4, a Sutter bypass levee failed at Meridian, flooding a 35,000 acre basin with more than 60 homes and businesses. The breach at Meridian was 1,100 feet long.

On January 4, the San Joaquin River plunged through levees in 14 places near the town of Mendota, flooding about 10,000 acres of farmland on both sides of the river in Madera and Fresno Counties. The biggest levee break, at Firebaugh, was 2,500 feet long.

On January 5, more levees broke along the Stanislaus, Tuolumne, and San Joaquin Rivers, causing flooding

near Modesto. Now, the levees are a critical part of California's infrastructure and, in my view, they are the most troubled part of our infrastructure. In an earthquake, in a flood, when these levees go, two things happen. One, the water in these rivers is the drinking water for 20 million people. The soil behind the levees is peat. As the levees break, and the peat land is flooded and then drains, the peat soil drains back into the river. When this water is treated with chlorine for drinking water, it throws off carcinogens. So that has necessitated a change in the water treatment. Additionally, salt water intrusion also contaminates the drinking water supply.

So, not only do the levees protect farm land, the levees also protect our major source of drinking water.

Now, the problem here is maintenance of these levees. I spent 3 days talking to farmers. What farmers tell me increasingly is they are not going to maintain the levees because the bureaucratic hassle is so great. To pull out a bush on a levy, they have to go and get a permit. They have to mitigate. They do not have the money to mitigate. Therefore, more and more of the levees are not maintained. If the levees are not maintained and the levees break, the amount of Federal money that goes to California is just going to increase.

In addition, damage is done to cattle, to dairy cows, to farms, to orchards; homes are under water; and people's businesses are being wiped out. Why? Because in places, levees are not properly maintained because of the Endangered Species Act. I am not saying that these levee breaks are related to the Endangered Species Act, because I do not know. However, I do know from firsthand testimony to me that there are people that are not maintaining the levees because of the bureaucratic hassle they have to go through.

For example, the slopes of the levees along the Feather River in Sutter County have become overgrown in recent years with trees and vegetation, including elderberry shrubs. This vegetation hides rodent holes and beaver dams which undermine the integrity of the levees. These shrubs on the Feather River levees are habitat for the Valley Elderberry Longhorn Beetle which is listed as a threatened species under the Federal Endangered Species Act and the State act. U.S. Fish and Wildlife has indicated that if Sutter County tries to eliminate this habitat and maintain the levees, they would require mitigation. Elderberry bushes could only be removed from levees if replacement bushes were planted elsewhere. Sutter County cannot pay for this mitigation and take farmland out of production for habitat.

The Central Delta Water Agency says the prohibition of dredging and placement of fill for levee maintenance and the creation of shaded riverside aquatic or marsh habitat in areas designated as critical habitat for Delta smelt has been a problem. The agency has been required to spend money on habitat assessments, consultations, inspection, mitigation, and emergency removal—money which the agency believes would be better spent on reducing the flood risks.

Now, this is the point I want to make and it is important. In 1996, when Yuba County tried to move forward with a Corps of Engineers project to upgrade levees south of Marysville, the Fish and Wildlife Service would not let them proceed with the repair work after October 1 because the garter snake was dormant. If they repaired the levees after October 1, they might disturb a sleeping garter snake. They had to do costly mitigation before they could make these repairs. So the work was not done, and on January 2, a levee broke at Olivehurst, killing three people and flooding 500 homes.

I am delighted, Mr. President, that the Senator from Idaho, Mr. KEMPTHORNE, is in the chair and he is hearing these comments because, for this Senator, the Endangered Species Act—when it comes to the protection of life and property—really needs a second look. I heard this over and over and over again when I went to Yuba County. As a matter of fact, one family was standing there sobbing and had no place for their children. Their children were taken from them, when their property was flooded, and put in foster homes. When it comes to a garter snake versus somebody's home and property and life and limb, I really think we need to get our priorities straight. That is why I believe these levees should not be included in the ESA, that maintenance should be ongoing, and that repair and rebuilding should be permitted without a major bureaucratic hassle. I thank the Senator for his indulgence.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I don't think the Senator from California knows how much I appreciate her speaking boldly and frankly this afternoon about a very real, human problem, which is the inability to do reasonable and responsible maintenance on structures built over the last hundred years in our country to protect life and property. We are not allowed to do it, in many instances, because of the current Endangered Species Act. And I know, as most Senators know, that that was never the intent of the Endangered Species Act.

Another reason we are here this afternoon is because my colleague, who is now Presiding Officer, Senator KEMPTHORNE of Idaho, has acted boldly over the last 2 years to try to bring about responsible reauthorization of the Endangered Species Act. It just hasn't gotten done. The reason is because too many people behind him want to act timidly. It was because of that, because of the effort that the Senator from Idaho had taken because of a crisis situation that existed in the small north Idaho logging community of Saint Maries, where a flood had occurred, a town had been under water, dikes had been destroyed, and now we were in the rebuilding process this last late fall and winter, at a time of unprecedented snowfall in Idaho, with a perched watershed of nearly 200 percent of normal sitting above this community, and in steps the Fish and Wildlife Service and halts the construction of the dikes, as my colleague from Idaho has expressed, and basically said, "We want you to spend a million dollars mitigating." Those in the community said, "My goodness, can't you see we are at risk here? Can't you see we have just replaced our homes? Can't you see we have just repaired our livelihoods and we have an impending flood and crisis in the making?" The U.S. Fish and Wildlife Service said, in essence, we don't care, because the Endangered Species Act requires—thank goodness, the chairman of the Environment and Public Works Committee and Senator REID and Senator KEMPTHORNE and I were able to sit down, after I placed this amendment in the supplemental bill, to crank their tail and get some attention, that it was time we acted just a little boldly to solve a problem.

I must say that my colleagues did come together and they have acted a little boldly—I appreciate that—to amend the Endangered Species Act. I hope we can get that done in the comprehensive legislation that Senator KEMPTHORNE, Senator CHAFEE, and Senator REID are working on. It must be done. We want to protect species of plants and animals and insects; but doggone it, we have to protect human life. The hundreds of millions of dollars worth of investment in the California Delta is at risk today, as the Senator from California has so clearly said, and now it will cost hundreds of millions to replace it, when it would have cost hundreds of thousands just to maintain it. That is what we need in Idaho; that's what we need in the Red River Valley in the Dakotas, in California, in Oregon, and in Washington, and any other place in the Nation where flooding can and does occur, where dikes and levees have been built. We need the legislation that is now before us. I am glad we have come to an agreement where that can be resolved.

Will mitigation occur after the fact? Of course, it will. We want that to happen. Now, I am disappointed that we could not recognize the financing tool that is necessary and very critical to the Senator from California and important to Idaho. But I am also pleased that my colleague from Nevada would

recognize our need in north Idaho and agree to help us mitigate the situation in Saint Maries. So what we have now is an amendment to this supplemental appropriations bill for 1996 and 1997 that eliminates this lengthy, unnecessary delay, that makes eligible flood projects respond to mitigation and activities to go forward. Eligible flood control projects are only allowed to perform preventive and remedial measures directly related to the natural disaster and for imminent safety threats. This is the compromise. It is an important one. It resolves the problem for 2 years—last year and this year. And then if we have not been able to effectively address the Endangered Species Act, as we should—and I know my colleague, the Senator from Idaho, wants to accomplish and is working to accomplish this—my guess is that the Senator from California and I will be back.

We have to solve our problems in Idaho, we have to solve the problems in California, and we have to solve this problem nationwide that man, persons, humans and his or her property come first when an imminent crisis is at hand, where their lives can be destroyed and their property swept away. They deserve the right to be first. Then we will worry about, as we should, any loss of habitat or species that might occur as a result of this natural disaster.

So I thank all of the parties for coming together to work with us to resolve this problem. Mr. President, it is my understanding that no one else wishes to address this. I believe we may be now ready for a vote.

Mr. REID. Mr. President, I have 2 minutes left and I will use that.

Mr. President, we have agreed to a narrowly tailored provision to address a specific issue caused by this year's historic flooding. I read from testimony given by John Garamendi, who is from California, the Deputy Secretary of the Department of the Interior, who said.

> . . . we are aware of no case where it can be shown that implementation of the Endangered Species Act caused any flood control structures to fail. Nor has the presence of any listed species prevented the proper operation and maintenance of flood control facilities prior to recent floods.

That was just given to a committee of this Congress.

I say that protecting lives or property are not mutually exclusive. Also, Mr. President, the Endangered Species Act didn't cause the floods or the damages. I believe that this narrowly tailored amendment is helpful. It certainly makes the duties of the administrative agencies more clear, even though the Endangered Species Act had language that would cover emergency provisions. I move the amendment.

Mr. CRAIG. Mr. President, I ask unanimous consent that a group of letters on this issue from many of our citizens in Idaho and different groups be printed in the RECORD.

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

NATIONAL ENDANGERED SPECIES ACT REFORM COALITION,
Washington, DC, May 2, 1997.

Hon. LARRY E. CRAIG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CRAIG: During the week of May 5, you will be given an opportunity to support communities as they endeavor to protect themselves from, and clean up after, some of the most damaging floods in decades. An amendment to the FY 1997 Supplemental Appropriations bill, offered by Senator Larry Craig (R–ID) and adopted by the Senate Appropriations Committee on April 30, would allow the proper maintenance of flood control facilities in areas operating under restrictions associated with the federal Endangered Species Act (ESA) to continue undisturbed by ESA-related regulations. On behalf of the millions of Americans represented by the National Endangered Species Act Reform Coalition, we urge you to vote against any attempts to remove this language from the FY 1997 Supplemental Appropriations bill.

While there is still debate over how much ESA-related regulations contributed to the severity of the flooding in California and elsewhere earlier this year, there is little debate over the fact that these same regulations have hampered efforts to save human life and restore structures damaged in the flooding. The Department of the Interior admitted as much when it suspended the ESA in California so that desperately needed repairs could be made to damaged levees.

Senator Craig's amendment eliminates the lengthy, unnecessary delays to flood control efforts that have threatened human life and property. Contrary to what some of the amendment's detractors have said, this is a narrowly focussed initiative which would not provide for the suspension of the ESA to build new flood control facilities or dams.

Please vote against any attempts to strip the Craig amendment out of the FY 1997 Supplemental Appropriations bill and help Congress relieve some of the unnecessary burdens that are associated with the current ESA.

If you have any questions, or would like additional information on NESARC, please feel free to contact the Coalition's Executive Director, Nancy Macan McNally, at (202) 333–7481.

Sincerely,

JAMES A. MCCLURE,
Chairman.
GLENN ENGLISH,
Vice Chairman.

ENDANGERED SPECIES COORDINATING COUNCIL,
Washington, DC, May 2, 1997.

Hon. LARRY CRAIG,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR CRAIG: On behalf of the attached list of members of the Endangered Species Coordinating Council (ESCC), a coalition of over 200 companies, associations, individuals and labor unions involved in ranching, mining, forestry, wildlife management, manufacturing, construction, fishing, and agriculture, we would like to thank you and offer our support for your language in the FY 97 Supplemental Appropriations bill (H.R. 1469) which targets emergency, time specific flood control measures for relief from certain Endangered Species Act requirements. It is our understanding that Senate floor consideration of H.R. 1469 is scheduled to begin on Monday, May 5.

In recent weeks, Americans have been horrified by the pain and suffering caused those who have been caught in the flooding across the Midwest and California. We have watched as homes, businesses, entire communities have been washed off the map. It is a heartbreaking situation.

Your language would allow preventative maintenance and repair of flood control structures, activities that now are almost impossible due to the strictures imposed by the Endangered Species Act (ESA). In order to undertake levee maintenance or repairs under the current law, flood control officials must adhere to rigid regulatory requirements that are extremely difficult to satisfy and that exact a tremendous cost at the local level.

Protection of endangered species is a goal we all share, but it must be balanced with some common sense. Consequently, we have urged every member of the Senate to support your language in the FY 97 Supplemental Appropriations bill to allow the relaxation of the regulatory strictures that are making it impossible for families and business owners to be protected against the kind of devastation we have witnessed these past few weeks.

We also consider your legislative language as a step in the process to modernize the Endangered Species Act. This law badly needs updating so that we can return some reason to the process of protecting threatened and endangered species. Passage of H.R. 1469 with your flood control language is a good step in the right direction to designing a better law that will work for listed species, as well as the human species.

Sincerely,

JOHN M. TURNER,
Chairman.

ENDANGERED SPECIES COORDINATING COUNCIL MEMBERS

NATIONAL COMMITTEE

American Forest & Paper Assn.
American Sheep Industry Assn.
American Soybean Association.
National Assn of Manufacturers.
National Assn of Wheat Growers.
National Cattlemen's Assn.
National Corn Growers Assn.
National Cotton Council.
National Fisheries Institute.
National Mining Association.
Coalition of Oil & Gas Associations.
International Assn of Bridge, Structural and Ornamental Iron Workers.
International Brotherhood of Painters and Allied Trades.
International Longshoremen's Assn.
International Union of Operating Engineers.
International Woodworkers of America.
United Paperworkers International Union.
Utility Workers Union of America.
United Brotherhood of Carpenters and Joiners of America.
United Mineworkers of America.
Assn. of Western Pulp and Paper Workers.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 5, 1997.

Hon. LARRY CRAIG,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRAIG: We are writing to support the Craig language to the Supplemental Appropriations bill. The language

will enhance disaster prevention at it allows local levee districts and local governments the ability to repair and maintain flood control devices without falling under the strict confines of the Endangered Species Act. Under current regulations, these governments and agencies find it difficult and expensive, if not impossible, to take the necessary measures to ensure levees and dikes work to stop flooding it there is a possible endangered species conflict.

The land involved in this exemption is less than one-one hundredth of one percent of the land mass of the United States. We feel strongly that human life and health concerns should be outweigh concerns about removing such a small amount of land from possible species protection. Please support any effort to keep this language in the Senate version of the supplemental appropriations bill.

Sincerely,

DEAN R. KLECKNER,
President.

EDISON ELECTRIC INSTITUTE,
Washington, DC, May 2, 1997.

Hon. LARRY E. CRAIG,
U.S. Senate,
Washington, DC,

DEAR LARRY: Very shortly, the Senate will debate the urgent supplemental (S. 672), which contains a provision authored by Senate Craig to ensure that actions can be taken in a timely fashion to maintain the structural integrity and operational soundness of projects that serve a flood control mission. In relieving certain activities associated with flood and control projects from consultation requirements and "incidental take" liability under the Endangered Species Act, Section 311 seeks to ensure that the well-known regulatory burdens associated with the law do not interfere with public safety.

For almost 100 years dams, reservoirs dikes and levees have provided effective protection to many Americans against loss of life and catastrophic destruction of homes and livelihoods. The systems's effectiveness, however, depends on careful inspection, maintenance, and repair of the flood and control facilities. Failure to maintain these facilities in good condition can result in catastrophic consequences even in the most normal of conditions, not to mention the unusual and unpredicted natural events like those that have occupied news headlines this spring.

The Edison Electric Institute and its member companies, which serve 79 percent of all electricity customers in the United States, regularly confront the demands of ensuring the availability and reliability of that public service while negotiating the hurdles associated with many regulatory requirements. We are committed to environmental protection, including fish and wildlife beyond those that are listed as threatened and endangered. We know from experience, however, the difficulties and risks associated with carrying out emergency repairs under the liabilities of the Endangered Species Act, as well as the problems that arise from the time consuming and resource intensive consultation requirements of the law.

Edison Electric Institute believes that Congress would be acting wisely to ensure that public safety needs and the species protection requirements of the Endangered Species Act do not work at cross purposes, either in preventing needed maintenance and emergency repairs or in imposing costs that do not provide a direct benefit to fish and wildlife at the expense of investments to protect public safety. Relief should be provided without the time limitations presently contained in Section 311 of S. 672.

Sincerely,

THOMAS R. KUHN.

IDAHO ASSOCIATION OF COUNTIES,
Boise, ID, May 6, 1997.

Hon. LARRY CRAIG,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

RE: Flood Control Amendment to the ESA.

DEAR SENATOR CRAIG: On behalf of all of Idaho's counties affected by recent flood disasters, the Idaho Association of Counties strongly supports your amendment to the Endangered Species Act to reduce the regulatory burden on flood control projects.

It is critical to Idaho's citizens and their counties that immediate action be taken to eliminate lengthy and totally unnecessary delays to flood control efforts that have threatened human life and property. To do otherwise ignores the toll these floods have taken on the physical and economic well-being of Idaho's citizens and their property.

The limited scope of your amendment will allow Idaho's local governments to respond as necessary to perform necessary reconstruction, repair, maintenance of operation measures directly related to the floods or imminent safety threat as a result of the floods of 1996 and 1997.

Again, the Idaho Association of Counties strongly supports your amendment and encourages your colleagues to do the same.

Sincerely,

DANIEL G. CHADWICK,
Executive Director.

COUNTY OF BOUNDARY,
Bonners Ferry, ID, May 5, 1997.

Senator LARRY CRAIG,
Coeur d'Alene, ID.

DEAR SENATOR CRAIG: The Boundary County Commissioners support the amendment to the 1973 Endangered Species act to reduce the regulatory burden on individuals and local, State and federal agencies in complying with that in connection with flood control projects.

At this time, Boundary County has no projects that could be enhanced by this amendment. However, we can see that this common sense approach to problems associated to the devastating flooding can speed the work required to protect the health and safety of the people in other parts of Idaho and across this great nation.

The Boundary County Commissioners whole-heartedly support this amendment and request that the United States Senate do as well.

Sincerely,

MERLE E. DINNING,
Chairman.

MURRELEEN SKEEN,
Commissioner.

KEVIN LEDERHOS,
Commissioner.

BENEWAH COUNTY CIVIL DEFENSE,
St. Maries, ID, May 6, 1997.

Senator LARRY CRAIG,
Coeur d'Alene, ID.

DEAR SENATOR CRAIG: Your efforts to amend the Endangered Species Act of 1973, as regarding regulations that have hamstrung local efforts to rebuild floods damaged levees, are appreciated. The suggested suspension or lessening of portions of the regulations, if accomplished in a timely manner, could have a positive effect on our efforts to recover from last year's flood.

Local agencies have been hindered to the point of impotence in fulfilling their role in protecting life and property. Drainage district commissioners, county commissioners and transportation officials have labored futilely to wend through the labyrinth constructed by federal interpretation of this Act.

Much of its stands without common sense. Much of it is arbitrary. None of it is provided with a speedy appeal or consultation process.

Last year, our flood waters were in excess of ten feet above flood stage. Levees were overtopped and required rebuilding to even withstand normal spring run off levels. Unfortunately, normal levels are not in our Spring, 1997 forecasts. The levees now stand, leaking and not reconstructed as planned.

You have no idea of the exasperation that I feel as emergency manager for Benewah County that with weakened levees, we are entering into what might well be a more treacherous experience then the 1996 flood. For what reason? The ESA is necessary legislation, but public health or safety requires equal representation with the endangered species.

GEORGE M. CURRIER,
Director.

Mr. WYDEN. Mr. President, I want to congratulate those Members who have spent a good part of the last 2 days in search of a compromise on this question of how we make sure that these emergency efforts are not unreasonably hindered by compliance with the Endangered Species Act.

I have serious reservations about this compromise. This amendment includes a provision that seeks to clarify the phrase "reasonable and prudent measures" in the context of the Endangered Species Act. Reasonable and prudent measures are those things that the Fish and Wildlife Service or NMFS may require in order to protect fish and wildlife from the adverse effects of, in this case, a specific repair or reconstruction project.

The language directs that these measures be scaled to the scope and effect of the specific repair or reconstruction project. We are told by the amendment sponsors that their intent is to simply re-state existing law.

This raises two important procedural questions:

First, if the intent is simply to express a concept that is already in the law, then I see no reason to include it here.

Second, the question of how we define the scope of section 7 consultations under the ESA is a major issue in our work to reauthorize the Act. It strikes me as imprudent for the Senate to go on record on this question in this disaster supplemental, when at the same time the same issue is under intense negotiation in the Environment and Public Works Committee.

Having said that, there are several basic reasons to oppose the bill's existing provision allowing a broad exemption of all facilities with flood control functions from the requirements of the Endangered Species Act.

First, the financial resources that this legislation brings to bear on the

extensive damages caused by this year's disastrous flooding are immediately threatened and unreasonably delayed by using the bill as a vehicle to broadly amend the Endangered Species Act. It seems clear to this Senator that the bill would be vetoed and we would be back to the drawing board in trying to direct Federal resources toward the people who have faced awesome difficulties in dealing with this year's flood waters.

Second, I firmly believe there is precious little support on either side of this issue for continuing to seek slam dunk, back door riders as a method of changing basic environmental laws. Reauthorization of the Endangered Species Act is already a complex and difficult chore, and we should set about that business within the regular committee process.

And third, I am convinced that this provision is a case of Washington trying to fix a problem that simply does not exist. Let me talk more about this third concern.

We have shown in Oregon—which has no shortage of endangered species issues—that we can get the dredges and cranes going quickly in response to the widespread damage we suffered in this extraordinary flood year. And we did it without sweeping aside the law.

We went down an almost identical road here in Congress in responding to last year's flooding. We provided emergency funding to address major problems, and that effort, I'm pleased to report, was successful. Since Oregon's 1996 floods, literally thousands of actions have been taken to repair flood damage and restore natural resources. These include more than 400 emergency projects of the Natural Resources Conservation Service, more than 150 projects of the BLM, and more than 350 Forest Service projects on the Mt. Hood National Forest alone. None of these has been stopped or significantly delayed by the Endangered Species Act or other environmental laws.

Oregon's experience once again is a model for the rest of the Nation. In fact, I'm told that it was Oregon's experience that has led to the much more efficient response to the floods in Idaho this year.

The record in my State is clear: when we need an emergency response to flood damage, we can do it efficiently under current statutory authority.

I want to talk for a moment about one example of our innovation—the cooperation with the U.S. Fish and Wildlife Service that ensured that these 1996 reconstruction projects went forward in a way that protects fisheries and aquatic resources. Early coordination with the Service led to the preparation of a manual that guided early project design work. We got the Service some extra money last year to put staff directly on the reconstruction projects. These efforts allowed the various agencies to essentially pre-approve various flood projects that may be funded by this year's supplemental flood response request.

The bottom line is, of course, that the process enabled the highest care to be taken in protection of fish and wildlife, but without delay to the projects.

Idaho has now benefitted from the Oregon experience. Already this year, I'm told that the Natural Resources Conservation Service in Idaho has processed three times the volume of flood repair projects as were done in all of last year in that State.

Finally, I believe the interests of the American people are advanced best when we address major issues in their proper forum and context. All of us support an appropriate streamlining of the Endangered Species Act to ensure the efficient reconstruction and maintenance of critical river facilities damaged by this extraordinary flooding.

This is not the time to begin a major overhaul of the Endangered Species Act. This bill would waive Endangered Species Act compliance in a broad range of nonemergency situations, including the routine operation and maintenance of Federal flood control facilities—flood control being one of the many benefits provided by virtually every dam, levee, and dike along our rivers.

I cannot imagine that we now want to take a sledgehammer to the requirements that Federal river facilities comply with the act and operate in a manner that is as protective as possible of the various salmon species that are in real trouble in our region.

The PRESIDING OFFICER. All debate having expired, the question is on agreeing to amendment No. 139, as modified, offered by Senators KEMPTHORNE, REID, CHAFEE, CRAIG, and BAUCUS.

The amendment (No. 139) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 118

(Purpose: To ensure full funding of disaster assistance without adding to the Federal debt)

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to amendment No. 118, offered by the Senator from Texas. One hour of debate equally divided has been agreed to.

Mr. GRAMM addressed the Chair.

Mr. STEVENS. Will the Senator yield before he starts?

Mr. GRAMM. Yes.

Mr. STEVENS. We have an hour equally divided. So that will mean the rollcall vote will start at 4:55.

Mr. GRAMM. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 118.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. (a) Notwithstanding any other provision of this Act or any other law, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

Mr. GRAMM. Mr. President, I am afraid that my amendment is a lot more controversial than the amendment that we have just had. My amendment has to do with paying for disaster relief. I think every Member of the Senate wants to help people who have been affected by floods and earthquakes. It has always been our way to have national programs to help parts of the country which have been ravaged by natural disasters. But ultimately, in this kind of bill, you come down to the question, are you going to pay for it or are you simply going to add the cost to the deficit?

Interestingly enough, in the supplemental appropriations bill before us, we have a section for defense—basically money for Bosnia—and we have a section for the disaster, and then we have a lot of other spending programs in addition to the disaster. But every penny of new spending on defense is paid for by cutting defense programs. But, unfortunately, the nondefense spending in the bill that is before us providing this disaster relief, which none of us opposes, is going to raise the budget deficit by $699 million in fiscal year 1997—that is, between now and October 1 of this year—and it is going to raise the budget deficit, over the next 5 years, by a whopping $6.6 billion. In fact, it raises the deficit this year by $699 million. Then it raises the deficit next year by $1.67 billion, and the next year it raises the deficit by $1.56 billion. In the year 2000, we are still

spending money out for this emergency appropriation—over $1 billion in that year.

Now, what my amendment does is very, very simple. It is a complicated process that we employ in the budget, and I apologize for that as people try to understand it. What we are doing is very simple. For the $699 million we are spending this year to help people deal with a natural disaster, we are going to require an across-the-board cut in all other programs of 1.9 percent, roughly, to pay for this program. So we are going to provide disaster assistance. The Gramm amendment does not stop $1 from going anywhere to provide assistance to anybody. But what the Gramm amendment says is, in the remaining 5 months of this fiscal year, we are going to ask each other program in the Government to throw in a little bit less than 2 cents of their annual appropriation, and only $699 million of their actual spending, so that we can pay for this emergency appropriation without raising the budget deficit.

Second, for all this money that is going to spend out over the next 5 years, all we are saying is that, with the new budget coming into effect, these outlay figures, this money we are going to spend next year and for the next 5 years, that spending will count as part of the spending caps that we set for each of these years.

So, for example, the $1.67 billion that we will spend next year as a result of this appropriations bill will simply count toward the spending for next year, and since the new budget will set a limit on the amount of spending, we will have to offset that next year against some other program.

What is the argument for doing this? It is kind of strange that in 1997 in America you have to give a strong argument for paying your bills. But this is Washington, DC. That argument is required. The argument is that spending is a problem. The argument is that, if we simply add another $6.6 billion to the deficit today, that $6.6 billion the Government is going to have to go out and borrow. And that $6.6 billion is not going to go to build new homes, new farms, new factories, nor to generate new economic growth, because the Government is going to borrow that money and it is not going to be available to the private sector to undertake those activities which the people would have put the money towards had the Government not seized it.

This amendment simply, for the remainder of this year, asks every program to throw in 2 cents on the annual appropriations to help pay for this emergency funding this year, and then for the next 5 years it simply says, in looking at the amount of money we are spending in each of those next 5 years, count the money we are spending as a result of this bill.

Let me explain why that is so important. We are on the verge of adopting a budget compromise that will increase discretionary spending by the Federal Government over the next 5 years by $193 billion, compared to the budget we adopted last year. But yet, at the very moment that we are moving toward adopting that budget which has such massive increases in spending, we are today considering an appropriations bill that will spend $6.6 billion more outside that budget. So, in a very real sense, if we do not adopt the amendment that I am presenting today before we even adopt the new budget, which the President says has the most rapid increase in social spending since the 1960's, before we even adopt that budget today, we will be busting the budget with $6.6 billion in additional spending that won't even count under the new budget even though that money will spend out over the next 5 years.

So, this is a good-government amendment. Let me also say, look, I am not saying that it is going to be easy to go back and have every program, project, or activity kick in 2 cents to pay for this program. I don't underestimate for the moment the argument that I am sure will be made by the chairman of the Appropriations Committee that we have only 4 or 5 months left in the fiscal year and that coming up with that 2 percent savings will be very difficult for the Government.

But I want to remind my colleagues that the Government is not the only institution in America that has emergencies. American families have emergencies all the time. They have to make decisions about how to deal with their emergencies. When Johnny falls down and breaks his arm, no matter at what point it is during the year, the family has to come up with money to have the arm set and provide the medical care. If they were the Federal Government, they could argue, Look, we have already written our budget. We are already well into the year. We have planned to go on vacation. We planned to buy a new refrigerator, and we can't do those things and have Johnny's arm set. So they would like to have this emergency appropriations that would simply allow them to spend money they don't have. But families don't have the ability to do that. Families have to make hard choices.

So, what they do, as we all know since we are members of families, is go back, and they don't go on vacation that year, or they don't buy a new refrigerator. They have to set priorities. The Federal Government almost never sets priorities.

Quite frankly, I offer this amendment, Mr. President, because I am worried that by creating this image that somehow we are dealing with the deficit in this new budget that we are opening the floodgates to new spending. What better example could there be than the supplemental appropriations before us which raises the deficit by $6.6 billion over the next 5 years?

I am not going to go through the list of all the programs. But as we all know, as we are all painfully aware, many of these programs have nothing to do with hurricanes, floods, earthquakes, or other natural disasters. Many of the programs in here represent ongoing spending. But by putting them in this emergency appropriations, unless we pay for it, we are going to be adding $6.6 billion to the deficit.

I know there will be debate: Are we really adding money to the deficit?

I have a memo from the Congressional Budget Office which does the official scoring for Congress. Let me read:

CBO estimates that the nondefense programs in this bill would increase Federal outlays and the deficit by $699 million in fiscal year 1997. Total nondefense outlays for fiscal years 1997 through 2005 are estimated at $6.667 billion dollars.

I ask unanimous consent that this be printed in the RECORD.

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

May 7, 1997.

To: Rohit Kumar, Office of Senator Phil Gramm.

From: Priscilla Aycock, Congressional Budget Office Scorekeeping Unit.

Subject: CBO Estimate of the Budgetary Impact of Non-Defense Supplementals in S. 672.

This memorandum is in response to your request for CBO's estimate of the budgetary impact of non-defense supplementals and rescissions in S. 672, a bill providing emergency supplemental appropriations for fiscal year 1997.

CBO estimates that the non-defense programs in this bill would increase Federal outlays and the deficit by $699 million in fiscal year 1997. Total non-defense outlays for fiscal years 1997 through 2005 are estimated to be $6.667 billion. However, the actual change in outlays and the deficit in 1998 and later years would depend on future appropriations action.

Mr. GRAMM. Mr. President, I am not going to spend a lot of time debating whether or not this adds to the deficit. Our official accountant says it does. I think people know in fact that it does. I think we really ought to debate the merits of this amendment.

The merits of this amendment boil down to simple facts. Because we have natural disasters—we have had them every year. In fact, since President Clinton has been in office we have averaged $7 billion of expenditures on natural disasters, and we have not put money in the budget to pay for it. We have just simply added it to the deficit every single year.

My view is that in the midst of a new budget that has historic levels of increases in discretionary spending, even before that budget goes into effect, we ought not to be adding another $6.6 billion to the deficit.

So I hope my colleagues will vote for this amendment. I realize this is a difficult amendment. This is the kind of

real-world decision that people face outside Washington, DC, where bad things happen to them and they have to deal with it but they have to pay for it. My amendment does not deny one penny of aid to anybody. Nothing in this program would change as a result of having to pay for it other than we would have to go back in light of these natural disasters and come up with other programs that we now say we will have to do without because we are going to pay for this money, that we are going to provide for areas of the country that have been ravaged by natural disasters.

Let's not turn this natural disaster for a handful of States in our country into a fiscal disaster for every State in the country and for every family and every person. Let's pay our bills. We can do it through this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. STEVENS. Mr. President, may I inquire of the Senator from Texas, are there additional people who are going to speak on behalf of the Senator's amendment?

Mr. GRAMM. Let me say that I have been asked by several people to reserve them time. I assume they are on their way over.

Mr. STEVENS. Mr. President, will the Senator mind if I use some of the time available to me for some routine matters here?

Mr. GRAMM. Certainly.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator's amendment be temporarily set aside and that amendment No. 100 be called up for immediate consideration.

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

AMENDMENT NO. 100

(Purpose: To direct highway funding in the bill)

Mr. STEVENS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 100.

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

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

The amendment is as follows:

On page 40, line 21, after the word "County", insert the following: ": *Provided further*, That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois"

Ms. MOSELEY-BRAUN. Mr. President, our amendment sets aside $400,000 for costs associated with the replacement of Gaumer Bridge in Vermilion County, IL.

The town of Alvin, IL is bisected by a heavily-traveled railroad line. There used to be three ways of getting from the East side of Alvin, where the fire station and other emergency facilities are located, to the West side. Cars could drive over either of two railroad crossings, or over Gaumer Bridge. Unfortunately, Gaumer Bridge was damaged by a flood in 1994 and removed by local officials in 1995. The bridge has not been replaced.

Today, the only way to get from one side of Alvin to the other is by crossing over one of the two railroad crossings, which are not far apart. If a train stalls or breaks down, it could easily block both intersections at once, cutting off 165 Alvin residents from the rest of the town and from emergency services.

According to Alvin residents, trains have blocked both intersections twice since the bridge was removed. One time, a train shut down for more than 4 hours in the middle of the night. According to news accounts, one resident had to climb under the train to get home, and another resident was almost fired from his job because he could not get out to get to work. Residents and local officials are concerned it is only a matter of time before a real tragedy occurs, when emergency vehicles will be unable to get to residents on the West side of Alvin.

This amendment will provide the funds necessary to replace Gaumer Bridge, so that Alvin residents who live west of the train tracks will no longer face the possibility of isolation.

I want to thank the managers of this bill for agreeing to include this provision in the bill.

Mr. STEVENS. Mr. President, this is an amendment from the senior Senator from Illinois relating to a bridge in Vermilion County.

This amendment has been cleared on both sides. It is acceptable. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 100) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 134

Mr. STEVENS. Mr. President, on behalf of Senator MURRAY, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. MURRAY and Mr. GORTON, proposes an amendment numbered 134.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. . Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(a) inserting in subsection (a) after "necessary, and", "except as provided in subsection (j)," and

(b) inserting a new subsection (j) as follows—

"(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A State agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding 31 U.S.C. 3302(b), payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

"(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

"(3) A State agency shall not issue benefits under this subsection—

"(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

"(B) in any area of the State where an electronic benefit transfer system has been implemented.

"(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

"(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

"(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).".

CONFORMING AMENDMENT

SEC. . Section 17(b)(1)(R)(iv) of the Food Stamp Act of 1977 is amended by—

(a) striking "or" in subclause (V);

(b) striking the period at the end of subclause (VI) and inserting "; or"; and

(c) inserting a new subclause (VII) as follows—

"(VII) waives a provision of section 7(j).".

Mrs. MURRAY. Mr. President, I rise today to bring attention to a pressing problem for legal immigrants in Washington State, that may also soon affect other States around the Nation. I urge you to support passage of amendment No. 134 to S. 672, the 1997 Supplemental Appropriations Act.

This amendment simply gives the USDA authority to sell food stamps to States, provided that all Federal costs are fully reimbursed.

Under last year's welfare law, certain legal immigrants will soon be excluded from eligibility for the Federal Food Stamp Program. However, Congress granted States the flexibility to provide some assistance to legal immigrants with their own State funds.

At the end of last month, Republicans and Democrats in the Washington State Legislature appropriated $66 million to grant food aid to nearly 40,000 legal immigrants, many of them children, who are not covered by Federal programs. By doing so, they issued a mandate for Gov. Gary Locke's administration to provide food assistance to these immigrants.

To carry out this mandate, the State wants to purchase food stamps from USDA. The State will pay all costs for administration, printing, shipping, and redeeming of the food stamps. This is State money—they are looking to buy food stamps from the Federal Government, because that program is already in place, and will maximize the use of this State money.

Since October, Washington State has been trying to make arrangements with USDA to buy food stamps. Officials at USDA have expressed a willingness to cooperate, but believe technical barriers exist.

USDA is concerned that State payments may end up in the general treasury instead of coming back to the Food Stamp Program.

USDA is also concerned that it may be violating the Anti-Deficiency Act, at least briefly. This is because USDA would be furnishing food stamps for a non-Federal purpose, although only until the State reimbursement arrives.

The State of Washington has made various offers to USDA to provide advance payment for the food stamps. To date, however, USDA has not granted a waiver allowing the State of Washington to purchase food stamps.

Time is running short, since these immigrants lose their Federal benefits at the end of August.

If USDA does not sell Washington State food stamps, a State scrip program will have to be set up. This will be costly and duplicative. According to estimates by the Washington State Department of Social and Health Services, this would cost a minimum of $1.5 million—due to the costs associated with printing and distributing the scrip. In addition, the State would have to establish new relationships with all food stamp venders in the State.

This has the potential to create many more problems than are necessary—two separate systems for Washington State customers, confusion for small businesses in border towns in Oregon or Idaho, and the added cost for everyone of learning an entirely new system.

Of course, this issue is not specific to the Pacific Northwest or to Washington State. Other States may be seeking to buy food stamps in this manner in the future. Massachusetts has already made strides toward this approach, and the California Legislature is looking at similar questions.

I urge unanimous support for this amendment.

Mr. KENNEDY. Mr. President, I strongly support Senator MURRAY's amendment to give the Department of Agriculture the authority to sell food stamps to States, with all Federal costs fully reimbursed.

The so-called welfare reform law enacted last year disqualifies large numbers of legal immigrants from the Federal Food Stamp Program. This imposes represents a serious new cost on the States, if they decide to meet the food needs of these immigrants on their own. Many States, including Massachusetts, are now actively exploring ways to provide food aid using State and local funds. This amendment allows States to provide food aid to legal immigrants by buying-in to the Federal Food Stamp Program.

Allowing States to do so will avoid the need for them to needlessly duplicate the Federal Food Stamp Program with State and local funds. It will save the States time and money, while enabling them to continue giving food aid to needy legal immigrants.

In addition, it will have no cost to the Federal Government, because all Federal food stamp funds paid out will be fully reimbursed by the States. Recently, I sent a letter to Secretary Glickman, urging him to support the food stamp buy-in option for States. I ask unanimous consent that this letter be printed in the RECORD.

This is an important amendment, and I urge my colleagues to support its passage.

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

U.S. SENATE,
Washington, DC, April 3, 1997.

Hon. DAN GLICKMAN,
Secretary, Department of Agriculture, Washington, DC.

DEAR SECRETARY GLICKMAN: The welfare law enacted last year disqualifies most legal immigrants from the federal food stamp program. This action represents a potentially serious new cost burden for the states, if they decide to meet the food needs of these immigrants on their own. Many states are now actively exploring ways to continue food assistance to needy legal immigrants using state and local funds.

The purpose of this letter is to urge you to give states the option of buying into the federal food stamp program in order to provide this valuable aid to immigrants. In fact, the Massachusetts Senate voted today unanimously to pursue this option. Without this possibility, many states are facing the unwelcome prospect of creating separate state-run food programs for immigrants, while other citizens continue to be assisted by the federal food stamp program. Our hope is that we can find a way to avoid this needless duplication.

Section 15(a) of the Food Stamp Act (7 U.S.C. 2024(a)) authorizes the Secretary of Agriculture to issue food stamp coupons "to such person or persons, and at such times and in such manner, as the Secretary deems necessary or appropriate to protect the interests of the United States." We feel that granting states the flexibility to help poor legal immigrants in this way is permissible under this standard.

We understand that this proposal may raise an anti-deficiency issue under federal budget laws. If states buy into the food stamp program to help immigrants, the state reimbursement goes into the general federal treasury and not into the food stamp account. This leaves the food stamp program with an illegal deficit. One way in which this issue might be addressed is for states and the Department to agree to subtract the value of the food stamps the state is purchasing from the reimbursements for administrative expenses that are otherwise due to the states under the food stamp program.

This option would offer states a broader range of choices as they seek to minimize the harm to their legal immigrant constituencies under the new welfare law. With legislatures in most states currently considering their budgets for the next fiscal year, we would be grateful if you could give this proposal your prompt attention.

Many thanks for your consideration, and we look forward to hearing from you.

Sincerely,

JOHN F. KERRY.
EDWARD M. KENNEDY.

Mr. STEVENS. Mr. President, I ask unanimous consent that the current occupant of the chair, Senator GORTON, be added as an original cosponsor of this amendment.

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

Mr. STEVENS. The amendment has been cleared on both sides. It pertains to giving States the option to issue food stamp benefits to certain individuals currently ineligible because of welfare reform.

It has been cleared on both sides.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 134) was agreed to.

The PRESIDING OFFICER. Without objection, the motion to reconsider the vote and the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 236

(Purpose: To make a technical correction to Amendment No. 234)

Mr. STEVENS. Mr. President, on behalf of Senator COCHRAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. COCHRAN, proposes an amendment numbered 236.

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

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

The amendment is as follows:

On page 13, line 4, strike "$161,000,000" and insert in lieu thereof "$171,000,000".

Mr. STEVENS. Mr. President, this is a technical correction to the bill called to our attention by the Senator from Mississippi.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 236) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 118

Mr. GRAMM. Mr. President, I yield to the Senator from Arizona, Senator KYL, 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me thank the Senator from Texas for yielding and for presenting his amendment.

I fully support the Gramm amendment. I hope that shortly our colleagues will support it as well.

Let me say at the outset that I think we all support the disaster relief that is provided in the underlying legislation, whether we agree with the specific level or not. Certainly my heart goes out to the families that have lost their homes and their businesses and their schools and who have suffered because of these recent floods and snows. We have all seen the devastation on the television and read about it in the newspapers. I think all of us support what we can do about that.

I also think that we owe it to the rest of the people in the United States not only to put the full resources of Government into the States in which these disasters occur but also to ensure that the taxpayers of the United States, in effect, don't have to pay twice. We should ensure that the money that is spent in the States where these disasters have occurred is counted fully in our budget process.

It is, I think, interesting that in the very week that the budget agreement was announced, we have before us a piece of legislation that would add to the budget deficit in violation of that agreement.

I think we owe it to the American people to make sure that in solving one serious problem, the disaster problem, we don't make another problem worse. We can and we should find some way to meet our obligations without just adding to the budget deficit.

As I said, it was just 6 days ago that the White House announced the budget agreement that would result in a balanced budget by the year 2002. The ink is not even dry on that agreement—in fact, parts of it have not even been written—yet the very first piece of legislation to come to the Senate floor after the agreement was announced is a bill to add $6.6 billion to the Federal budget deficit over the next few years.

It seems to me, if people are going to have any confidence in the budget agreement that was struck with the White House, and we expect them to believe what we say about balancing the budget, that we cannot continue this kind of business as usual. We have to begin exercising some discipline. That means that this is a good time to start by saying that what we spend will be counted in our budget in order to know whether we are in balance. It would be one thing if there were no other way to get the aid to the flood victims except to borrow. But it is quite another thing when we ignore other options in order to keep spending on other programs.

What would it take to pay for this emergency spending bill? Well, it takes only two things. In the first year, it is less than 2 cents on every dollar in spending reductions in other programs to ensure that the money that needs to flow immediately in the remainder of this fiscal year can flow. And for the remainder of the money to be spent, it would merely have to count in our budget so that we can know whether we are in balance. That may mean growth in some other areas might have to be restrained.

We know that these kinds of disasters have always occurred and will continue to occur because they are natural disasters, and yet we do not plan for them. We spend every nickel that we have, knowing that if there is an emergency, we can appropriate additional funds. And if the past is any guide, we will simply add that onto the deficit rather than include it in the budget that has to be balanced.

The Appropriations Committee acknowledged in its own report that the number of major disaster declarations in the 1992 to 1996 period has increased 54 percent. In other words, we had ample warning that something would occur somewhere. Had we prepared for the need for disaster assistance last fall instead of using every extra dollar to meet President Clinton's demands for new spending, we would already have been able to respond to the emergency in the Midwest and elsewhere around the country. We would not need to be here today debating a bill to spend additional money. But by ignoring potential disasters last fall, we merely paved the way for adding to the deficit now when the need for relief takes precedence over budget concerns.

I know some will say that this bill is already offset by reductions in budget authority. Frankly, that is Washington speak. The Congressional Budget Office tells us this measure is going to add nearly $1 billion to the deficit this year and about $6.6 billion over the next several years. It is true that budget authority may be offset but outlays are not. And outlays are what count.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator have expired.

Mr. GRAMM. I yield the Senator 2 additional minutes.

Mr. KYL. Let me explain to those who may be watching and do not appreciate the difference between budget outlays and budget authority what we are talking about here.

Congress frequently passes laws granting authority to spend amounts of money on Government programs, but until that authority is backed up by appropriations, it does not mean anything.

Granted, you have to have the authority, but you also have to have the money. When we say that we are going to offset this disaster relief by rescinding certain budget authority, that authority may never be funded. It frequently is not funded, and as a result it is not really offsetting actual expenditures or money that is going to be spent. It is merely offsetting authority that may or may not ever be funded and money that may or may not ever be spent.

Senator GRAMM has done a good job of analogizing the two things that are necessary to writing a check. You need a check or a checkbook of checks and you also need some money in the bank. The budget authority is like your checkbook, but unless you have the money in the bank, the checkbook does not do you a whole lot of good. So you tear up a bunch of checks and throw them in the wastebasket and say we have offset the spending. You have not really done that. All you have done is removed that check, not the money in the bank. We need to offset the spending in this disaster relief bill, which we support, with actual money so that we do not end up spending both and thereby break the budget deal.

I will conclude at this point. Again, we just agreed to a budget deal that allegedly will result in a balanced budget

in 5 years. Unless the Gramm amendment passes, that budget deal will be broken before it is ever signed, before we even vote on it. It will be broken this week when we pass this supplemental appropriations without offsetting future spending in the next 5 years. I support the Gramm amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman, Senator STEVENS. And I say to my friend from Texas, I am very hopeful that one of these days on something real important that will come along, the Senator and I will be on the same side. I just happen, on this one, not to agree with the Senator, and I would like to take my few moments to explain to the Senate why.

Actually, Mr. President, when we drafted the budget law of the United States, we put a provision in it that said you prepare the budgets so that whatever it is Congress decides it wants to spend money for, you budget it, allocate it, put it in place, and then in the event that a disaster occurs, and the disaster is serious enough for Congress to say it is an emergency, and as a further safety valve it is serious enough for the President to say it is a disaster and an emergency, then Congress in its wisdom said that spending does not become part of the ordinary budget. It is on top of the budget.

Now, frankly, there is good reason to suggest that perhaps, perhaps in the interest of frugality, we ought to not declare this $5.6 billion covering disasters in 33 States of America, as emergency disaster spending. There may be some reason to say it is not a disaster. I do not believe that is the case. In addition, I do not think it is the case from the standpoint of rational, reasonable fiscal policy.

Now, our Government is big. Our budgets are big. We are already halfway through the year that we have for which we have budgeted money for all of the things the American people expect to get from their National Government. I would be the first to say that I will join with anyone who would like to spend 2 years going through the programs of our Government and see how many we could throw away. We have not done that, and incidentally, the Gramm amendment will not do that. The Gramm amendment takes all programs as they are and says that after you have appropriated for them, and they are operating on a 12-month cycle and you are well past a half year before you ever start taking any of this money away, then you just come along and take it away from the programs that are already funded.

It is interesting to me, and I do not ask this question of my friend from Texas, but I merely put this before the Senate, how big would a disaster have to be for it to make absolutely no sense to take the cost of the disaster aid out of the ongoing programs of our Government? I believe $5.6 billion is big enough. If one is interested in making Government smaller, I say to the Senator from West Virginia, then maybe there ought to be three or four disasters in a row, maybe three or four at $6 billion each, and then one could say, let us not declare them an emergency. Let us just take them out of Government programs which we have already appropriated.

I am not suggesting, the Senator from New Mexico is not suggesting, that anybody is thinking of that. I am merely suggesting that it is not very good fiscal policy, it is not very good Government policy to shrink Government by not paying for disasters as emergencies but, rather, by cutting Government to pay for them.

Now, there may be an overwhelming number of Senators here tonight who want to shrink Government by paying for disasters from the ordinary operations of Government. I would think of innumerable ways of shrinking Government that are better than doing it that way. I rise here tonight to say there is nothing about which to be embarrassed. The law of the land says if a disaster is an emergency that is serious and costly—and I would assume comes late in the year when you cannot budget for it—you ought not take it out of ongoing Government operations.

Will the Senator yield me one additional minute?

Frankly, I submit we ought to do something a little different, and then my friend, Senator GRAMM, will not have to be here and maybe he should not have to be here. I believe we ought to start putting in the regular appropriations bills a sufficient amount of money, literally, that is appropriated for the purpose of responding to disasters. Then one need not come down here and say, let us pay for the disaster out of the ongoing Government programs because we have provided for it, and in the process decided that Government needed less money someplace else, but we did it in an orderly manner.

So tonight I compliment the chairman of the Appropriations Committee on his first major bill in the Chamber. I want to tell him that I think he's done a wonderful job. He has showed a lot of leadership. Hundreds of amendments seem to flow to the floor on this kind of bill, and we considered them in short order, and yet people got their say and many won and many lost. We are going to decide within the next couple of weeks to keep the business of Government going. I thank him for yielding to me, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me pick up the point that our dear colleague from New Mexico made. If we do not want to disrupt Government by having to pay our bills when disasters occur, we ought to appropriate the money in advance for disasters. But what has happened, and the reason I have offered this amendment, is that we have not done that. At one time we did, but I just would like my colleagues to recognize we are paying for disasters but there is nothing unexpected about it. Every year in America there are hurricanes, there are floods, there are earthquakes. In fact, in 1993, we spent $5.4 billion on disasters; in 1994, $9 billion on disasters; in 1995, $10.1 billion on disasters; in 1996, $4.6 billion on disasters, and in 1997, we have already spent $5.4 billion.

My point is, there is nothing unexpected about disasters. It is unexpected if you have a flood in your State, but it is not unexpected that America is going to have disasters. But what produces the financial disaster is we do not provide money in advance and, as a result, every year we add to the deficit by saying, well, look, we have to spend this money; we do not want to have to pay for it because it means disrupting ongoing Government. But I commend to my colleagues, going back to my example in a family, when Johnny falls down and breaks his arm, it does not do the family any good to say, well, now, wait a minute; we had planned that we were going on a vacation, or we had planned that we were going to buy a new refrigerator. They do not have that luxury. They have to disrupt what they are doing.

I think the Senator from New Mexico, in talking about good Government, is right; I hope in this new budget we are getting ready to write with all the money we will have, it would be a good idea to just set aside about—we have averaged $7 billion a year of disasters during the Clinton years. Why not set aside $7 billion next year, and then if we do not have disasters, we can spend it. But the point is, year after year after year we do not do it, and I do not know any way to make us do it other than to make us begin to pay our bills. That is what the amendment is about.

I yield.

Mr. STEVENS. Will the Senator from Texas withhold just a second, please, and let me inquire how much time we have remaining?

The PRESIDING OFFICER. The Senator from Texas has 7 minutes remaining. The Senator from Alaska has 20 minutes, 25 seconds.

Mr. GRAMM. Does the Senator want to use——

Mr. STEVENS. I said to the Senator from Texas I will yield to him. I will yield now 10 minutes and reserve the remaining 10 minutes for our time.

Mr. GRAMM. I thank the Senator very much.

Mr. STEVENS. If the Senator will not mind, after the next spokesman, I would like to yield 3 minutes to the Senator from Nevada.

Mr. GRAMM. Surely.

Mr. STEVENS. If it is proper.

Mr. BRYAN. Three minutes.

Mr. STEVENS. May I yield to him, then. The Senator can use the remainder of the time.

Mr. GRAMM. Sure.

Mr. STEVENS. And then Senator BYRD and I will close.

Mr. BRYAN. Mr. President, I thank the Chair and I thank the distinguished Senator from Alaska for yielding me 3 minutes.

Mr. President, I rise today to stress the importance of passing this bill so that vital disaster relief assistance is made available to the hundreds of communities impacted by weather-related disasters. In Nevada, this flooding took place in early January, and the situation facing Nevada's farming and ranching communities gets more critical with each day that passes.

The damage that occurred when the Truckee, Carson, and Walker Rivers overflowed their banks devastated urban and rural areas alike in six counties in Nevada. Thousands of homes in Nevada were flooded, forcing families to move into emergency relief centers to wait for the floodwaters to recede. In the cities of Reno and Sparks, water flowed 10 feet above the banks of the Truckee River in the business district. Hundreds of businesses were forced to shut down, putting 20,000 people out of work.

Much of this initial damage was addressed by the swift and able Federal emergency relief efforts. I was extremely pleased with the assistance provided by Federal and local workers, who put forth an incredible effort. As the emergency funds that supported these initial life-saving efforts have dried up, however, Nevada's rural communities in particular have been unable to begin repairs to riverbanks, levees, and flood control structures that are essential to their livelihoods.

The damage to these areas was severe; after surveying flood damage from a helicopter with FEMA director James Lee Witt, I was struck by how much the normally rolling green hills of Mason Valley looked like a giant rice paddy in Southeast Asia. Dams were destroyed, rivers carved new paths through fields and pastures, and roads were washed out by the record flows on Nevada's rivers.

The irrigation structures that divert water to ranches and farms in Northern Nevada were severely damaged or wiped out completely, leaving the farms near the riverbanks under water, while those farther away from the river were cut off completely. These families lost crops, livestock, all of the hay that normally would carry their cattle through the winter, and miles of fencing around their property. Some of those cut off from the rivers dug new ditches to bring water to their livestock at their own expense, while others have simply resigned themselves to the fact that they will not be able to survive this season, and may go out of business. You see, Mr. President, most of the farms and ranches that I am talking about are family-owned and managed, and are hard pressed to keep going without some immediate help.

Mr. President, the circumstances in my own State and some other 30 States compel that we act immediately. It is for that reason I express my profound regret that some have found necessary to add political riders to this bill, riders that are totally unrelated and irrelevant to the issue at hand.

I urge immediate action on this bill. Nevada's families deserve no less.

I yield my time and thank the distinguished Senator from Texas for accommodating me.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, let me make it clear—and I do not believe the Senator's comments were aimed at this particular amendment—but let me make it clear that under this amendment we do not hold back a dollar of disaster assistance. We provide the assistance. We provide it as fast as it can be provided. We simply pay for it. So I wanted to make that clear.

Let me now recognize the Senator from Kansas, Senator BROWNBACK.

The PRESIDING OFFICER. For how much time?

Mr. GRAMM. For 5 minutes.

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

Mr. BROWNBACK. Mr. President, I thank the Senator from Texas for bringing this important amendment forward. I state at the outset that I support disaster relief. I think it is important to help those places in our country that are experiencing great difficulty because of a natural disaster that is occurring. We ought to step in. It is important that we do it. But I also think we ought to stop creating and continuing the manmade disaster that we have done here, the $5.4 trillion in debt that is stealing from our children, that is driving interest rates up, that is taking jobs, that is hurting our Nation.

It seems that in and of itself is almost a definition of a disaster, and we create it. I think this is an important debate because the point here is not whether we support disaster relief, because we do. We support disaster relief. The question is, do we pay for it and should we be doing that in this overall debate? I do not think we have really looked at this before, even though we have been talking about balancing the budget, now, for a number of years. It seems now we are finally on a track to discuss really balancing the budget. For a lot of years it was just kind of: That is good politics to talk about balancing the budget, but we really cannot do it. Now we are going to do it. Now we are really going to balance the budget. We are actually going to balance the budget by the year 2002, if not before. With this strong economy we could do it by the year 2000.

This is for real now. It seems to me, then, as we enter into these debates now about emergency supplementals, helping people out, that we do things for real. One thing that is real to families is that, if you have a disaster personally, you are going to have to figure out some way to pay for it. The same should be true for us. If we have a disaster, we need to figure out how we can pay for it.

This is a minimal act. I hope people have focused on what we are talking about. We are talking about 1.9 percent offset against discretionary spending the rest of this year, and then just requiring that the money go against the caps in future years. That is all we are talking about. That is it. It is not talking about cutting disaster relief. It is not talking about: We are going to steal this money out of here and take it out of there; 1.9 percent, 2 percent, and then in the future it is just about being under the budget caps.

As we move forward to balance the budget for real we need to move forward and take care of our emergencies for real. This is for real. This makes it real. This allows us to actually do what is real in balancing the budget, so we do not keep driving up this manmade disaster of the $5.4 trillion in debt that we have.

I think this is an important debate and I hope Members really search through and think about it. If they really do support balancing the budget, they would really do what is for real here and vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. GRAMM. Mr. President, I yield the Senator from Pennsylvania, Senator SANTORUM, 5 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Texas for his leadership on this issue and his continuing leadership on this issue.

To paraphrase a colloquial that is used often, "Been there, done that." We have been here and we have done this many, many times before. A disaster bill comes, a supplemental comes to the Senate floor—to the House floor when I was in the House—with these pictures. I guess these are on the Senators' desks. These are very compelling

pictures of horrible disasters. And I understand the pictures.

Let me give you some credibility here before I go on about what is going on in the Dakotas and in the upper Midwest. I was here last year on another emergency supplemental bill for Pennsylvania disaster funding, $1.2 billion. Most of that money was going to Pennsylvania. I stood here with Senator GRAMM, supporting his amendment to do the same thing when the money was directed at my State. Because it is not right to use—I hate to put it in these strong terms but this is what is going on—to use the calamity of others to run up the deficit. That is exactly what is going on.

I know that sounds harsh. We have a FEMA. Even the committee report says that FEMA acknowledges that the escalation in costs is due not only to the increase in large-scale disasters, but also because the scope of Federal disaster assistance is expanded, the Federal role in response is expanded considerably, and State and local governments are increasingly turning to Federal Government for assistance. Not only are we not budgeting enough money to FEMA in the annual budget—Why? Let us ask that question first. Why are we not budgeting enough money to FEMA? We know these disasters come. They come every year. This is not a surprise. Why don't we do it? Because we want to spend it somewhere else and we know we can bring these pictures to the Senate and get borrowed money to do it later. So we do not have to live within our budget. We can underfund FEMA, knowing that no one is going to deny these people who are facing this horrible disaster. And, if you do, you left your heart at the door and how dare you come in and say you are compassionate?

I mean, that is just a shell game. I want to state for the record, as I did last year, I am for disaster relief. But I am for doing what we should do with every aspect of our budget, which is set priorities. If the priority of this Senate, if the priority of this Congress, the priority of the President is to make sure that these people get the disaster relief they deserve—fine. Count me in. But when the refrigerator breaks you cancel the vacation. And that means that you have to come up with some other area of the budget and fund it.

Some will say, if this is a disaster in the family, if the refrigerator breaks, I may have to borrow money. That is true. But if your refrigerator keeps breaking, then at some point you have to realize you are not budgeting right here. There is something wrong and you have to fix the problem. What we have is a broken refrigerator in FEMA and the way we fund FEMA, and a broken refrigerator in the way they are more and more taking a bigger and bigger share of disaster relief costs. That is a very serious problem and it is blowing big-time holes in the deficit of this country.

So, I know it is not popular to stand up here—and Senator GRAMM and I maybe make somewhat of a career on taking unpopular stances. But this is not right. It is not right to, on the backs of those suffering, really pursue your other agenda. Because we all know that money is going to North Dakota and South Dakota. We all are for that. It is not that money that is really being debated here. It is the other money that is stuck in there that should have been going to FEMA in the first place. That is the money they are really protecting here. That is the money they are hiding. That is what they do not want to cut.

What Senator GRAMM has put forward is a very reasonable proposal. It says cut 1.9 percent across the board. We would like to do it in a targeted way, but you cannot do that kind of thing. We have rules against that. So he has to do it across-the-board. And it says in the future, as we spend money for this disaster, it just has to stay under the caps. In other words, it cannot increase the deficit.

It is a reasonable proposal that says live within your means. Responsibly budget for disasters. Do not use these very gut-wrenching, heart-wrenching, heartfelt, compassionate stories to fund your little projects off here to the side and to fund all those other things that could not stand the light of day if, in fact, they were compared to funding these or those.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 8 minutes and 10 seconds left.

Mr. GRAMM. I yield to the Senator from Oklahoma, Senator NICKLES, 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my colleague from Pennsylvania for his statement as well as Senator GRAMM, for this amendment.

I find this amendment to be very important and one I certainly hope will pass. The Senator from Pennsylvania said we want to provide economic assistance for the victims of this most recent flood. I agree with that. Senator GRAMM says we ought to pay for it. I agree with that. We should pay for it. If we do not, if we pass this bill as it is right now, we are going to be increasing the national debt by $6.5 billion—not this year but over several years.

Senator GRAMM's amendment says let us do it in two ways. Let us have an across-the-board reduction of about 1.8 or 1.9 percent this year to fund the outlays for this year. For the second part of that, for the outlays that will be strung out over the next 5 years, let us reduce the outlays in those years. We are going to be spending about $1.6, $1.7, $1.8, $1.9, $2 trillion dollars in those successive years. Surely we can afford the couple of billion dollars in outlays in those years. We can have offsets. We can pay for it. We can reduce outlays in those future years by an amount to pay for this disaster relief.

We ought to pay for it. We ought to say yes, we want to help the people with the floods, but we want to pay for it. We should be responsible. Let us not increase the national debt by $6.5 billion. If we do not pass this amendment that is exactly what we are going to do. So I urge my colleagues, this proposal—and I have the greatest of sympathy for the victims of this flood but the President requested $4.6 billion in discretionary spending and the committee proposes $7.7 billion in discretionary spending. If you include the mandatory spending the President requested, $6.2 billion, and in this bill that is $9.5. If you include discretionary and mandatory, it is about $3, $3.1 billion over what the President originally requested. I do not want to pass that much money. I am bothered. We had a vote earlier on the highway bill. We had several hundred million dollars, $773 million, I believe, in highway funding that was not requested that was added to this bill. The funding formula was changed. We get into a funding fight. People voted for what was best for their States. But, frankly, that did not belong in this bill and we find there are hundreds of millions of other dollars that do not belong in this bill.

I hope when this bill goes to conference it comes back a lot leaner, that it really is constrained to disaster relief.

Then, likewise, I hope that we will pay for it. I heard a lot of people say we should pay for it. Frankly, as the bill is written right now, this bill increases national debt over this 5-year, 6-year period of time $6.5 billion. Let's pay for it. Let's pay for it this year by a small, less than 2 percent reduction for the next few months. That is certainly manageable. Then for the future years, let's reduce spending enough to pay for it.

I think it is a responsible amendment. I think it is fiscally responsible. I think it is the right thing to do, and I urge my colleagues to support the amendment.

Mr. President, I ask unanimous consent that a table comparing the budget request to the committee recommendation and the differences be printed in the RECORD.

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

FISCAL YEAR 1997 SUPPLEMENTAL APPROPRIATIONS BILL

	Request	Committee recommendation	Compared w/request
BUDGET AUTHORITY (NET)			
Title I—Department of Defense	2,098,214,000	1,805,480,000	(292,734,000)
Title II—Natural Disasters and emergencies:			
Agriculture	123,100,000	276,250,000	153,150,000
Commerce	22,800,000	65,500,000	42,700,000
Energy and Water	325,700,000	554,355,000	228,655,000
Interior	276,879,000	382,642,000	105,763,000
Transportation	311,200,000	688,100,000	376,900,000
Labor-HHS	0	15,000,000	15,000,000
VA, HUD	1,079,000,000	3,600,000,000	2,521,000,000
Treasury and General Government	200,000,000	0	(200,000,000)
Subtotal	2,338,679,000	5,581,847,000	3,243,168,000
Title III—Other supplementals:			
Agriculture	106,000,000	70,600,000	(35,400,000)
Commerce, State Justice	921,000,000	100,000,000	(821,000,000)
DC	0	31,150,000	31,150,000
Interior	10,000,000	10,000,000	0
Legislative Branch	0	0	0
Transportation—(COLA and contract authority)	322,277,000	959,836,000	637,559,000
Treasury, Postal, General Government	7,092,000	7,333,000	241,000
VA, HUD—(COLA mandatory)	753,000,000	753,000,000	0
Labor-HHS	0	325,000,000	325,000,000
General Provisions	0	(92,500,000)	(92,500,000)
Subtotal, including mandatory	2,119,369,000	2,164,419,000	45,050,000
Subtotal, discretionary	123,092,000	273,576,000	150,484,000
RECISSIONS			
Title IV—Defense Offsets:			
Unspecified Recissions	(4,800,000,000)		4,800,000,000
Recissions	(72,000,000)	(1,805,943,000)	(1,733,943,000)
Subtotal	(4,872,000,000)	(1,805,943,000)	3,066,057,000
Title V—Other Offsets and Recissions:			
Commerce, Justice, State	(6,400,000)	(6,400,000)	0
Interior-Department of Energy	(21,000,000)	(28,000,000)	(7,000,000)
Transportation (rescind contract authority)	0	(1,647,600,000)	(1,647,600,000)
Treasury, Postal, General Government	(5,600,000)	(5,600,000)	0
VA, HUD	(250,000,000)	(4,109,200,000)	(3,859,200,000)
Agriculture	(56,000,000)	(29,000,000)	27,000,000
Energy and Water (Defense-Civil)	(52,111,000)	(30,000,000)	22,111,000
Subtotal	(339,000,000)	(5,796,800,000)	(5,457,800,000)
Title VI—Social Services Block Grant		language	
Total, New Budget Authority, discretionary	4,559,985,000	7,660,903,000	3,100,918,000
Total, New Budget Authority, w/mandatory	6,556,262,000	9,551,746,000	2,995,484,000
Total, Recissions	(5,211,000,000)	(7,602,743,000)	(2,391,743,000)
Total, Discretionary	(651,015,000)	58,160,000	709,175,000

Source: Senate Appropriations Committee.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM. Mr. President, I think I have 3 minutes left. I know Senator BYRD and I know our distinguished committee chairman wishes to speak. I do not know how the Chair wishes to handle it, but I would like to try to reserve about 3 minutes.

The PRESIDING OFFICER. The Chair will state that the time is divided equally. There are 3 minutes, 4 seconds left for the Senator from Texas; 7 minutes for the Senator from Alaska.

Mr. GRAMM. The Senator from Alaska has 7 minutes?

The PRESIDING OFFICER. Yes.

Who yields time?

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 7 minutes left.

Mr. STEVENS. Mr. President, I regret to say I shall move to table this amendment, and I want to point out the problem we have.

If we cut 1.9 percent off the original 1997 nondefense appropriations at this time, it will be a 5-percent reduction on the amount that is available for the rest of the year. For agencies such as the Veterans Administration, Department of Education, the Coast Guard and many others, that would be devastating in this final period of this year, the final one-third of this year.

I do share the concern—I think I have demonstrated that —of balancing the budget. On the other hand, I remember too well one of the greatest earthquakes that has occurred since we started recording earthquakes, the second largest, apparently, in the history of the United States, in my State. We also had a flood that was so large it engulfed almost the whole interior of Alaska, around Fairbanks, for miles. I know what these people are going through.

Much of the mismatch in this situation comes from the scoring process under the budget; not from how money is spent, but how it is scored. For instance, I have managed the defense bill substantially now over the past years. When we originally get budget authority for defense, it has 100-percent outlays. If we rescind that now, with a quarter of the year left—it will be effective for the last quarter of the year—we get a 25-percent outlay cut. The authority is for a year. If we start spending it the 1st of October, there would be 100 percent. If we can rescind it the 1st of October, and this is what the Senator from New Mexico was saying, if we can rescind it in the budget authority at the beginning of the year and not spend through the whole year, we get 100-percent credit. When we rescind it now and it becomes effective in the last quarter of the year, we get 25 percent.

This is really a great way to shrink Government. All you have to do is pray for the largest disaster in history and you cut the Government in half. There is no sense being proposed, from the point of view of the disaster victims. It may make theoretical sense. We have cancelled enough budget authority—we deal with budget authority, and the scoring says you only get 25 percent, because if you start spending this money in the beginning, you spend 100 percent; if you have not spent it so far and if you start spending it now, you only get 25 percent. The Senator goes further, though. He carries it into the next year and succeeding years.

We have done our best to try and mitigate the budgetary impact. For the first time, I cannot remember a disaster bill where we tried our best to mitigate by offsets, but we have. We

have offset budget authority. It is not possible at this time of the year to offset enough so that we can get it all accounted for this year. The Senator from Texas says, "Well, then go into next year." We are already fighting—as a matter of fact, the fight is going on in this very building—over what the budget agreement means in terms of next year and succeeding years in terms of outlays and budget authority.

I tell the Senate very simply, until we work out a better way to deal with disaster relief—incidentally, I concur with the Senator from New Mexico who said we have done this in this bill. We have money here that anticipates there are going to be more disasters during the balance of this year, and we have put it up and we have offset that money.

There will be disasters, Mr. President, unfortunately, in the balance of this year. I mentioned the earthquake that we had. The earthquake that started somewhere down in the Tennessee area and came up the valley, came up the fault, was so great in the 1850's that when that earthquake occurred, the bells rang in churches in Boston. If that fault goes at this time in our lifetime, Mr. President, the cost will be so staggering that you cannot imagine the cost, or the cost of a San Francisco earthquake.

That is what the Senator from New Mexico asked: How large does a disaster have to be before it is an emergency? We will do our best to prepare for emergencies, and if we can work out a different approach on the scoring so it makes more sense from the point of view of the budget, I am perfectly willing to work with anybody to do it.

We did not appropriate any money unless we thought it was absolutely necessary and justified. We had a bipartisan review. We had everyone critique these bills. We had many amendments suggested, a few on this floor this week, but we have not heard many money arguments.

The Senator from Texas is raising a money argument. We have not had debates about the money because people know the money in this bill has been gone over and over and over, and it is justified. I say we have done our best. We set a new precedent. We set the precedent that even disaster money will be offset to the extent it is possible to find budget authority to do so, and the outlay scoring is a secondary question. That is all we ask for the emergency part that is authorized under the Budget Act. We are authorized to ask for a total emergency waiver of the Budget Act. All we have asked for is a waiver of the scoring impact of outlays, and that will give us the money that we need to proceed to meet these disasters.

Mr. President, I do believe it is an absolutely essential bill. Again, I point out, though, my last comment, I hope we are not accused, again, of somehow or another delaying the money. There is over $2 billion down there in the executive branch right now that is being obligated. I am told if they obligate everything they can, they will not obligate all that in the balance of the year. There may be a deficit of about $250 million if they do everything they can possibly do between now and the end of September. It will be about $2 billion.

The Senator is right to think about when the money is going to be spent. It is going to be spent over the years to come. But that is the way you recover from disasters: You put the money up, obligate it, and it, in fact, will be spent over a period of years. Hopefully, those areas will be strong again and they will recover, as our State has recovered from the great earthquake that happened in 1964.

Mr. BYRD. Mr. President, we are told by the Congressional Budget Office that this amendment would require cuts in all nondefense discretionary appropriations for fiscal year 1997 throughout the Federal Government of approximately 5 percent of remaining unobligated balances. Apparently the purpose of the Senator's amendment is to fully offset not only the budget authority, which the committee itself did, but the outlays that will result from these emergency disaster assistance appropriations as well.

As I stated in my initial remarks when the Senate took up this measure, I do not agree on principle that emergency assistance to provide relief to those affected by natural disasters should have to be offset in any way. It was for this reason that at the budget summit in 1990, I strongly recommended, and that Act included, a section specifically exempting emergencies from the need for offsets. That section of the Act has worked very well and has not been abused, in my judgment, since its enactment.

The suffering of hundreds of thousands of people in hundreds of communities throughout the Nation are awaiting the financial resources that will be made available to them upon the enactment of this legislation. We should provide that relief to them pursuant to the emergency section of the Budget Enforcement Act and thereby not require offsets of this emergency spending. Even though in this instance the committee has recommended full budget authority offsets for these emergency appropriations, that should not be a requirement for making disaster assistance appropriations. We cannot determine the time of year, the severity, or the number of natural disasters or their resulting costs, so we should not tie ourselves to any requirement that offsets should be provided for emergency disaster assistance appropriations.

The effect of the pending amendment would be to indiscriminately cut every program throughout the nondefense discretionary portion of the budget, regardless of the ability of any particular program to absorb the anticipated 5 percent reduction required by the amendment—for example, the FBI, the Justice Department, the Judiciary, all other law enforcement agencies, the border patrol, the INS, the administrative costs of programs such as Social Security, Medicare, Medicaid will be affected. It is clear that many agencies could not absorb these cuts this late in the fiscal year without severely impacting their ability to carry out the essential services that they provide to the Nation.

The PRESIDING OFFICER. All time allocated to the Senator from Alaska has expired.

Mr. GRAMM. Mr. President, I thank the Senator from Alaska for yielding me 10 minutes of his time.

Let me address the issue of how big does a disaster have to be. We spend $1.6 trillion a year here in Washington, DC, on the Federal budget. The bill before us is going to spend $699 million this year over budget in new deficits. So what I am asking is simply that less than $1 out of every $1,600 we spend be dedicated to pay for this emergency appropriation.

The second point I would like to make is this is not the first time I have offered this amendment. In fact, nearly every time we do one of these add-on spending bills, I offer an amendment to require that we pay for it. Some of our colleagues say, wouldn't it be better if we paid for it in advance? It would be better. We ought to do it, but the point is we are not doing it. In 1993, we added $5.4 billion to the deficit in the name of a disaster; $9 billion in 1994; $10 billion in 1995; $6.4 billion in 1996. We have already added $5.4 billion in 1997.

The point is, when do we start paying our bills? I think the answer ought to be today.

We are getting ready to write a brand new budget with record spending in it. We ought to be setting aside $7 billion a year for disasters, something we have not done in the last 5 years, but we are not going to do that unless we adopt this amendment today so that we see we are going to have to begin to pay these bills.

So the question ultimately boils down to deficits. Do we want to pay for helping people, or do we want to pass the burden on to our children and our grandchildren? Do we want to, year after year after year, spend money we don't have?

Finally, we are in the process today of busting a budget which is not even in effect yet. We are spending $6.6 billion today that will not even count as that budget even though we will spend it over the next 5 years. So we are writing a budget with record spending, and we are busting the budget before it even becomes the law of the land. That is how serious we are about spending.

I am not saying it is easy to pay our bills, but I am saying that every family in America has to pay its bills. Every day families have to deal with emergencies, and they do not have the ability to just declare it a dire emergency and go on about their business. They have to go back and take things they wanted, things they planned for, things they needed, and they have to deny themselves those things to pay their bills.

What is wisdom in every household in America cannot be folly in the governance of a great nation. If you really are concerned about deficits, if you are really concerned about the Government paying its bills, if you want more jobs, more growth, more opportunity, if you really want to balance the budget, today we have an opportunity to take $6.6 billion, with a "B," off the deficit in the next 5 years.

I urge my colleagues, if you are for fiscal responsibility, show it today, show it today, not in some abstract speech somewhere back in your State, but show it today by voting to pay for this bill and, in the process, to eliminate $6.6 billion of deficits.

I thank the Chair for his tolerance. I yield back the remainder of my time.

Mr. STEVENS. Mr. President, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table Gramm amendment No. 118. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—62

Akaka	Dorgan	Lugar
Baucus	Durbin	Mikulski
Bennett	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murkowski
Bond	Gorton	Murray
Boxer	Graham	Reed
Breaux	Harkin	Reid
Bryan	Hatch	Robb
Bumpers	Hollings	Roberts
Byrd	Inouye	Rockefeller
Campbell	Jeffords	Sarbanes
Chafee	Johnson	Shelby
Cleland	Kennedy	Smith (OR)
Cochran	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Landrieu	Stevens
D'Amato	Lautenberg	Torricelli
Daschle	Leahy	Wellstone
Dodd	Levin	Wyden
Domenici	Lieberman	

NAYS—38

Abraham	Coats	Faircloth
Allard	Coverdell	Feingold
Ashcroft	Craig	Frist
Brownback	DeWine	Gramm
Burns	Enzi	Grams
Grassley	Kohl	Santorum
Gregg	Kyl	Sessions
Hagel	Lott	Smith (NH)
Helms	Mack	Thomas
Hutchinson	McCain	Thompson
Hutchison	McConnell	Thurmond
Inhofe	Nickles	Warner
Kempthorne	Roth	

The motion to lay on the table the amendment (No. 118) was agreed to.

HIGHWAY FUNDING LEVELS

Mr. ABRAHAM. Mr. President, I believe it is important we review the vote conducted earlier today regarding the Warner amendment to distribute supplemental highway funds by the ISTEA formulas rather than by the new arbitrary standard delineated in the supplemental appropriations bill, and its meaning for the overall issue of ISTEA reauthorization. What we have just witnessed has happened time and time again since ISTEA was passed in 1991—the majority of donee States join forces and take gas tax money from the remaining minority of donor States. This happened when the original ISTEA formulas were developed, it has happened when hitches have disrupted the flow of donor State money to donee States, and today it has happened when the very formulas established to protect at least a portion of the donor States' money were found inconvenient by the donee States and, were therefore set-aside.

The equity adjustment programs, designed in the original ISTEA legislation to guarantee donor States would at least get a portion of the gas tax revenues raised in their State back for highway maintenance, have a real and necessary purpose. Without these minimal programs, States such as Michigan would be forced to give up vast portions of their gas taxes to States whose highway needs may not be as immediate and pressing as they are in Michigan. In this fiscal year, two of the programs, the 90 percent minimum allocation and the 90 percent of payments programs, kicked-in for the first time, resulting in a significantly increased return of gas taxes for the donor States. Yes, this resulted in the donee States Federal highway funds being reduced, but what must be pointed out is that not one donee State would have become a donor State because of these equity programs. They still would receive more money from the Federal Government than they contributed, and the donor States like Michigan would continue to contribute more than they received.

But this was not enough, and what appears to have happened now is that the donee States cannot accept that the donor equity programs may actually work. So this supplemental appropriation took nearly a half of a billion dollars, and distributed it not by the ISTEA formulas so carefully crafted by the Congress in 1991, but by their determination that donee States should never lose money.

Mr. President, I am incredulous. It is bad enough that the ISTEA formulas discriminate against States like Michigan and force us to send our gas tax money to highways that do not contribute in any way to our economy or transportation infrastructure. But if the law can be so blithely set aside in order to meet the latest needs of the donee States, why should we believe that any follow-on to ISTEA will be honored. Why won't it be similarly set-aside whenever a simply majority of the Senators, motivated neither by ideology nor philosophy, neither by regional nor personal loyalties, but simply by the immediate ability to increase their revenues at the expense of other Senator's States, decide to set them aside once again? The answer, Mr. President, is that it will be simple to do so, and this body will do it.

That is wrong, that is capricious, and that is not what we were sent here to do. Mr. President, when the environment of an issue such as transportation has become so reduced to simply bringing home the bacon, it is time to act and act decisively. Today's vote demonstrated with crystal clarity that the Federal Government cannot be trusted to administer highway funds. We must extract ourselves from this process and allow the States to conduct their own road programs, raising their own revenues, and spending their own money. That is why, Mr. President, we need to pass the Transportation Empowerment Act, which I cosponsored with Senator MACK, and stop this highway robbery.

Mr. DEWINE. Mr. President, I rise today in support of the fiscal year 1997 supplemental appropriations bill. This bill does many good things, including the provision of an adequate level of support to our troops as they disengage from Bosnia.

The bill also provides for a much-needed parking facility at the Wade Park VA Hospital in Cleveland. Representative LOUIS STOKES and I have believed for years now that this is an absolutely necessary improvement, and we are glad that we have finally been able to see it to this point in both the authorization and appropriation process.

But on behalf of the people of Ohio, let me say that we appreciate most specifically some of the provisions that will help us cope with the consequences of the terrible flooding that took place in our State last month.

The southern part of Ohio was ravaged by the worst flooding we have experienced in 33 years. Today, the flood waters have receded, but life is far from back to normal. In some towns, people still do not have permanent places to live. They are staying with relatives, or in RV's. Some have had their homes condemned—some have lost nearly everything and have to start again from scratch.

When you drive through these towns, as I did, you see piles of people's belongings—like water damaged carpets—piled up outside their homes to dry, as they endeavor to rebuild their homes and their lives.

Townships, villages, and counties all over southern Ohio are struggling to rebuild the roads and bridges that were damaged in the flooding. Some of the bridges dated back to the turn of the century.

In Brown County, for example, they lost one covered bridge outright, and sustained serious damage to another one.

In Clermont County, I saw Bear Creek Road that was completely washed away. They have been able to fix it temporarily, but school buses and garbage trucks can't use it. A permanent repair has to wait until money is available from the Natural Resource Conservation Service—or NRCS.

Our hearts go out to all the people who are suffering the consequences of this flood, especially those who have lost family members and friends. We will do our best to help you carry on.

We have already seen a wonderful outpouring of humanitarian assistance in response to this tragedy, the American Red Cross and the Ohio National Guard—along with many other concerned public and private organizations—have offered a desperately needed helping hand to some families who are having a really tough time.

This legislation will help continue that process. It includes a $77 million appropriation for the Emergency Conservation Program, which provides cost-sharing assistance to the farmers whose land was damaged by the floods.

It includes $161 million for the NRCS Watershed and Flood Prevention Operations, which are designed to open the dangerously restricted channels and waterways, repair diversions and levees, and assist in erosion control on steep slopes.

The people of southern Ohio have shown an incredible spirit in working together to get through this crisis. This bill will help them move forward in that same spirit.

I thank the members of the Committee for the fine job they have done in crafting this legislation, and I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in opposition to the supplemental appropriations bill but do so with great hesitation.

Like all of us here today, I want to extend my sympathies to the communities and families of the Upper Midwest who have experienced the terrible flooding over the past several weeks.

It brings back vivid memories of the flooding that hit Western Maryland last year and I know all Marylanders join me in extending our thoughts and prayers to everyone in the Midwest.

Like many of my colleagues, I was hoping for quick consideration of this important legislation so we could speed relief to disaster victims. They are counting on us to help them get back on their feet—to help them rebuild their homes and businesses.

I am so disappointed that what should have been a speedy, nonpartisan targeted relief bill has turned into another nasty partisan battle that is designed to divide us and provoke a veto from the President.

I am particularly alarmed by the inclusion in this package of what is artfully called the Shutdown Prevention Act.

Nobody knows the pain of a government shutdown better than me and the Marylanders I represent. When the last shutdown occurred, I visited Government agencies that had to remain open.

I saw the frustration on the faces of the workers and the financial hardship it caused for all Federal employees.

I do not want another shutdown and will do everything I can to prevent it. But, the revised bill now provides for a permanent continuing resolution which is nothing more than a partisan trick.

If we fail to enact our appropriations bills on time, the continuing resolution contained in this bill will prevent Congress from increasing spending for cancer research, crime fighting and education. It will also prevent Congress from cutting spending and eliminating waste.

In addition, I am disturbed by the way in which we have chosen to pay for this bill. This bill takes over $3 billion in unobligated funds from HUD's section 8 public housing program to pay for FEMA's disaster relief fund.

I do not believe we should be robbing Peter to pay Paul. Eventually, Peter will be broke.

The projected budget problems with regard to the section 8 program are well known. In fiscal year 1998, section 8 renewals will cost $10.2 billion. That is a $7 billion increase over the fiscal year 1997 funding level.

We will need the unobligated funds to pay for the section 8 renewals in fiscal year 1998. We should not be raiding the program to pay for disaster funding.

We must find a new way to pay for emergency supplemental appropriations bills because these disasters are not going to end.

We could be facing even more expensive disasters in the near future. Are we going to continually rob one or two agencies to pay for these bills?

I believe we need a new system or a new arrangement to deal with these type of disasters—a new system that is off-budget.

Mr. President, I am forced to oppose this bill because of the continuing resolution and the way in which we have chosen to pay for the bill. As a result of the continuing resolution, the bill is likely to be vetoed by the President. I hope in the future we can avoid partisan fights over disaster relief bills and find a more equitable way to pay for them.

Mr. TORRICELLI. Mr. President, I rise today in strong support of the efforts by the Appropriations committee to fund research into environmental risk factors associated with breast cancer as a part of S. 672.

I would especially like to thank and acknowledge the efforts of the distinguished chairman of the Appropriations Committee, Senator STEVENS, the distinguished ranking member of the Appropriations Committee Senator BYRD, as well as the efforts of the chairman of the Labor, HHS Subcommittee, Senator SPECTER and its ranking member, Senator HARKIN for their attention to the concerns I have raised regarding this issue. All have been dogged advocates of breast cancer research and I am grateful for their previous efforts and for what they have done in the legislation before the Senate. I am especially grateful for their acknowledgement in the committee's report of the alarmingly high breast cancer rates in the Northeast and specifically my State of New Jersey.

Few issues pose as significant health threat to the constituents I represent as does breast cancer. It is estimated that nationally 1 in 8 women will be diagnosed with breast cancer in their lifetime and over 46,000 women die annually from breast cancer. It is truly one of the leading health threats facing American women.

However, it is an absolute health crisis confronting the women of New Jersey with mortality and incidence rates that far exceed the national average. New Jersey has the highest breast cancer mortality rate of any State and our incidence rate of breast cancer is 11 percent higher than the national average and the average for in the Northeast. It is estimated that there will be 6,400 new cases of breast cancer diagnosed this year and 1,800 women will die from breast cancer in 1997 alone in New Jersey.

I have long believed that behind our State's history of environmental problems lies the reasons for our high breast cancer rates. I do not believe that it is a coincidence that the State, New Jersey, with more Superfund sites than any other, as well as thousands of other contaminated sites not listed under Superfund, has the highest cancer rates in the Nation.

In response to this I recently introduced the New Jersey Women's Environmental Health Act with Senator LAUTENBERG that would authorize a 4 year $10.5 million study into the possible association between environmental risk factors and breast cancer. I believe this effort will provide not only answers to the women of my State but ground-breaking research into this association.

In New Jersey, we are extremely fortunate to have one of the leading cancer research institutes in the Nation. The University of Medicine and Dentistry of New Jersey is only 1 of 7 academic institutions in the United States which houses a National Cancer Institute designated clinical center and an NIH-designated comprehensive Center of Excellence for environmental health sciences. Indeed, not only does it have the State's only NCI-designated cancer center, but the University is also home to a HHS-designated Women's Health Initiative site. I believe that this unique institution is the type of multicenter institution envisioned by the committee to do this important research.

Working with these scientists and clinicians, we have developed a proposal that would assess breast cancer in New Jersey at many levels, from molecular markers of environmental exposure to clinical evaluation and treatment. It also includes the involvement of the State Department of Health in a population-based epidemiological study.

Mr. President, our leading environmental health scientists from Rutgers, our State University, and the University of Medicine and Dentistry of New Jersey, both partners in the State's NIEHS Center of Excellence, concur that there are several key elements of this study which must be pursued. These include the need to: (a) identify the disease patterns in the State—ethnicity, geographic location, occupation and education of the victims; (b) identify and characterize the potential etiologic factors—such as exposure to Superfund effluents, pesticides and occupational hazards; (c) analyze tissue samples and environmental samples for etiologic agents and tissue samples for genetic markers of disease; and (d) conduct a full scale case control study.

That is why I am so encouraged by this committee's efforts to fund research into this important area and am thankful that the project I have developed in consultation with the University of the Health Sciences of New Jersey and the New Jersey Department of Health will have an opportunity to immediately compete for the funds necessary to begin its implementation.

I would like also to thank the subcommittee chairman, Senator SPECTER, for his recognition that the issues this initiative proposes to address are the type of issues the committee envisioned to be studied with this funding.

As I have stated earlier, I believe our initiative will not only provide answers to the women of New Jersey but will provide ground-breaking research into the association between environmental conditions and breast cancer in this Nation and greatly assist in this committee's goal of providing answers that may account for some of the startling regional variations of breast cancer in this Nation.

FUNDING FOR THE DIRECT OPERATING LOAN PROGRAM

Mr. ROBB. Mr. President, I wanted to take this opportunity to thank Senators COCHRAN and BUMPERS, chairman and ranking member of the Agriculture Appropriations Subcommittee, and Senators STEVENS and BYRD, chairman and ranking member of the full committee, for their help in making loans available to low-income farmers and averting a potential man-made disaster.

This is planting season. Many farmers in the Commonwealth, and around the Nation, need to borrow funds to cover the costs of planting, which are repayed when crops are harvested. In the past, these funds have been made available by the U.S. Department of Agriculture through its direct operating loan program. Unfortunately, this program is out of funds for the year, and the very livelihoods of many farmers, mostly on small farms, are threatened.

Mr. President, when I was told of this situation by a number of farmers who came to my office 2 weeks ago, I contacted Agriculture Secretary Glickman and Senator BUMPERS. It was clear to me that the crisis these farmers faced was as real as the floods faced by our fellow Americans in the upper Midwest. With their help, we were able to include in this bill an appropriation that will provide $100 million in direct operating loan funds to our Nation's low-income farmers. Getting this money out into the fields is an emergency. In passing this provision, we will be "filling the sandbags" that can protect our farmers from a disaster, this one of manmade origins.

Let me just add that this provision is especially important to minority farmers, who have suffered in the past from well-documented discrimination within the Department of Agriculture. I know Secretary Glickman is committed to eradicating the discrimination, but I'm not sure he will be able to succeed on his own. These loans are crucial to these farmers. To quote a memo from the Department of Agriculture, "many of the low-income farmers which we will not be able to provide operating loan [OL] funds to—if no further money were appropriated—are minorities. Having adequate direct OL loan funds is critical for low-income minority farmers in their effort to become self-sustaining, successful, contributing members of rural communities."

Again, Mr. President, I thank my colleagues for their help in this matter, and I urge my colleagues to move this legislation quickly, to alleviate both the pain of natural disasters past and the possiblity of this manmade disaster in the near future.

Mr. WELLSTONE. Mr. President, I rise today in support of S. 672, the emergency supplemental appropriations bill. The President has now declared a major disaster for over 50 counties in the State of 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. This disaster assistance is urgently needed in my State and I want to thank Senators STEVENS and BYRD for their work in getting this package through the Senate.

While I intend to vote for this bill, I am very concerned about the ramifications of the McCain amendment, which triggers an automatic continuing resolution for fiscal year 1998 if Congress fails to pass appropriations bills. This disaster bill provides important assistance to Minnesotans struggling to rebuild their lives following an unprecedented natural disaster, and I think it is outrageous that we have used the emergency supplemental bill in this way. The continuing resolution will result in harsh cuts to important education and health programs. This is an uncaring and thoughtless way to proceed on the budget and it does not reflect the priorities and needs of the American people.

The people of Minnesota, North Dakota, and South Dakota have suffered tremendous losses as a result of the devastating winter storms and 500-year spring floods. In Minnesota alone, over 20,000 people have been displaced from their homes, many of these families will not be able to return to their homes for weeks and months to come. The record flooding and cold temperatures have had a major economic impact on my State. From small businesses in East Grand Forks to dairy farmers who were unable to milk their herds or to transport milk. Where it is still very early in the process of assessing losses, the Federal Reserve Bank has already estimated that there has been a loss of over $1.2 billion in the Red River Valley alone.

I want to congratulate Senators STEVENS and BYRD for their commitment to get assistance out to disaster victims. I appreciate their commitment to continue to do all that we can to help families and businesses rebuild in the region. While this bill before us does not contain all the funding that the region will need to rebuild from the unbelievable losses caused by flooding and winter storms, it does provide the first installment of assistance.

The emergency supplemental contains critical funding for the region, including $500 million in community development block grant funding, over $900 million in disaster assistance under FEMA, $54.7 million for EDA, and additional funding for transportation losses due to flooding and severe winter weather.

The State of Minnesota learned in the 1993 that CDBG funding is one of the best vehicles to get assistance into the communities for rebuilding homes

and businesses and for flood mitigation projects. I am glad that we were able to secure this additional CDBG assistance and the assurances from Senators STEVENS and BYRD that they will support this funding level in conference.

In addition, this bill contains a provision to require the administration to release $45 million in emergency contingency funding under the LIHEAP program for emergency energy needs of flood victims. As families begin to return to their homes in Ada, Breckenridge, Warren, and East Grand Forks, they will need this assistance to replace their heating systems. With this funding thousands of families will be able to return to their homes and do the hard work of cleaning up.

Finally, I want to acknowledge the tremendous volunteer effort that continues in my State. On my visits to the Minnesota and Red River Valleys, I was touched by the sense of community among the residents. Many folks didn't care who they were working next to, as long as they were working for the common good. People worked tirelessly to build dikes to try to save homes and businesses and are now working tirelessly to help flood victims begin to clean their homes, schools, and businesses. In particular, I want to send a special word of thanks to all the high school students who volunteered on the frontlines.

In the weeks and months ahead there will be many more hours of hard work; cleanup, removal of sandbags, restoration of buildings, 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. I am pleased that the Senate has acted and is now approving this package of much needed disaster assistance. With this funding, the flooded communities and families can begin to rebuild their towns, their businesses, and their lives.

DUAL-USE APPLICATIONS PROGRAM

Mr. BINGAMAN. Mr. President, I would like to speak about my amendment No. 69, which strikes section 305 of this supplemental appropriations bill.

Section 305 of the bill states that "Section 5803 of Public Law 104–208 is hereby repealed." That is a very economical formulation, but it doesn't tell the reader much about the substantive issues at stake. For this reason, I would like to take some time to describe to my colleagues what I think the key issues underlying section 305 in the supplemental appropriations bill are, and why I believe section 305 is an unwise step and should be stricken from this bill.

Section 305 repeals a $100 million appropriation to a Department of Defense program known as the Dual-Use Applications Program. By doing so, it eliminates one of the two major initiatives in this program. The Dual-Use Applications Program is just getting started. It was authorized for the first time in last year's Defense Authorization Act. Because of this, most of the money appropriated last year has not yet been spent. Awards are now just being made and announced. So, at a very superficial level, the $100 million looks attractive as a candidate for rescission.

But the Dual-Use Applications Program is, in my view, essential to our future national defense. This program will introduce major technological changes and cost savings in military applications, and major cultural changes in how the Department of Defense manages R&D. We have forged a bipartisan consensus on the Senate Armed Services Committee in favor of this program. Once my colleagues in the Senate understand what this program is all about, I am confident that they will agree with me that gutting the Dual-Use Applications Program at its inception is a very bad idea for our long-term national security.

America's Armed Forces today enjoy technological supremacy over any potential adversary. This is not an accident. It is the result of two things: wise past investments in defense R&D and competent advocacy from the top echelons of DOD for moving the fruits of that R&D into practice.

Our current recipe for maintaining military technological supremacy, though, is not a guarantee of future success. In fact, to ensure that our men and women in uniform maintain their technological edge over any future adversary, we will need a new strategy for defense technology. In this strategy, we will have to rely more on the commercial sector to provide defense technologies, through adaptation of cutting-edge commercial technologies to military use, rather than developing the same technology in isolation in a MILSPEC world.

There are two forces driving this new overall technology strategy.

The first force is the constrained budget for defense R&D. Defense R&D, like all defense spending, is under tremendous pressure as we move toward a balanced budget. We no longer have an open checkbook for defense scientists and engineers, as we essentially did during the cold war. Thus, we need to spend our funds more strategically, and seek ways to leverage our defense R&D dollars. with R&D investments being made by other funding sources.

The second force driving the defense world toward greater use of commercial technologies is the fact that technological advances from commercial R&D are outpacing similar advances from military R&D in many applications important to national defense. For example, the military is faced with an explosion of requirements for rapid and widespread processing and dissemination of information. The commercial world has led the development of the Internet, despite its origins in DARPA, and there is now much that the defense world can learn from the commercial world's experience with distributed information processing and communication.

Despite the emergence of these two new forces, the defense world is not used to, and is not prepared for, working with the commercial R&D sector in a radically new manner. It is used to thinking about its own, supposedly unique, defense requirements and perhaps some subsequent defense spinoff to commercial applications. It is not used to thinking about common requirements between defense and commercial applications and desirability of commercial "spin-ons" to defense applications.

This is where the Dual-Use Applications Program, established by section 203 of the National Defense Authorization Act for Fiscal Year 1997, comes in. The missions of this program are to a prototype and demonstrate new approaches for DOD to use in leveraging commercial research, technology, products, and processes for military systems.

Over the long term, these new approaches to working with industry must become widespread throughout DOD, in order for the Department to take full advantage of the technological opportunities afforded by the commercial sector. These leveraging approaches are not widespread in DOD today, by DOD's own admission. While acquisition reform has helped clear the path to a new relationship between DOD and the commercial sector, DOD reports that its experience to date with acquisition reform has shown that leveraging approaches are unfamiliar to many in DOD and are not widely adopted in the services.

There are two initiatives now underway in the Dual-Use Applications Program. Both encourage the leveraging, by the services, of the commercial sector's research, products, and processes for the benefit of DOD and the Nation's defense capabilities.

The first initiative is in science and technology research and development. It is very important, and I will describe it at some length. It is not immediately affected by this supplemental appropriations bill, in its current form, but I understand that it is likely to become a target for cuts in a conference. I hope that, after I finish my statement, the distinguished chairman of the Appropriations Committee can give me some assurance that he will resist attempts to cut the Science and Technology Initiative.

The second initiative is zeroed out by section 305 of this supplemental appropriations bill. It is a Commercial Operations and Support Savings Initiative that will prototype an approach that the service can use to insert, on a routine basis, commercial products and

processes into already-fielded military systems to reduce operations and support costs.

Section 305 of the bill would repeal section 5803 of last year's Defense Appropriations Act. That provision provides $100 million in funding for DOD's commercial operations and support savings initiative, known as COSSI. Under the COSSI program, DOD plans to insert new commercial technologies into weapons systems to reduce operations and support costs.

I am concerned that the elimination of this program could increase defense costs in the long run. DOD has learned that for many weapons systems, operations and support costs far exceed acquisition costs. By investing in upgraded commercial technologies with improved performance, the Department hopes to bring operations and support costs down in the long run.

Mr. LIEBERMAN. I share the Senator's concern. Under the COSSI program, DOD intends to make sensible investments that will reduce weapons systems costs in the long run. By upgrading the F-14A/B Inertial System, for example, DOD expects that it could increase the mean time between failures from 40 hours to 4500 hours, substantially reducing program costs over the next decade. Similarly, by installing constant velocity joints in its fleet of M939 5 ton trucks, the Department expects to reduce its tire costs by two-thirds. In my view, we can't afford *not* to make these kinds of money-saving investments.

Mr. LEAHY. The Senator from Connecticut is exactly right. There are many commercial technologies that can save the Defense Department money in the long run. For example, one Navy COSSI program uses sensors and software to monitor engine and rotor components on helicopters. The technology tells the user when a given part needs to be replaced, as opposed to the current system, which for safety reasons requires perfectly usable parts to be replaced at regular intervals. Navy program managers have estimated that this technology can save over $1 billion over 10 years if adopted on just two kinds of helicopters. In this time of tight budgets, this is the kind of program that we should all be supporting.

Mr. INOUYE. I believe that the Senators have expressed valid concerns. This is an important program, and I hope that we will be able to restore a substantial amount of the funding in conference.

Mr. STEVENS. I understand the Senators' concerns. The administration has expressed similar concerns about this provision. We will certainly look carefully at this provision in conference and do what we can to provide an appropriate level of funding.

Mr. BINGAMAN. Having made the case for restoring funds to the COSSI program, I would like to state my hope that such restoration not come at the expense of other dual-use technology programs that will benefit the Department of Defense. The Senate Armed Services Committee has carefully reviewed and authorized the dual use science and technology research element of the Dual Use Application Program as provided for in section 203 of the National Authorization Act for fiscal year 1997. Programs developed under this section will provide major enhancements in our military capabilities and can also benefit the commercial sector. Cooperation between DOD and the private sector will provide dual use benefits at a significantly lower cost to the government.

Mr. STEVENS. I understand the Senators' concerns. The administration has expressed similar concerns about this provision. We will certainly look carefully at this provision in conference and do what we can to provide an appropriate level of funding for both elements of the Dual Use Program.

Mr. LIEBERMAN. Mr. President, I share Senator BINGAMAN's concern about section 305 of the bill, which would eliminate $100 million in funding for DOD's commercial operations and support savings initiative, known as COSSI. Under the COSSI program, DOD plans to insert new commercial technologies into weapons systems to reduce operations and support costs. DOD has learned that for many weapons systems, operations and support costs far exceed acquisition costs. By investing in upgraded commercial technologies with improved performance, the Department hopes to bring operations and support costs down in the long run.

I am concerned that the elimination of the COSSI program will increase defense costs in the long run. At the same time, I agree that we should not try to fund the COSSI program at the expense of the Department's limited funding for dual use technologies. Senator BINGAMAN has worked long and hard to establish the Dual Use Program and to keep it going, and this program has shown real benefits for both the Department of Defense and the economy as a whole. I hope that the conferees will be able to find an appropriate level of funding for the COSSI program without undermining the Department's dual use technology initiative.

SECTION 314

Mr. HARKIN. Mr. President, I rise to express my opposition to section 314 of S. 672, the supplemental appropriations bill. Section 314 was added to the bill in committee and would prohibit the Health Care Financing Administration from continuing with a Medicare competitive pricing demonstration project. I believe this provision does not belong on this emergency supplemental bill and if need be would more appropriately be addressed in the upcoming Labor, Health and Human Services Appropriations bill for fiscal year 1998. In addition, I believe this provision would hurt our ability to reform Medicare and make certain that it gets the best deal possible for Medicare beneficiaries and other taxpayers.

For many years, I have been working to identify and reform wasteful payment policies and practices in the administration of Medicare. The General Accounting Office estimates that up to 10 percent of Medicare funds are lost each year to waste, fraud and abuse. And my experience is that a large percentage of that is due to wasteful payment policies and practices. Clearly, the current Medicare payment scheme for managed care falls into this category and needs reform. Current policy grossly overpays in some areas and underpays in many rural areas.

While there may be issues that need to be resolved with beneficiaries and providers in the area in which this managed care competitive pricing demonstration is to occur, that does not justify a complete cutoff of funds for the test. Officials at HCFA should promptly work with the community to address these issues. If there are legitimate issues that cannot be resolved over the next month or two, we could consider options for action on the fiscal year 1998 appropriations bill.

Mr. President, as I mentioned earlier, we need to test ways in which we can achieve Medicare savings to ensure this critically important program's long-term solvency while preserving access and quality for beneficiaries. Enacting section 314 of this bill would be a setback to this important effort. Because of this I'm hopeful that this matter will be reconsidered and that any problems associated with this particular demonstration project can be promptly worked out administratively without the need for legislative action.

I also want to express my concern with section 323 of the bill. This section is a legislative rider that is unrelated to the substance of S. 672. It repeals section 1555 of the Federal Acquisition Streamlining Act of 1994 which was intended to save taxpayers millions of dollars by giving State and local governments to take advantage of the purchasing power of the Federal Government. Implementation of this provision was delayed for 18 months last year to give time for the General Accounting Office to study the issue and report back recommendations to Congress. We should allow time to get the GAO's report and recommendations before taking action on this important issue.

AMENDMENT TO DELAY IMPLEMENTATION OF THE WELFARE LAW FOR IMMIGRANTS

Mr. KENNEDY. Mr. President, yesterday Senator D'AMATO offered an amendment, which I cosponsored, to

delay implementation of certain provisions in the new welfare law which affect legal immigrants.

Last year, Congress passed a so-called welfare reform bill that drastically restricts the ability of legal immigrants to participate in public assistance programs. It prohibits them from receiving food stamps, SSI benefits, and Federal nonemergency Medicaid benefits.

In recent months, we have seen the harsh impact of this bill on legal immigrant families. Many fear being turned out of nursing homes and cut off from disability payments beginning on August 1, 1997. In recent weeks, some needy immigrants have taken their own lives, rather than burden their families.

Last week's negotiations on the fiscal year 1998 budget produced more hopeful prospects on this issue. But, needy immigrants will begin to lose their SSI benefits on August 1, 2 months before the fiscal year 1998 begins. We need to extend the August 1 deadline while we get our act together and work out a satisfactory compromise.

Senator D'AMATO's amendment extends the effective date for certain parts of the welfare law which affect legal immigrants until the end of the 1997 fiscal year. This extension is fair and reasonable. We need to ensure that no one loses SSI benefits while the budget process works its course.

SAMPLING IN THE 2000 CENSUS

Mr. MOYNIHAN. Mr. President, I am pleased that the Senate has agreed to Senator HOLLINGS' amendment to allow the Bureau of the Census to plan for sampling in the 2000 census. In that year the Bureau proposes to count each census tract by mail and then by sending out enumerators until they have responses for 90 percent of the addresses. The Bureau proposes to then use sampling to count the remaining 10 percent of addresses in each tract, based on what they know of the 90 percent. This would provide a more accurate census than we get by repeatedly sending enumerators to hard-to-count locations and would save $500 million or more in personnel costs.

The census plan is supported by the National Academy of Sciences' National Research Council, which was directed by Congress in 1992 to study ways to achieve the most accurate population count possible. The NRC report finds that the Bureau should:

> make a good faith effort to count everyone, but then truncate physical enumeration after a reasonable effort to reach nonrespondents. The number and character of the remaining nonrespondents should then be estimated through sampling.

The supplemental appropriations bill would prohibit the Bureau from planning for a census that includes sampling, and would even prevent the Bureau from planning to send out the long form, from which we get crucial and legally required information about education, employment, immigration, housing, and many other areas of American life. The long form gives us a detailed picture of the populace that we cannot do without.

Mr. President, the taking of a census goes back centuries. I quote from the King James version of the Bible, chapter two of Luke: "And it came to pass in those days that there went out a decree from Caesar Augustus that all the world should be taxed [or enrolled, according to the footnote] . . . And all went to be taxed, everyone into his own city." The early censuses were taken to enable the ruler or ruling government to tax or raise an army.

The first census for more sociological reasons was taken in Nuremberg in 1449. So it was not a new idea to the Founding Fathers when they wrote it into the Constitution to facilitate fair taxation and accurate apportionment of the House of Representatives, the latter of which was the foundation of the Great Compromise that has served us well ever since.

The Constitution says in Article I, Section 2:

> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years of the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall direct by law.

Opponents of sampling often say that the Constitution calls for an "actual enumeration", and this requires an actual headcount rather than any statistical inference about those we know we miss every time. However, numerous lower court rulings have found that it is permissible under the Constitution to use sampling. When the New York case was decided last year, the Supreme Court found that the decision by the Secretary of Commerce not to adjust the 1990 census for the undercount was a reasonable choice in areas where technical experts disagree, and within the discretion granted to the Federal Government. The opinion by Chief Justice Rehnquist stated that "We do not decide whether the Constitution might prohibit Congress from conducting the type of statistical adjustment considered here." So it appears to be left to the executive and legislative branches to decide how best to count the populace.

I note that we have not taken an actual enumeration the way the Founding Fathers envisioned since 1960, after which enumerators going to every door were replaced with mail-in responses. The Constitution provides for a postal system, but did not direct that the census be taken by mail. Yet we do it that way. Why not sample if that is a further improvement?

Sampling would go far toward correcting one of the most serious flaws in the census, the undercount. Statistical work in the 1940's demonstrated that we can estimate how many people the census misses. The estimate for 1940 was 5.4 percent of the population. After decreasing steadily to 1.2 percent in 1980, the 1990 undercount increased to 1.8 percent, or more than 4 million people.

More significantly, the undercount is not distributed evenly. The differential undercount, as it is known, of minorities was 4.4 percent for blacks, 5.0 percent for Hispanics, 2.3 percent for Asian-Pacific Islanders, and 4.5 percent for Native Americans, compared with 1.2 percent for non-Hispanic whites. The difference between the black and nonblack undercount was the largest since 1940. By disproportionately missing minorities, we deprive them of equal representation in Congress and of proportionate funding from Federal programs based on population. The Census Bureau estimates that the total undercount will reach 1.9 percent in 2000 if the 1990 methods are used instead of sampling.

Mr. President, I have some history with the undercount issue. In 1966 when I became director of the Joint Center for Urban Studies at MIT and Harvard, I asked Prof. David Heer to work with me in planning a conference to publicize the nonwhite undercount in the 1960 census and to foster concern about the problems of obtaining a full enumeration, especially of the urban poor. I ask unanimous consent that my forward to the report from that conference be printed in the RECORD, for it is, save for some small numerical changes, disturbingly still relevant. Sampling is the key to the problem and we must proceed with it.

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

SOCIAL STATISTICS AND THE CITY

(By David M. Heer)

FOREWORD

At one point in the course of the 1950's John Kenneth Galbraith observed that it is the statisticians, as much as any single group, who shape public policy, for the simple reason that societies never really become effectively concerned with social problems until they learn to measure them. An unassuming truth, perhaps, but a mighty one, and one that did more than he may know to sustain morale in a number of Washington bureaucracies (hateful word!) during a period when the relevant cabinet officers had on their own reached very much the same conclusion—and distrusted their charges all the more in consequence. For it is one of the ironies of American government that individuals and groups that have been most resistant to liberal social change have quite accurately perceived that social statistics are all too readily transformed into political dynamite, whilst in a curious way the reform

temperament has tended to view the whole statistical process as plodding, overcautious, and somehow a brake on progress. (Why must every statistic be accompanied by detailed notes about the size of the "standard error"?)

The answer, of course, is that this is what must be done if the fact is to be accurately stated, and ultimately accepted. But, given this atmosphere of suspicion on the one hand and impatience on the other, it is something of a wonder that the statistical officers of the federal government have with such fortitude and fairness remained faithful to a high intellectual calling, and an even more demanding public trust.

There is no agency of which this is more true than the Bureau of the Census, the first, and still the most important, information-gathering agency of the federal government. For getting on, now, for two centuries, the Census has collected and compiled the essential facts of the American experience. Of late the ten-year cycle has begun to modulate somewhat, and as more and more current reports have been forthcoming, the Census has been quietly transforming itself into a continuously flowing source of information about the American people. In turn, American society has become more and more dependent on it. It would be difficult to find an aspect of public or private life not touched and somehow shaped by Census information. And yet for all this, it is somehow ignored. To declare that the Census is without friends would be absurd. But partisans? When Census appropriations are cut, who bleeds on Capitol Hill or in the Executive Office of the President? The answer is almost everyone in general, and therefore no one in particular. But the result, too often, is the neglect, even the abuse, of an indispensable public institution, which often of late has served better than it has been served.

The papers in this collection, as Professor Heer's introduction explains, were presented at a conference held in June 1967 with the avowed purpose of arousing a measure of public concern about the difficulties encountered by the Census in obtaining a full count of the urban poor, especially perhaps the Negro poor. It became apparent, for example, that in 1960 one fifth of nonwhite males aged 25–29 had in effect disappeared and had been left out of the Census count altogether. Invisible men. Altogether, one tenth of the nonwhite population had been "missed." the ramifications of this fact were considerable, and its implications will suggest themselves immediately. It was hoped that a public airing of the issue might lead to greater public support to ensure that the Census would have the resources in 1970 to do what is, after all, its fundamental job, that of counting all the American people. As the reader will see, the scholarly case for providing this support was made with considerable energy and candor. But perhaps the most compelling argument arose from a chance remark by a conference participant to the effect that if the decennial census were not required by the Constitution, the Bureau would doubtless never have survived the economy drives of the nineteenth century. The thought flashed: the full enumeration of the American population is not simply an optional public service provided by government for the use of sales managers, sociologists, and regional planners. It is, rather, the constitutionally mandated process whereby political representation in the Congress is distributed as between different areas of the nation. It is a matter not of convenience but of the highest seriousness, affecting the very foundations of sovereignty. That being the case, there is no lawful course but to provide the Bureau with whatever resources are necessary to obtain a full enumeration. Inasmuch as Negroes and other "minorities" are concentrated in specific urban locations, to undercount significantly the population in those areas is to deny residents their rights under Article I, Section 3 of the Constitution, as well, no doubt, as under Section 1 of the Fourteenth Amendment. Given the further, more recent practice of distributing federal, state, and local categorical aid on the basis not only of the number but also social and economic characteristics of local populations, the constitutional case for full enumeration would seem to be further strengthened.

A sound legal case? Others will judge; and possibly one day the courts will decide. But of one thing the conference had no doubt: the common-sense case is irrefutable. America needs to count all its people. (And reciprocally, all its people need to make themselves available to be counted.) But if the legal case adds any strength to the common-sense argument, it remains only to add that should either of the arguments bring some improvement in the future, it will be but another instance of the generosity of the Carnegie Corporation, which provided funds for the conference and for this publication.

CDBG

Mr. GRAMS. I would like to remind my colleagues that our CDBG request is based on very preliminary loss figures. There are many residents of communities along the Red River Valley who still have not returned to their homes. It will take months before we have a better idea of what the total losses will be.

As a result, all of us in Minnesota, North and South Dakota hope we can count on the support of the Appropriations Committee to help meet our future needs during the 1998 appropriations process, or, if necessary, in future supplemental requests. I realize that the rebuilding effort will take some time, and I would request the support of my distinguished colleague, the chairman of the Appropriations Committee, to help us fund additional disaster relief beyond this supplemental request as the true losses are determined.

Mr. STEVENS. The committee is well aware that funds for these disasters must be appropriated during the entire rebuilding period, which can take several years. We will work with the Senators from Minnesota, North and South Dakota to ensure that the disaster needs of your States are met during the 1998 appropriations process, as well as future appropriations bills, if necessary.

Mr. BINGAMAN. Mr. President, during the last several days, I have expressed concerns about various provisions and amendments on this supplemental appropriations Bill. In the end, however, I believe that this bill addresses not only New Mexico's transportation infrastructure needs but also many of the disaster relief demands facing other parts of the Nation, and I will vote for passage.

Unfortunately, this bill's continuing resolution provisions—which call for automatic across-the-board cuts—if the Congress fails to pass our appropriations bills before the end of the fiscal year is a poor and unacceptable way to legislate. I strongly oppose this provision which does remain in the supplemental appropriations bill. I am hopeful that this provision will be struck in conference and support the President's promised veto if this provision is not struck.

These supplemental appropriations bills should focus on the most pressing needs of the Nation—particularly natural disasters that call for our care and attention. We should not be cluttering these bills with provisions such as the continuing resolution provision which either the Conference Committee or the President must remove.

Mr. SANTORUM. Mr. President, the supplemental appropriation before us today contains funding for floods which devastated the Northwestern and Midwestern States. I can appreciate the necessity of providing FEMA funding for those States. The last time that this body considered a measure to provide funding for disaster assistance, it was a proposal for $1.2 billion in assistance, mainly to my State of Pennsylvania. That funding was an acknowledgment of the devastation that occurred as a result of the harsh winter, extensive snowfall, and severe flooding throughout Pennsylvania.

Again, Mr. President, the situation is no less severe and the need no less dire in the Northwest and Midwest. I sympathize with those Senators from affected States that have taken to the floor during this debate to talk about the devastation to homes, businesses, and communities that they have seen firsthand. The FEMA funding in this bill will be very helpful to States and localities in providing swift assistance in a timely manner.

During our last debate, Mr. President, I offered an amendment addressing the need for a structural change in the manner in which the Federal Government provides disaster funding. Specifically, the Senate passed several amendments I offered to the fiscal year 1996 omnibus appropriations bill which provided a mechanism to pay for $1.2 billion in disaster funding, called for a long-term funding solution, and ensured that disaster assistance funds were deficit neutral in the final conference committee bill.

The bill before us today and, specifically, the committee report build upon several of those amendments debated and passed last year. The committee report addresses concerns with the long-term structure of FEMA. The FEMA funding contained in this bill is offset by corresponding spending reductions within the same subcommittee jurisdiction. The work done by Senator BOND, chairman of the VA/HUD Appropriations Subcommittee, and Senator

MIKULSKI, the ranking member, admirably balances the need for FEMA funding with the necessity of finding reductions within the jurisdiction of their subcommittee.

Specifically, I would like to cite page 26 of the committee report which mentions that:

The Committee notes its continuing concern with the escalating costs of FEMA disaster relief. . . . FEMA acknowledges that the escalation of costs is due not only to the increase in large-scale disasters, but also because the scope of Federal disaster assistance has expanded, the Federal role in response has expanded considerably, and State and local governments are increasingly turning to the Federal government for assistance. . . .

The report also states that, "The FEMA Director is committed to submitting a comprehensive proposal, including proposed legislation, by July 4, 1997."

Mr. President, I would like Senator BOND to know of my continuing interest in working with him and the subcommittee on structural reform of FEMA, and of my anticipation of the report and recommendations from FEMA due in a few months. I will be sending him a letter offering my assistance, resources, and energies in restructuring the manner in which we have budgeted and provided relief for natural disasters. Senator BOND's statement in the committee report references several proposals worth considering. Among those reforms are the development of objective disaster declaration criteria and comprehensive Federal policies to control the Federal costs of disaster assistance, review of the appeals process, elimination of funding for tree and shrubs replacement, elimination of assistance for cultural and decorative objects, elimination of funding for certain revenue-producing facilities such as golf courses and stadiums, and creation of incentives for States and local governments to carry insurance to cover the repair and rebuilding of their infrastructure after a disaster.

There are several other proposals and recommendations that I have previously reviewed and that I hope we would also consider. Those proposals would require stringent, written justification by the President and Congress to designate emergency appropriations; enact a requirement for a three-fifths majority budget point of order for emergency supplemental appropriations; identify multi-year spending cuts to pay for emergency appropriations and remain within the budget; base annual disaster funding on historic funding levels, permitting occasional surpluses; and protect the contingency fund from being raided as a funding source for nondisaster projects.

Our action today is not without concerns, and I wanted to touch on a few areas of the supplemental appropriation, aside from the issue of disaster assistance. The supplemental appropriation is unfortunately riddled with additional spending in a variety of accounts and programs. The majority of these programs are not associated with the Northwest and Midwest floods. Rather, this process seems to serve as a vehicle to bolster Federal funding for programs that have otherwise operated this fiscal year under a very fair and widely supported allocation. The supplemental funding that is not associated with either Federal disaster assistance or support for our troops in Bosnia reverses the work done in both the fiscal year 1996 and fiscal year 1997 omnibus appropriations bills. More troubling is the fact that the total amount of funds provided in this bill today is not completely offset with spending reductions and this overall supplemental appropriations package is not deficit neutral. For the remainder of this fiscal year, the bill creates excess spending of $467 million in budget authority and roughly $1 billion in outlays. The budget projection for years 1998 through the year 2002 create an even more troubling scenario.

I have been working with Senator GRAMM on two amendments to pay for both the 1997 funding shortfall and the imbalance for the remaining fiscal years. Those two amendments would make the fiscal year 1997 appropriations deficit neutral. The remaining spending obligations under the bill would count against the new budgetary caps established under the recent balanced budget agreement. Both amendments will rectify shortfalls in the bill and are in the spirit of how this body should continue to conduct our business—spending must remain deficit neutral. Again, Mr. President, the FEMA disaster assistance in this bill is offset. The issue with this bill is about additional discretionary spending versus shortfalls in spending reductions, and the need for this bill to be deficit neutral. I hope that this body will support the amendments.

Mr. GORTON. Mr. President, I speak today on behalf of the thousands of citizens of my home State whose homes and businesses were damaged or destroyed by floods and landslides this year. Washington was hit hard in late December and early January by unprecedented weather patterns that wreaked havoc across the State and again in the spring by flooding caused by snow melt in the mountains.

Freezing rain, snow, strong winds, and rapidly rising temperatures with warm rains led to unprecedented problems across the State. Mudslides and flooding eroded major roads and bridges, rendering them impassable; small businesses were destroyed by collapsing roofs due to heavy snow; and flooding harmed hundreds of homes and businesses. All but 1 of Washington's 39 counties were declared Federal disaster areas.

I visited many of the people whose lives and livelihoods were affected by the storms. Traveling across the State in February, I witnessed first hand nature's devastating impact. In Kalama, ground movement caused by soggy soil led a natural gas pipeline to rupture and explode, sending flames hundreds of feet into the air and terrifying nearby neighborhoods. In Edmonds, heavy, wet snow collapsed the roof of a marina housing 400 private boats, causing $15 million in damage. Several homes, roads, and bridges were destroyed by landslides throughout the Seattle area. Tragically, on Bainbridge Island, a family of four was killed when a mudslide buried their home in the middle of the night without warning. And in Yakima, Wenatchee, and across eastern Washington, farms and farm buildings sustained heavy damage. Apple, pear, and potato storage houses and dairy farms were destroyed when roofs collapsed under heavy snow.

Mr. President, when natural disasters touch the lives of so many people, it is the Federal Government's responsibility to offer a helping hand. The bill before the Senate today will do just that. The $5.8 billion in disaster relief funded by this legislation will go a long way to help Americans hurt by natural disasters across the Nation get back on their feet. Small Business Administration loans will help business and homeowners alike with necessary repairs. The Federal Emergency Management Agency will provide assistance to both individuals and State and local governments to repair private homes and businesses and roads and bridges damaged by the storms. And the Corps of Engineers will work to rebuild and strengthen levees and other flood protection measures to provide our communities better protection from rising rivers in the future.

On behalf of the people of Washington State, I commend Senator STEVENS for his dedication and diligence in bringing this legislation to the floor. His work and the work of my colleagues on the Appropriations Committee will ensure that America can recover from a particularly harsh winter and spring. This legislation will help millions of people who had the misfortune to be in the path of mother nature. I strongly support this bill, and I urge my colleagues to do the same.

DAIRY PRICE REPORTING AMENDMENT

Mr. SPECTER. Mr. President, I am pleased that the supplemental appropriations bill will include an amendment that I introduced to assist our Nation's dairy farmers. The amendment, which was cosponsored by Senators SANTORUM, FEINGOLD, and KOHL, would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices

received for bulk cheese and would require the Secretary to report to Congress on the rate of reporting compliance.

Dairy prices set an all-time high in 1996, with an average price of $13.38 per hundredweight for the year. The price reached its peak in September at $15.37 per hundredweight, then dropped to $14.13 per hundredweight in October. The market experienced its largest drop in history during November, falling to $11.61 per hundredweight, which represents a 26-percent decline. During this same period, the cost of dairy production reached a record high due to a 30- to 50-percent increase in grain costs.

On November 22, 1996, I joined with 19 of my Senate and House colleagues in writing to Agriculture Secretary Glickman, urging him to take action to help raise dairy prices. Secretary Glickman responded on January 7, 1997, by announcing several short-term actions to stabilize milk prices. While these actions did have a small positive effect in increasing dairy prices, they did not provide adequate relief to our Nation's dairy farmers.

In order to hear the problems that dairy farmers are facing first hand, I asked Secretary Glickman to accompany me to northeastern Pennsylvania, which he did, on February 10. We met a crowd of approximately 500 to 750 angry farmers who complained about the precipitous drop in the price of milk.

During the course of my analysis of the pricing problem, I had found that the price of milk depends on a number of factors, one of which is the price of cheese. For every 10 cents the price of cheese is raised, the price of milk would be raised by $1 per hundredweight. Then I found that the price of cheese was determined by the National Cheese Exchange in Green Bay, WI. At least according to a survey made by the University of Wisconsin, there was an issue as to whether the price of cheese established by the Green Bay exchange was accurate. The authors of the report used a term as tough as manipulation. Whether that is so or not, there was a real question as to whether that price was accurate. Therefore, 3 days after the hearing at Keystone College, I introduced a sense-of-the-Senate resolution with Senators SANTORUM, FEINGOLD, KOHL, JEFFORDS, LEAHY, WELLSTONE, SNOWE, COLLINS, and GRAMS. The resolution, which passed by a vote of 83 to 15, stated that the Secretary of Agriculture should consider acting immediately to replace the National Cheese Exchange as a factor to be considered in setting the basic formula price for dairy.

In my discussions with Secretary Glickman, I found he had the power to raise the price of milk unilaterally by establishing a different price of cheese. Therefore, on March 10, I wrote to Secretary Glickman and urged him to take immediate action to establish a price floor at $13.50/cwt on a temporary, emergency, interim basis until he completes action on delinking the National Cheese Exchange from the basic formula price.

This subject was aired during the course a special hearing before the appropriations subcommittee on March 13. At that time, Secretary Glickman said that they had ascertained the identity of 118 people or entities who had cheese transactions that could establish a different price of cheese. He told me they had written to the 118 and were having problems getting responses. I suggested it might be faster to telephone those people. Secretary Glickman provided my staff with the list of people, and we telephoned them and found, after reaching approximately half of them, that the price of cheese was, in fact, 16 cents higher by those individuals than otherwise. On March 19, I again wrote Secretary Glickman and informed him of the results of my staff's survey, explaining that there is a $.164 difference in the price of cheese and the price from the National Cheese Exchange. This translates to a $1.64 per hundredweight addition to the price of milk.

Moreover, on April 17, I introduced two pieces of legislation to revise our laws so that they better reflect current conditions and provide a fair market for our Nation's dedicated and hard-working farmers. The legislation goes to two points. One is to amend the Agriculture Market Transition Act to require the Secretary to use the price of feed grains and other cash expenses in the dairy industry as factors that are used to determine the basic formula for the price of milk and other milk prices regulated by the Secretary. Simply stated, the Government should use what it costs for production to establish the price of milk, so that if farmers are caught with rising prices of feed and other rising costs of production, they can have those rising costs reflected in the cost of milk.

The second piece of legislation would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and provide the Secretary with the authority to require reporting by such manufacturing plants throughout the United States on the prices of cheese, butter, and nonfat dry milk.

On Tuesday, May 6, 1997, the Department of Agriculture announced that they were replacing the National Cheese Exchange in Green Bay, WI with a survey of cheddar cheese manufacturers in the United States in order to determine the price of cheese for use in setting the basic formula price for dairy.

Currently, the Department of Agriculture is relying on the voluntary compliance of cheese manufacturers to obtain information for their newly announced survey. My amendment requires the Secretary to report to Congress 150 days after the date of enactment of this bill the rate of reporting compliance by cheese manufacturers. The amendment further allows the Secretary to submit legislative recommendations to improve the rate of reporting compliance. The amendment also protects the pricing information provided to the Secretary of Agriculture. This information shall be kept confidential, and shall be used only to report general industry price figures which do not identify the information provided by any individual company.

This amendment takes a significant step toward ensuring that our Nation's dairy farmers receive a fair price for their milk. However, we still have much work ahead of us as the Department of Agriculture and Congress work together to reform the entire milk pricing system. I will continue to work in this area to ensure that the voices of dairy farmers in Pennsylvania and throughout the Nation are heard, and to ensure that any change in Federal dairy policy is fair and provides the necessary support for our Nation's milk industry.

Mr. STEVENS. If the Senators will bear with us, I think we will start a vote at about 20 minutes of 6 o'clock.

Let me first take care of the housekeeping problem. I ask unanimous consent after the Senate votes on the question of advancing S. 672 to third reading, it be held at the desk, and that when the Senate receives H.R. 1469, the Fiscal Year 1997 Supplemental Appropriations and Rescissions Act from the House, the Senate proceed immediately to its consideration, that the text of S. 627 as amended by the Senate be adopted as a substitute for the House text, that the House bill as amended be read for a third time and passed, the Senate insist on its amendment, request a conference with the House, that the Chair be authorized to appoint conferees, that motions to reconsider the votes on the preceding action be tabled, and that all the above mentioned actions take place without any intervening action or debate.

Let me explain. That means in a few minutes we will vote on advancing this bill to third reading. That, in effect, will be the final vote by the Senate on this bill. There are people that asked for a final vote. This is the way to do it. The House has not acted on the bill. We have done this before. It has been cleared with both sides.

I repeat my request for unanimous consent.

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

Mr. STEVENS. I have a series of matters, here, and then I ask the Chair to recognize the Senator from Texas, [Mrs. HUTCHISON] once we complete

these matters. That is the end of the business before the Senate. There are some Senators that wish to make statements. I will deal with that in a minute.

AMENDMENT NO. 114

(Purpose: To study the high rate of cancer among children in Dover Township, New Jersey)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. TORRICELLI, for himself and Mr. LAUTENBERG, proposes an amendment numbered 114.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. . MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) STUDY.—

(1) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

Mr. STEVENS. This amendment has been cleared by both sides of the aisle. I urge its adoption.

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

The amendment (No. 114) was agreed to.

AMENDMENT NO. 237

(Purpose: To provide additional emergency CDBG funds for disaster areas)

Mr. STEVENS. Mr. President, I send to the desk a new amendment and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DORGAN, for himself, Mr. CONRAD, Mr. GRAMS, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON, proposes an amendment numbered 237.

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

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

The amendment is as follows:

On page 30, line 11, strike "$100,000,000" and insert "$500,000,000".

On page 31, line 4, insert after the colon the following: *"Provided further*, the Secretary of Housing and Urban Development shall publish a notice in the federal register governing the use of community development block grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, that for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts:".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,100,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,100,000,000".

Mr. GRAMS. Mr. President, I rise in strong support of the amendment by Senators CONRAD, DORGAN, GRAMS, WELLSTONE, DASCHLE, and JOHNSON. This is an amendment that is strongly supported and promoted by all six Senators in the three States devastated by the flooding of the Red River as well as the Minnesota River. It will increase the funds available in the bill for community development block grants from $100 to $500 million from funds offset from FEMA.

While I appreciate the $100 million request by the President for CDBG funds, included in the supplemental, it was evident to me as I surveyed the damage in my own State, that $100 million for all 23 States covered in this bill, was not enough. Therefore, I am grateful to my colleagues, Senators BOND, MIKULSKI, STEVENS, and BYRD for supporting this additional request, since I am well aware of how difficult it is for the committee to find the needed offsets.

I am grateful also to the efforts of Lynn Stauss, the mayor of East Grand Forks, MN, who traveled to Washington to communicate the needs of his city to Senate leaders yesterday. Mayor Stauss had particular concerns that the $100 million in the bill, combined with limited FEMA funds, would not be enough to help the flood communities complete the mitigation process involved with actually moving homes and businesses off the flood plain. It seems reasonable to increase CDBG funding in the bill to allow these devastated communities to start the relocation process with the certainty they need to sign construction contracts and start the rebuilding before the Minnesota winter complicates that process. Further, one of FEMA's goals is to move people off the flood plain to minimize future flood losses. This funding will facilitate that process.

I am pleased that the committee has made a commitment to address our funding needs through the supplemental conference committee as well as additional funding needs in the 1998 appropriations cycle and future supplementals. Since we are still paying for the 1993 floods in Minnesota, I am aware that the rebuilding effort is long-term, and I appreciate the concern and commitment of my colleagues on the Appropriations Committee to help us recover.

Again, on behalf of Minnesota flood victims, I thank my colleagues on the committee, and all of my Senate colleagues for their support of this amendment.

Mr. STEVENS. Mr. President, this does not increase the amount under the bill but transfers money from one account to another to take care of the CDBG problem outlined by the Senators from the States of the disaster area in the upper Midwest.

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

The amendment (No. 237) was agreed to.

AMENDMENT NO. 80

(Purpose: To provide rules for the issuance of take-reduction plan regulations)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. SNOWE, for herself, and Mr. KERRY, proposes an amendment numbered 80.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DISENTANGLEMENT OF MARINE MAMMALS.

Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and "to free a marine mammal from entanglement in fishing gear or debris," after "self-defense".

AMENDMENT NO. 80, AS MODIFIED

Mr. STEVENS. On behalf of Senators SNOWE, KERRY, GREGG, COLLINS, KENNEDY, SMITH, and BREAUX, I send to the desk a revision, a modification of that amendment, and I ask unanimous consent it be considered in place of the amendment originally offered.

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

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. . Section 101 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371) is amended by adding at the end thereof the following:

"(d) GOOD SAMARITAN EXEMPTION.—It shall not be a violation of this Act to take a marine mammal if—

"(1) such taking is imminently necessary to avoid serious injury, additional injury, or death to a marine mammal entangled in fishing gear or debris;

"(2) reasonable care is taken to ensure the safe release of the marine mammal, taking into consideration the equipment, expertise, and conditions at hand;

"(3) reasonable care is exercised to prevent any further injury to the marine mammal; and

"(4) such taking is reported to the Secretary within 48 hours."

Ms. SNOWE. Mr. President, the amendment that I am introducing today provides that the disentanglement of a marine mammal from fishing gear or debris does not violate the Marine Mammal Protection Act. This amendment is co-sponsored by Senators KERRY, GREGG, COLLINS, KENNEDY, SMITH, and BREAUX.

I would also like to thank the chairman of the Appropriations Committee, Senator STEVENS, for his efforts in helping us craft this amendment. Senator STEVENS has been a leader on marine mammal issues since the act was first enacted in 1972, and we value his expertise.

As a nation, we have taken great steps toward protecting marine mammals. The Marine Mammal Protection Act is an international model for minimizing adverse human impacts on marine mammal populations. Under the Act, the term "take" means "to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal". Takings are expressly prohibited without an exemption approved by the National Marine Fisheries Service, consistent with the MMPA. The takings language is clear. It is meant to prevent unnecessary injury to marine mammal populations. But unfortunately, as the law currently stands, the takings provision could be used to hold liable a person involved in attempting to rescue a marine mammal from entanglement.

Perhaps nowhere else is this problem more critical than in my own State of Maine, where NMFS has recently proposed a rule to reduce the takings of large Atlantic whales. Many of the stakeholders who have been involved in the debate over this rule believe that improved disentanglement of whales is a crucial part of any take reduction plan. In fact, while the NMFS's rule, which is badly flawed, relies heavily on untested and unproven fishing gear modifications, many knowledgeable people believe that enhanced disentanglement is the most effective known method of reducing serious injury or mortality.

However, fishermen and others will be very reluctant to participate in disentanglement efforts unless they have an ironclad guarantee that they would not be held liable for a taking. Thus, without a change in the law, the success of disentanglement programs would be severely limited.

The Snowe-Kerry amendment provides that change, encouraging fishermen and others to help rescue a marine mammal by removing the threat of prosecution. And we need the help of our fishermen. The fishing community provides our eyes and ears on the sea, working across areas far larger than any single agency could hope to monitor. With the participation and support of fishermen, we can add to our understanding of marine mammal populations and reduce the incidence of serious injury.

Mr. President, this amendment enjoys bipartisan support and is not controversial. I urge my colleagues to support the amendment.

Mr. KERRY. Mr. President, the amendment offered today by Senator SNOWE and me represents an important and urgently needed step in our efforts to protect marine mammals. The provision amends the Marine Mammal Protection Act [MMPA] to encourage life-saving and well-intentioned efforts to free marine mammals from entanglement in fishing gear and marine debris.

Under existing law, fishermen and others who come to the assistance of a marine mammal that has become entangled in fishing lines or debris technically are in violation of the MMPA's moratorium on the taking, or incidental killing, of a marine mammal. This situation is a true example of the old axiom that no good deed goes unpunished. However, Federal officials have recognized that while such incidents may violate the letter of the law, they are entirely consistent with the goals and objectives of the MMPA to protect marine mammals and reduce injuries. Consequently, the Federal Government has exercised discretion and has never prosecuted individuals for such rescue efforts. This amendment simply codifies the existing practice of allowing good Samaritans to free entangled marine mammals without fear of prosecution under the MMPA. I think it is an idea that is long overdue and to which both conservationists and fishermen can agree.

The MMPA revision authorized by this amendment is particularly important for our ongoing efforts to forge partnerships with New England fishermen in the protection of endangered right whales. I know that Massachusetts lobstermen and fishermen are concerned about threats to these magnificent whales. This amendment should provide them needed reassurances that they will be protected in their efforts to reduce whale entanglement, injuries, and deaths.

I recognize that this is just one step in developing a comprehensive solution to the problem of interactions in New England waters between endangered whales and fishermen. We still must deal with substantial and well-justified concerns raised by New England fishermen about the effect of recent court decisions and proposed federal regulations on their economic well-being and ability to continue to pursue their traditional livelihood as we seek measures to enable the preservation and rebuilding of the seriously depleted right whale population.

As a New Englander and the ranking member of the Subcommittee on Oceans and Fisheries, I look forward to working with the distinguished chairwoman, Senator SNOWE, other members of the New England delegation, the fishing industry, conservation groups, and the Clinton administration to ensure that the final regulations are fair and balanced. Toward that goal, I will convene a meeting in Boston next week with other members of the Massachusetts delegation to hear from fishermen, whale conservationists, and the administration. While significant work remains to be done, I am confident that together we can resolve the current uncertainties and develop a solution that preserves both whales and fishermen.

Ms. COLLINS. Mr. President, I rise today to express my support for the amendment offered by my colleague and friend from Maine, Senator SNOWE.

As many of you may know, the Maine lobster industry and many other fishing industries along the Atlantic coast have been threatened with extinction by a seriously flawed proposal from the National Marine Fisheries Service. That proposal was designed supposedly to protect the endangered right whale and other large whales from getting entangled in commercial fishing gear.

Yet few Maine lobstermen have ever seen a right whale, let alone entangled

one. Records show that about 20 right whales have been sighted within 12 miles of the Maine coast in the last quarter-century, and only one has become entangled in that period—a whale that, it is critical to note, was released unharmed. Clearly, the proposed rules affect Maine in a way that is drastically disproportionate to the threat to right whales in our State.

But though entanglements in or near Maine waters are exceedingly rare, they do occur more frequently in other waters. And when an entanglement does occur, we should make certain that there is in place a system that encourages the fisherman to do all he can to help that whale. This amendment would remove a significant barrier to that, and create an environment where a fisherman is more likely to take the appropriate steps to help the entangled whale.

This amendment would simply protect a fisherman who comes across a whale entangled in fishing gear or debris, reports the entanglement, and either begins to disentangle the whale himself or stays with the whale to await help from a trained disentangling team, from being prosecuted or fined for doing so.

Currently, there is a disincentive for a fisherman to help or even report a whale that has become entangled in fishing gear: the fear of being held liable if that whale suffers a serious injury or dies as a result of the entanglement. Several large whales are among our most endangered species. It seems to me that it is in our best interest—and surely the whale's best interest—to encourage, rather than discourage, fishermen to do all they can to protect this species from being eradicated.

This amendment would provide a measure of protection for the fisherman who, through no fault of his own, comes across an entangled large whale. That fisherman could feel confident in reporting the entanglement to the appropriate officials, staying with the whale until a disentanglement team arrived, and helping in the disentanglement, all without fear of being slapped with a fine when he or she returned to shore.

We all want to protect whales, particularly right whales, and do all we can to restore this troubled species. The Snowe amendment takes a step in the right direction by specifically permitting a fisherman to report and stay with a whale that is entangled, without fear of reprisal. I am pleased to support it and I encourage my colleagues to do the same.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 80), as modifed.

The amendment (No. 80), as modified, was agreed to.

AMENDMENT NO. 175

(Purpose: Second degree amendment to amendment #161. Provides permissive transfer authority of up to $20,000,000 from the Federal Emergency Management Agency Disaster Relief Account to the Disaster Assistance Direct Loan Program Account)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. CONRAD, proposes an amendment numbered 175.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

In lieu of the matter to be inserted by said amendment, insert on page 31, line 22, after the word "facilities," insert the following: ": *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress".

AMENDMENT NO. 175, AS MODIFIED

Mr. STEVENS. I send to the desk a modification of the amendment of Senator CONRAD and I ask for its immediate consideration.

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

The amendment, as modified, is as follows:

On page 31, line 22, after the word "facilities," insert the following: ": *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended".

Mr. STEVENS. Mr. President, I say to the Senate this amendment is modified with a technical correction. It authorizes FEMA to transfer up to $20 million to the Disaster Assistance Direct Loan Program. These are needed to provide operating assistance to local school districts whose students have been displaced as a result of flooding.

I urge its immediate adoption and ask it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 175), as modified, was agreed to.

AMENDMENT NO. 238

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. MURRAY, for herself and Mr. GORTON, proposes an amendment numbered 238.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

On page 17 of the bill, line 5, after "Administration" insert the following:

OPERATIONS, RESEARCH, AND FACILITIES

Within amounts available for "Operations, Research and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Air Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $7,000,000 million, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

Mrs. MURRAY. Mr. President, I want to thank my colleagues, Senator STEVENS, Senator BYRD, Senator GREGG, Senator HOLLINGS, and Senator GORTON for their assistance and support in addressing this critical program for salmon fishers in the Pacific Northwest.

This amendment continues to provide disaster relief for salmon fishers through a salmon fishing permit buy-back program. This buy-back program has proven to be a tremendously effective way to help fishers and fish.

Over the last few years, the State of Washington has implemented a salmon fishing permit buy-back program to address the substantial reduction in salmon harvest opportunities that have confronted salmon fishers in recent years. In 1994, when stocks crashed as a result of poor ocean conditions and other factors, the National Oceanic and Atmospheric Administration, in response to the requests of the Governors of Washington, Oregon, and California, declared a fishery resource disaster and provided funding to implement relief programs. Funding for these programs was continued in 1995.

The three programs implemented were a habitat jobs program, a data collection jobs program, and a salmon fishing permit buy-back program in Washington State. These programs provided desperately needed relief to fishers devastated by the collapse of fishing opportunities. While the jobs programs continue, the buy-back program, after two-rounds of buy-backs, has run out of funding. However, the fishery resource disaster continues. Poor ocean conditions and habitat losses have hammered these salmon stocks. The recent floods in the Pacific Northwest have compounded these problems by washing out natural spawning beds, cutting off pristine stream stretches with landslides, and destroying hatchery brood stocks.

With the shortest and most severely restricted salmon fishing seasons ever proposed for this summer, this buy-back program is needed more than ever. While the previous buy-backs have only addressed the Columbia River and Coastal Washington fisheries, this program must be expanded to include Puget Sound fisheries as well. Whatcom and Skagit County have declared fishery resource disasters as a result of last year's harvest. The gillnetters, reef netters, and purse seiners of the Sound need relief as well as the gillnetters and trollers on the Columbia and the coast.

The $7 million for buy-back included in this amendment will provide much needed assistance to the fishing communities of Washington State. The buy-back program will provide financial help to those who chose to be bought out, reduce competition for those who stay in, and help fish by reducing pressure on dwindling fish stocks. I appreciate the support of my colleagues.

Mr. HOLLINGS. Mr. President, I am pleased that we have been able to work out an agreement that supports the amendment by Senator MURRAY and Senator GORTON. This amendment provides $7 million in emergency assistance to deal with the impact on northwest fisheries.

Senator MURRAY has worked tirelessly on this issue. She has refused to take no for an answer. These northwest fishermen should know they have a champion here in Washington DC who really understands their industry. I know that from my work on this Appropriations Committee and from my service on the authorization committee that oversees the National Marine Fisheries Service.

There are no free emergencies any more with this crowd. This particular amendment takes advantage of satellite procurement savings that can be achieved because of the particulars of how NOAA reimburses NASA. So it is fully offset.

I truly appreciate the willingness of our chairman, Senator STEVENS, and our subcommittee chairman, Senator GREGG, to work out a compromise that allows this assistance move forward.

Mr. President, I urge adoption of the amendment.

Mr. STEVENS. Mr. President, this amendment makes available $7 million, with an offset, to take care of the problem regarding the salmon on the Columbia. I ask it be agreed to.

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

The amendment (No. 238) was agreed to.

AMENDMENT NO. 151

(Purpose: To permit the use of certain child care funds to assist the residents of areas affected by the flooding of the Red River of the North and its tributaries in meeting emergency demands for child care services)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DORGAN, proposes an amendment numbered 151.

Mr. STEVENS. Mr. President, I ask unanimous consent further reading be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997 and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

92) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

Mr. STEVENS. Mr. President, this amendment makes available certain child care funds to assist the residents of areas affected by the flooding of the Red River of the North and other areas flooding in the area. It has been cleared on both sides. I ask it be agreed to.

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

The amendment (No. 151) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent to yield to the Senator from New Jersey for such time as he needs.

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

Mr. TORRICELLI. Mr. President, I thank the Senator from Alaska [Mr. STEVENS]; the Senator from Vermont [Mr. JEFFORDS]; and the Senator from Massachusetts [Mr. KENNEDY], for their assistance in what is, for the State of New Jersey, a very important matter.

Mr. President, while the people of the Dakotas were realizing an extraordinary emergency of massive proportions, which the entire Nation was witnessing, the people of Ocean County,

NJ, were witnessing an equally devastating, though not nearly so noticed, tragedy in their lives. Extraordinarily high rates of childhood cancer, brain cancers, and neurological cancers were occurring in only a few individual communities in Ocean County, NJ.

I am extremely proud that the Department of Health of the State of New Jersey and, in the Federal Government, the Centers for Disease Control responded immediately in undertaking studies to find possible environmental causes for these high rates of cancer. Today, with the help of Senators BOND, STEVENS, KENNEDY, and JEFFORDS, we are responding in this emergency supplemental appropriations bill. We are authorizing the continuation of the study to try to find the reasons for these childhood cancers.

I am very grateful for this Federal response. This legislation assures that these studies will continue to their conclusion, possibly, and hopefully finding the reasons for these tragedies. For this, I am very grateful to my colleagues, Mr. President. I wanted to express my thanks.

Mr. STEVENS. Mr. President, I yield a minute to the Senator from Minnesota.

Mr. GRAMS. Mr. President, as we know, the eyes of thousands of residents of Minnesota and North Dakota and South Dakota have been watching this debate today. I want to thank the chairman, Senator STEVENS of Alaska, and all the others who have worked on this, like my colleague from Minnesota and the Senators from the Dakotas, for helping to provide flexible funding for the flooding disaster that ravaged our State and the Dakotas. We look to our colleagues in the House now to ensure that this additional money and community development block grants are preserved and the dollars make it into the hands of those who need it in these communities.

I wanted to take a moment to say thank you very much, Mr. President, for all their hard work and for all the hard work on the floor. I know the eyes and ears of Minnesotans and South Dakota and North Dakota residents have been watching and they thank you as well.

Mr. STEVENS. I thank the Senator.

SECTION 417

Mr. CONRAD. Mr. President, as Chairman BOND knows, last week I discussed the impact of recent floods along the Red River Valley on education communities in North Dakota, South Dakota, and Minnesota, specifically on local school districts that have enrolled displaced students from the Grand Forks and other communities. I mentioned that 11,000 elementary and secondary students from Grand Forks, ND, were displaced and attending class in more than 30 school districts across the State. More than 20,000 students are displaced in Minnesota.

At the time, I outlined the concerns of local school districts who were hit with unanticipated educational operating expenses as a result of enrolling displaced students in communities surrounding Grand Forks. After discussing the availability of emergency assistance with officials of the Federal Emergency Management Agency [FEMA], I was advised that while FEMA had authority to assist communities with the repair of educational facilities, the agency did not have authority under section 403, Essential Assistance, to assist a local district with emergency education operating expenses, for example, additional staffing, instructional materials.

In response to the concerns expressed by the North Dakota Department of Public Instruction, and local school districts, I introduced legislation on May 1, 1997, to authorize FEMA under section 403 to provide emergency education operations assistance to elementary and secondary schools.

Since the introduction of this legislation, I have been informed by FEMA officials, that following a review of authorized programs, FEMA will use authority under section 417, Community Disaster Loans, to provide a local school district with emergency education operating expenses. Under the Community Disaster Loans Program, the President is authorized to make loans to a local government agency which has suffered substantial loss of tax and other revenues as a result of a major disaster.

Mr. President, I know the chairman has been very understanding of the concerns of local school districts in the Upper Midwest, and have been working to respond to the concerns of local North Dakota communities. As you have been involved in discussions with FEMA officials regarding these emergency disaster funds, is it your understanding that FEMA may exercise existing authority under section 417 to provide funds for unanticipated emergency education operating needs of local school districts? These funds would be used to provide services for displaced students including emergency staffing and instructional materials.

Mr. BOND. Section 417 authorizes loans to local governments to carry on existing local government functions of a municipal operation character or to expand such functions to meet disaster-related needs. My understanding is that this would include emergency education operating needs.

EMERGENCY DRINKING WATER NEEDS

Mr. DASCHLE. I would like to engage my colleagues on the Senate Agriculture Appropriations Subcommittee in a colloquy.

Mr. COCHRAN. I would be happy to engage in a colloquy with my colleague from South Dakota.

Mr. BUMPERS. I am pleased to do so, as well.

Mr. DASCHLE. As a result of the flooding and the extremely high water levels on Lake Oahe this year, its banks are sloughing, causing the intake pipes for the Gettysburg drinking water system to crack and break, endangering the water supply for the city.

The best solution to this problem is to connect the city to the Mid-Dakota Rural Water System. The city is scheduled to be connected to the Mid-Dakota RWS in 1998 or 1999, at a cost of $1.5 million. If this money were made available this year, we could ensure that the residents of Gettysburg will have a safe stable supply of drinking water, despite these flooding-related problems.

It is my understanding that the Appropriations Committee has provided $6.5 million in the emergency supplemental spending bill for the Rural Utilities Service to address problems such as this. I very much appreciate the committee's willingness to add these funds to the bill. It is my hope and expectation that some of those funds could be used to help Gettysburg connect to the Mid-Dakota project this year.

Mr. BUMPERS. It is my expectation that the funds that were included for the Rural Utilities Service in the emergency funding bill will be used for a variety of disaster-related purposes, including providing assistance to communities, such as Gettysburg, to address emergency drinking water needs. It appears to me, based on your description of the problem, that the city of Gettysburg could qualify for some of these funds.

Mr. COCHRAN. That is my understanding as well. Addressing the emergency drinking water needs of rural communities is one of the purposes of this funding.

Mr. STEVENS. The Senator from Texas seeks to offer an amendment.

How much time does the Senator want?

Mrs. HUTCHISON. Five minutes is all right.

AMENDMENT NO. 62

(Purpose: To provide for enrollment flexibility)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] for herself and Mr. GRAMM proposes an amendment numbered 62.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . ENROLLMENT FLEXIBILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical,

and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) REQUEST FOR OFFERS DESCRIBED.—A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

Mrs. HUTCHISON. Mr. President, 6 months ago, the State of Texas started the process of asking for a request for offers, permission from the Federal Government to consolidate services in its welfare system. It would allow a welfare recipient to come into one place to get AFDC, food stamps, Medicaid, or disaster assistance. It would allow the State of Texas to run its own welfare system. Now, Mr. President, that is exactly what Congress asked the States to do. We said we are going to give you block grants, we want you to be more efficient, we want you to save money. The State of Texas is complying. In fact, Mr. President, Massachusetts is doing much the same as the State of Texas is now trying to do. Wisconsin is doing it, and Arizona is looking at it. It really is the beginning of what we have asked the States to do, and that is to become more efficient and do a better job for the recipients of welfare.

The State of Texas has been waiting for 6 months and has gotten no answer from this administration. My amendment would grant the request for offers that Texas has put forward so that they can, in fact, consolidate their services and go out for bids to do it more efficiently.

Our Governor has said he believes the State of Texas is losing $10 million a month while this request is pending. There is precedent in Congress to grant waivers such as this. Washington State and New York State were granted child support waivers.

Mr. President, Congress has spoken. We have asked the States to do a job. The State of Texas is trying to comply, and others States are following along, and I am sorry to say that this administration is impeding the progress. They are thwarting the will of Congress. Mr. President, we must take action. We must take action so that the will of Congress can be done, which is to save welfare dollars and give the best service possible to welfare recipients. The will of Congress must go forward. I hope the President is not playing a game with the State of Texas. I hope the President is not waiting until this bill is finished and on his desk to turn down this request, because, in fact, Texas has met all of the requirements of the Federal Government.

I have spoken to Secretary Donna Shalala about this, and I have talked to other people in the White House. I have done everything I can do to speed up this process. My colleague, Senator GRAMM, who cosponsors this amendment, has also made the calls and written the letters to ask that this request be granted.

Mr. President, this is the wave of the future. Texas is trying to save the taxpayer dollars of our States and, at the same time, save the taxpayer dollars of all Americans. This will not cost anything; this will save money. I know that everyone is ready to vote on this bill. It is very important to my State that we grant this request for offers so that Texas can fulfill its mission, which is to give the best service in the most efficient way, and that is exactly what we asked them to do.

I urge adoption of my amendment.

Mr. WELLSTONE. Mr. President, parliamentary inquiry. Is the pending amendment germane?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment is not germane.

Mr. WELLSTONE. Mr. President, I make a point of order that the amendment is not in order because it is not germane post-cloture.

The PRESIDING OFFICER. The point of order is sustained.

Mrs. HUTCHISON. Mr. President, I will not appeal the ruling of the Chair, but I believe that Congress has to step up to the line and do what is right by the States. We have asked them to do more; they are trying to comply. Texas will not be the last one to come forward. I am going to pursue this legislatively if the President of the United States does not grant this request for offers, which meets all of the standards Congress has put forward. I will be back, Senator GRAMM will be back, and there will be other States that will be affected by this. I hope that the Senate will be able to help us when we are able to put a germane amendment on a bill. Thank you.

Mr. WELLSTONE. Mr. President, I say to the Senator from Texas, we will be ready for debate, and it will be a substantive debate.

I thank the Chair.

Mr. STEVENS. Mr. President, I want to take a moment to thank the floor staff, particularly the Parliamentarian, the people who really represent the Senate. The public sees them and hardly knows who they are, unfortunately, because we don't address each other by name on the floor.

We had 109 first-degree amendments and 75 second-degree amendments. We have handled a series of other amendments that were not presented, but we have done it by unanimous consent. We have gone through this bill. It is a disaster bill of monstrous proportions, and it is very vitally needed.

Unfortunately, we cannot pass it yet because of the tradition of the Senate awaiting passage by the House of appropriations bills. It is a tradition that we have honored and I seek to honor it again now.

I thank all of those who have helped us.

I want to put in the RECORD at this point the names of the people who have been on the staff of the Appropriations Committee on both sides, who worked on this bill and enabled us to get where we are now.

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

[Names of Majority Staff in roman; Names of Minority Staff in italics]

Staff Director, Steven J. Cortese, Deputy Staff Director, Lisa Sutherland, Assistant Staff Director, Christine Ciccone, Chief Clerk, Dona Pate, *James H. English, Terry Sauvain.*

FULL COMMITTEE

Senior Counsel, Al McDermott, Communications Director, John Raffetto,

Professional Staff Members: John J. Conway, Robert W. Putnam. Mary Beth Nethercutt.

Security Manager:, Justin Weddle, Staff Assistant: Jane Kenny, Doug Shaftel, *Mary Dewald, C. Richard D'Amato.*

SUBCOMMITTEES

Agriculture, Rural Development, and Related Agencies, Rebecca Davies, Martha Poindexter, C. Rachelle Graves-Bell, *Galen Fountain, Carole Geagley.*

Commerce, Justice, State, the Judiciary: Jim Morhard, Kevin Linskey, Paddy Link, Dana Quam, *Scott Gudes, Emelie East, Karen Swanson Wolf.*

Defense: Steven J. Cortese, Sid Ashworth, Susan Hogan, Jay Kimmitt, Gary Reese, Mary C. Marshall, John J. Young, Mazie R. Mattson, *Charles J. Houy, C. Richard D'Amato, Emelie East.*

District of Columbia, Mary Beth Nethercutt, *Terry Sauvain, Liz Blevins.*

Energy and Water Development: Alex W. Flint, W. David Gwaltney, Lashawnda Leftwich, *Greg Daines, Liz Blevins.*

Foreign Operations, Export Financing, and Related Programs, Robin Cleveland, Will Smith, *Tim Rieser, Emelie East.*

Interior and Related Agencies: Bruce Evans, Ginny James, Anne McInerney, Kevin Johnson, *Sue E. Masica, Carole Geagley.*

Labor, HHS, Education: Craig A. Higgins, Bettilou Taylor, Dale Cabaniss, Lula Edwards, *Marsha Simon, Carole Geagley.*

Legislative, Christine Ciccone, *James H. English.*

Military Construction: Sid Ashworth, Mazie R. Mattson, *C. Richard D'Amato, Emelie East.*

Transportation: Wally Burnett, Reid Cavnar, Joyce C. Rose, *Peter Rogoff, Carole Geagley.*

Treasury and General Government: Pat Raymond, Tammy Perrin, Lula Edwards, *Barbara A. Retzlaff, Liz Blevins.*

VA, HUD: Jon Kamarck, Carolyn E. Apostolou, Lashawnda Leftwich, *Andy Givins, Liz Blevins.*

Editorial and Printing: Richard L. Larson, Robert M. Swartz, Bernard F. Babik, Carole C. Lane.

Mr. STEVENS. Mr. President, I now move that the bill advance to third reading and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, before the vote, I yield to my friend from West Virginia.

Mr. BYRD. Mr. President, I will be brief. This is the first appropriations bill that Senator STEVENS has managed since he assumed the chairmanship of the committee. On behalf of all Senators, I want to congratulate him on the skill and expertise which he has demonstrated in the handling of this bill. It is a complex and difficult bill. It is an exceedingly important bill. Although I shall vote against it for other reasons, I feel it incumbent upon me, especially, to call attention to his excellent management of this bill. I would have expected that out of him, as I have watched him over the years. He is an outstanding member of the Appropriations Committee and takes his responsibilities very seriously there. As always, he is so gentlemanly and considerate of the needs of other Senators with respect to their representations of their respective States. I thank him for his dedication and, once again, I salute him and congratulate him on the fine example he has shown. It is an example which I hope we all will attempt to emulate.

Mr. STEVENS. The words of the Senator are very kind. If I have any ability to work on the floor, it is because I have watched masters work before me.

I ask for the vote.

The PRESIDING OFFICER. The question is on the motion offered by the Senator from Alaska that the bill be read the third time.

The yeas and nays are ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—78

Abraham	Cleland	Gorton
Akaka	Coats	Grams
Allard	Cochran	Grassley
Ashcroft	Collins	Harkin
Baucus	Conrad	Hatch
Bennett	Coverdell	Hollings
Biden	Craig	Hutchinson
Bingaman	D'Amato	Hutchison
Bond	Daschle	Inhofe
Boxer	DeWine	Inouye
Breaux	Domenici	Jeffords
Brownback	Dorgan	Johnson
Bryan	Enzi	Kempthorne
Bumpers	Feinstein	Kennedy
Burns	Ford	Kerrey
Campbell	Frist	Kerry
Chafee	Glenn	Landrieu
Leahy	Reed	Specter
Lott	Reid	Stevens
Lugar	Robb	Thomas
Mack	Roberts	Thompson
McCain	Rockefeller	Thurmond
McConnell	Roth	Torricelli
Moynihan	Shelby	Warner
Murkowski	Smith (OR)	Wellstone
Murray	Snowe	Wyden

NAYS—22

Byrd	Hagel	Moseley-Braun
Dodd	Helms	Nickles
Durbin	Kohl	Santorum
Faircloth	Kyl	Sarbanes
Feingold	Lautenberg	Sessions
Graham	Levin	Smith (NH)
Gramm	Lieberman	
Gregg	Mikulski	

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, for the information of all Senators, in light of this vote on the supplemental appropriations bill, there will be no further votes this evening.

The Senate will be in session tomorrow for general debate on the comptime-flextime bill. However, no votes will occur during Friday's session of the Senate.

The Senate will be in session on Monday to consider the IDEA, the individual disabilities education bill, hopefully, under a time agreement that we are still working on. I urge that all my colleagues agree to be brief on the time agreement that we can reach so that we can complete this very important legislation that has very broad based bipartisan support. If that agreement can be reached, any votes ordered then will be stacked on Tuesday at the request of a number of Senators. I fear that if the Senate cannot consider this bill on Monday, that events then will cause—because of the budget and other bills that we do have to consider, including the Chemical Forces in Europe Treaty, it would be pushed off until after the Memorial Day recess and everybody would like to get the IDEA bill done.

On Tuesday, the Senate will begin formal consideration of the flextime-comptime bill.

UNANIMOUS-CONSENT AGREEMENT

I now ask unanimous consent that we begin consideration of S. 4 at 10 a.m. on Tuesday, May 13.

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

Mr. LOTT. I thank my colleagues for their cooperation. I now ask there be a period for the transaction—Mr. President I withhold.

Does the Senator have further business?

Mr. STEVENS. I have other business on this bill, if I may.

Mr. LOTT. I will withhold that request at this time, and I yield the floor for the time being, Mr. President.

AMENDMENT NO. 239

(Purpose: To provide relief to agricultural producers who granted easements to, or owned or operated land condemned by, the Secretary of the Army for flooding losses caused by water retention at the dam site at Lake Redrock, Iowa, to the extent that the actual losses exceed the estimates of the Secretary)

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment to S. 672 that I send to the desk be adopted.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The clerk will report.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The clerk will report.

Is there objection?

Mr. BYRD. I have no objection to reporting of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRASSLEY, proposes an amendment numbered 239.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the same site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding loses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

Mr. STEVENS. Mr. President, I do ask that we consider this amendment at this time, and I further ask that upon its adoption it be placed in the bill that's just been passed as this action was completed prior to voting upon advancing this bill to third reading.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Will the distinguished manager of the bill explain why this amendment is being called up following the final action on the bill?

Mr. STEVENS. Mr. President, by mistake this bill was deemed to have been objected to, and upon review after the bill, S. 672, was advanced to third reading, it was determined that the objection had not in fact been placed by the Senator that was purported to have placed an objection. It has been cleared on both sides, and it is matter now of trying to correct it and get this amendment of Senator GRASSLEY back to where it should have been adopted prior to the advancing of this bill to third reading.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Alaska. I have no objection to the action requested.

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

The question is on agreeing to the amendment.

The amendment (No. 239) was agreed to.

Mr. STEVENS. Mr. President, I ask that this bill, S. 672, be postponed and set aside until the House bill arrives and this unanimous consent agreement may be fulfilled.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill has been set aside.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Has a quorum been put in place, Mr. President?

The PRESIDING OFFICER. No quorum call has been placed.

MORNING BUSINESS

Mr. LOTT. Then, Mr. President, I thank my colleagues for their cooperation on the agreement we just reached on S. 4, and I now ask there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each, with the exception of Senator BYRD, who will speak on Mother's Day.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

LOUISIANA CONTESTED ELECTION

Mr. WARNER. Mr. President, I would like to report to the Senate that the Committee on Rules and Administration is about to embark on a bipartisan investigation into allegations that fraud, irregularities, and other errors, affected the outcome of the 1996 election for U.S. Senator from Louisiana—the first such Senate investigation into vote fraud since the early 1950's.

A review of the basis for this investigation and the developments to date is an obligation I have as chairman.

On November 5, 1996, Ms. MARY LANDRIEU and Mr. Louis "Woody" Jenkins competed in a very close election in which Ms. LANDRIEU was declared the victor by Louisiana State officials, by a margin of 5,788 votes out of approximately 1.7 million total votes cast. This margin represented a percentage difference of only 0.34 percent, one of the closest contested elections in U.S. Senate history.

On December 5, 1996, Mr. Jenkins filed a petition with the U.S. Senate asking that the election be overturned because of vote fraud and irregularities which he believed affected the outcome of the election. Along with an amended petition, Mr. Jenkins filed supporting evidence with the Senate on December 17.

Senator LANDRIEU filed a response to the petition on January 17, 1997. On February 7, 1997, Mr. Jenkins then submitted an answer to Senator LANDRIEU's filing.

In accordance with Senate precedent, Ms. LANDRIEU was seated "without prejudice" as the Senator from Louisiana on January 7, 1997, with all of the privileges and authority of a U.S. Senator. Majority Leader LOTT quoted former Majority Leader Robert Taft in defining the term "without prejudice" when Senator LOTT spoke on the floor on January 7:

> [T]he oath is taken without prejudice to the right of anyone contesting the seat to proceed with the contest and without prejudice to the right of anyone protesting or asking expulsion from the Senate to proceed.

The U.S. Constitution provides that the Senate is—and I quote from article I, section 5—"the Judge of the Elections, Returns, and Qualifications of its own Members. * * *" The U.S. Supreme Court has reviewed this Constitutional provision on several occasions and held in the 1928 case of *Reed et al.* v. *The County Comm'rs of Delaware County, Penn.* [277 U.S. 376, 388 (1928)]:

> [The Senate] is the judge of elections, returns and qualifications of its members. . . It is fully empowered, and may determine such matters without the aid of the House of Representatives or the Executive or Judicial Department.

In discussing the responsibilities of the Senate, Senator Robert C. BYRD, who has been a member of the Committee on Rules and Administration since 1963, stated on the floor of the Senate on January 15, 1975, as part of the debate on the New Hampshire contested election:

> . . . The Constitution of the United States places in this body the responsibility of being the sole judge of the elections, returns, and qualifications of its own members. Article 1, section 5, does not say that the Senate may be the judge; it says the Senate *shall* be the judge.
>
> . . . The Constitution vested in this body not only the power but the *duty* to judge, when there is a challenged election result involving the office of U.S. Senator. [Congressional RECORD Vol. 121, Part 1, page 440. (emphases added).]

And indeed, the Senate has taken this constitutional responsibility very seriously, handling approximately 100 contested cases over its 208-year history. Under the current Senate Rules, responsibility for developing the facts and recommendations for the full Senate in contested elections lies with the Committee on Rules and Administration.

Following the precedent of the Huffington versus Feinstein contest in 1995, I and ranking member, Mr. FORD, retained two outside counsel who are experts in the field of election law: Mr. William C. Canfield III, and Mr. Robert F. Bauer. These are the same two attorneys who assisted the committee in the Huffington contest.

Senator FORD and I requested that these experts review the pleadings and provided the following guidance:

> We request a written analysis of the sufficiency of the petition, based on the precedents and rules of the Senate, with specific reference to any documentation submitted by Mr. Jenkins or Ms. Landrieu relevant to the petition. The opinion should focus on the question of whether the petition is subject to dismissal without further review, or requires additional review or investigation, and, if so, the scope and structure of such review or investigation.

On April 8, 1997, these two counsel submitted a joint report which, in summary, recommended that the committee conduct "a preliminary, limited investigation into the sufficiency of claims in three areas, and the dismissal of claims in four areas." The areas counsel recommended further review of were: vote buying, multiple voting, and fraudulent registration.

Mr. Canfield and Mr. Bauer then appeared before the committee, in open session, on April 10 to describe their review and recommendations, and to answer questions from the members of the Rules Committee.

On April 15, 1997, again in open session, Mr. Jenkins and attorneys for Senator LANDRIEU made presentations to the committee which laid out their respective views of the contest, the allegations made and evidence presented, and the standards of pleading and proof required to warrant further committee action.

As I stated at those hearings, I believe the counsel's report is a valuable contribution to the committee's evaluation of the contest. Nevertheless, it

is important to remember that these lawyers were not asked to conduct an investigation, and they did not do so. Rather, they reviewed and analyzed only the petition and facts submitted by both Mr. Jenkins and Senator LANDRIEU.

When the committee met on April 17, 1997, to determine a further course of action, I advised my colleagues that I agreed with our counsel that an investigation was warranted. Indeed, I believed that Senate precedent dictated that an investigation be conducted. It was also my opinion that the committee's investigation should:

First, not be limited to specific areas which might preclude investigation of other potential sources of evidence; and

Second, should involve the use of attorneys with investigative experience to conduct an initial investigation in Louisiana within approximately a 45-day period.

In furtherance of these objectives, the committee met on April 17, and I offered a committee motion to authorize such an investigation. After several amendments, the committee authorized the chairman, in consultation with the ranking member to conduct an investigation,

> * * * into illegal or improper activities to determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities or other errors, in the aggregate, affected the outcome of the election for United States Senator in the State of Louisiana in 1996.

Since the committee hearing of April 17, I have worked with Senator FORD toward jointly selecting—as required by 2 U.S.C. 72a(I)(3)—the consultants that would assist the committee in the conduct of its investigation. The contracts hiring these consultants were signed by me and Senator FORD on May 7.

The investigative team will be headed by Richard Cullen, a former U.S. Attorney in Virginia, and George Terwilliger, also a former U.S. Attorney and later Deputy Attorney General of the United States, both with Republican affiliations, of the law firm McGuire Woods Battle & Boothe. They will be assisted by several of their firm's colleagues, including Jim Dyke, former top official for Vice President Walter Mondale and Gov. Doug Wilder, Bill Broddaus, former Democratic Attorney General of Virginia, and Frank Atkinson, former counsel to Gov. George Allen, comprising a well-experienced, bipartisan team who will take direction from me.

Participating fully in the investigation—pursuant to a protocol establishing the basic procedures under which all counsel will conduct the investigation—will be a second team of attorneys selected by Senator FORD and headed by Robert Bauer and John Hume of the law firm Perkins Coie, with Democrat affiliations.

This protocol, which was jointly drafted by the two teams, includes procedures for subpoenaing witnesses and documents, and conducting interviews and taking depositions. It establishes confidentiality procedures to protect the integrity of the investigation.

As Senator FORD and I worked toward the selection of our consultants and a joint investigation, I also spoke with the Governor of Louisiana, Mike Foster, who has assured the fullest cooperation with the Senate's investigation. And, committee staff is coordinating with the Federal Bureau of Investigation and the General Accounting Office seeking a detail of personnel to assist the committee.

The Senate's investigation in Louisiana is about to begin. Records will shortly be requested from the State, and the teams of counsel will go down to Louisiana next week to establish a local headquarters and make initial coordination with appropriate State and local officials, and prepare for witness interviews.

Mr. President, in the course of one's career as a Senator there are responsibilities you must perform. I did not seek this task, but I will truly and faithfully discharge a duty I have been given as chairman of the Rules Committee.

I have but one goal: to see that my work is performed in keeping with the tradition of the Senate in past cases and to give the full Committee my honest judgement of the established facts, and so that the Committee might give to the Senate its honest judgement of these facts, respecting the Senate's duty under article 1, Section 5 of the Constitution of the United States.

It is my intention that this investigation will determine the existence, or absence, of that body of credible fact that would justify the Senate in making a determination that fraud or irregularities or other errors, in the aggregate, did or did not, affect the outcome of the 1996 election for U.S. Senator in the State of Louisiana—thereby fulling the Senate's constitutional duty of judging the results of that election.

COMMENDING GIRL SCOUT GOLD AWARD RECIPIENTS

Mr. FORD. Mr. President, I want to draw special attention today to five young women from northern Kentucky. These five young women from the Licking Valley Girl Scout Council are recipients of the Girl Scout Gold Award—the highest achievement a Girl Scout can earn. Each one has demonstrated outstanding achievements in the area of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A. serves over 3.5 million girls and has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. Recipients of the award have not only earned patches for the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and the Career Exploration Pin, but also designed and implemented a Girl Scout Gold Award project.

But perhaps most important, these five Gold Award recipients have made a commitment to community that should not go unrecognized.

Kelly Buten, Mary Jane Hendrickson, Alyssa Hensley, Mandy Radle, and Becky Thomas have put an extraordinary amount of work into earning these awards, and in the process have received the community's and the Commonwealth's respect and admiration for their dedication and commitment. Their projects included teaching beginning violin classes to local elementary school children, organizing a fundraising breakfast for local elementary schools and holding a children's Christmas party.

For 85 years, the Girl Scouts have provided an informal educational program to inspire girls with the highest ideals of character, conduct, patriotism, and service so they will become resourceful, responsible citizens. The Licking Valley Girl Scouts alone serve over 5,000 girl and adult members.

Mr. President, I know my colleagues share my enthusiasm and admiration for the Girl Scouts' commitment to excellence. And, I know you will agree with my belief that this award is just the beginning of a long list of accomplishments and successes from these five Girl Scouts.

AMERICAN INTERESTS IN THE CASPIAN SEA REGION

Mr. BYRD. Mr. President, American involvement and interests in the Caspian Sea Region, have been increasing recently. While this region is new on the political map of American policymakers, in that the newly-sovereign nations there were formerly Republics under the rule of the Soviet Union, they represent very substantial new opportunities for the United States.

From the point of view of energy reserves, the tremendous hydrocarbon resources which are available for development in the region are of world-class potential. The extent of the resources which apparently exist, particularly in Kazakstan, Azerbaijan, and Turkmenistan could well serve as a long-term alternative to Western dependence on vulnerable supplies of Persian gulf oil. The proper development of the energy resources of the Caspian Sea region should also provide an invaluable impetus to the economic development of all the nations of the region. As a result of this growing potential, the Foreign Operations Appropriations Act for FY 1997 included a provision that I proposed for the Administration to develop a plan of action for

the United States Government to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets.

Mr. President, the Secretary of State has forwarded to the Congress, on April 15, 1997, the study which was required by the Appropriations Committee, and I am pleased to include the Summary, as well as recommended legislative and executive actions proposed by the report. It is a good report and should be of assistance to the Congress as it deliberates how to provide incentives for the United States to help promote the development of this new source of Western energy supplies, and to promote the future stability of the nations of the Caspian region, which is so necessary in order that our companies can operate effectively with the governments of those nations in developing these energy resources.

Mr. President, the full report is available from the Department of State, which originated it. I would, however, like to point out that the interagency group which developed the recommendations puts great emphasis on the need for the Congress to review the prohibition on direct bilateral assistance to Azerbaijan which is contained in Section 907 of the Freedom Support Act. The report indicates that Section 907 has the effect of limiting the influence of the United States in Azerbaijan, including the ability of the United States government to "provide financial support, such as risk insurance and grants for pipeline studies, to companies that are involved with the Azerbaijani government," thereby giving advantage to other governments who have no such limitations placed on their ability to assist their companies in the competition for access and opportunities in Azerbaijan. Revisiting the necessity of retaining, revising, or eliminating Section 907, would allow our institutions, such as the Trade and Development Agency, the Department of Commerce's Foreign Commercial Service, and the Overseas Private Investment Corporation, to assist U.S. companies to compete against foreign corporations, which presently enjoy the support of their own governments in the competition for business and opportunities in Azerbaijan. The report also encourages high-level political and business visits to and from the region, and in this regard I would encourage the President to invite the President of Azerbaijan, Mr. Heydar Aliyev, to make an official visit to Washington. Furthermore, the report encourages the United States to continue to play a mediation role among the countries of the Caspian region, when they are involved in disputes. This is particularly important today with regard to the dispute between Armenia and Azerbaijan, which has inhibited joint development of energy and other projects, and has caused the dislocation and suffering of up to a million refugees in the region. As the report concludes, from a U.S. policy standpoint, "Caspian energy development is not a zero sum game—all can benefit from the region's rapid economic development, including Russia."

Mr. President, the Senate will soon be taking up the Treaty on Conventional Armed Forces in Europe (CFE) Revisions of the Flank Agreement. I find it disturbing that some of the governments most directly affected by this agreement, particularly the governments of Georgia, the Ukraine, and Azerbaijan have refused to sign the agreement. I have received a letter from the ambassador from Azerbaijan on May 5, 1997, Mr. Hafiz Pashayev, in which he expresses his concern over what he describes as an imbalance of forces in the flank area, which includes his country, and says that the agreement poses a security concern for Azerbaijan. In this regard, he points out that there are credible reports of the provision of massive Russian arms shipments to Armenia, which could well have the effect of further destabilizing the situation in the caucasus. It is important to note that the chairman of the Defense Committee of the Duma, the lower house of the Russian parliament, Mr. Lev Rokhlin, is reported, by Russian newspaper Nezavisimaya gazeta, to have revealed that elements of the Russian government or armed forces, from 1993–96, shipped some $1 billion in arms to Armenia, including 32 R–17's, or Scud missiles and associated launchers, 82 T–72 tanks, 50 armored combat vehicles, various howitzers, grenade launchers, and other missiles and armaments. This, of course, has alarmed American oil companies located within range of these missiles in Azerbaijan, and the ambassador says in his letter that there is concern in his country that these military shipments have caused an imbalance in forces in the so-called "flank" area, and pose a "security concern for Azerbaijan."

The Russian Government, or elements of it, appears to have used its armed forces in recent years in Georgia, in Azerbaijan, certainly in Chechnya, and perhaps other states in the region to exert influence and pressure on those governments. I note that Russia has maintained military bases in both Georgia and Armenia, and I have been informed that Russian officials have brought pressure on the government of Azerbaijan to allow Russian forces to establish a base in that nation. The government of Azerbaijan has, wisely I believe, resisted these pressures and retains its sovereignty without the presence of Russian forces on its soil. Administration officials testified last week, on April 29, 1997, before the Senate Foreign Relations Committee, in connection with the CFE Flank agreement, and have pointed out that it is the policy of the United States not to support the stationing of foreign troops such as Russian forces on the territory of any other states unless that is achieved by means of free negotiations and with full respect for the sovereignty of the states involved. We need to be careful that we do not in any way appear to countenance the imposition of Russian forces or equipment on any nation through heavy-handed tactics, tactics which might push the states of the Caspian region into positions that they would not otherwise freely assent to. Thus, it is certainly of legitimate concern that key states of the Caspian region have not agreed to the terms of the terms of the revisions of the CFE Treaty. This is a matter which I am sure the knowledgeable Senators on the Foreign Relations Committee will be discussing when that Treaty comes to the Senate floor for consideration, and I look forward to that discussion.

I ask unanimous consent that the letter from the Ambassador from Azerbaijan and the letter of transmittal with the accompanying report be printed in the RECORD.

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

EMBASSY OF THE
REPUBLIC OF AZERBAIJAN,
Washington, DC, May 5, 1997.

Hon. ROBERT BYRD,
U.S. Senate
Washington, DC.

DEAR SENATOR BYRD: During Senate consideration of the CFE Treaty, I hope, members of the Senate will address concerns of the Government of Azerbaijan regarding this Treaty.

Specifically we are concerned about of an imbalance forces in "flank" area, which could pose security concern for Azerbaijan.

I would also remind you about the one billion an illegal arms shipments from unofficial sources in Russia to Armenia, which has already created a strategic imbalance for my country.

Sincerely,

HAFIZ M. PASHAYEV,
Ambassador.

U.S. DEPARTMENT OF STATE,
Washington, DC, April 15, 1997.

Hon. ROBERT BYRD,
Committee on Appropriations,
U.S. Senate.

DEAR SENATOR BYRD: On behalf of the Secretary of State, I am transmitting to you a report as requested by the Joint Explanatory Statement of the Committee of Conference accompanying the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as enacted in P.L. 104–208, that contains a plan for action for the United States Government to assist and accelerate the earliest possible development and shipment of oil from the Caspian Sea region to the United States and other Western markets.

Please do not hesitate to contact us if you have questions on this issue or on any other matter.

Enclosure: Report on the Caspian Region Energy Development.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

CASPIAN REGION ENERGY DEVELOPMENT REPORT, AS REQUIRED BY H.R. 3610

SUMMARY

This report to congress addresses the request of the FY 97 statement of managers accompanying the FY 97 Foreign Operations bill as incorporated in Public Law (104–208).

The Caspian Basin region is made up of the five littoral states of the Caspian Seas (Azerbaijan, Iran, Kazakstan, Russia, and Turkmenistan). With potential reserves of as much as 200 billion barrels of oil, the Caspian region could become the most important new player in world oil markets over the next decade. The United States supports the development of secure, prosperous, and independent energy-exporting states at peace with each other and their neighbors in the region. We want to see these countries fully integrated into the global economy. As the newly independent countries of the Caspian region work to enhance their sovereignty and to create stability within their own borders and in the region, energy resource development has emerged as a critical factor and means to these ends. The speed and depth of macroeconomic reforms and democratization of these states will provide the foundation for a favorable climate to attract foreign investment and will determine their future economic prosperity as well as the extent of their integration into the world economy. Resolution of regional conflicts in Nagorno-Karabakh, Abkhazia, and Chechnya is also critical for successful and comprehensive energy development in the region.

As a consumer nation, the United States is interested in enhancing and diversifying global energy supplies. It is the Clinton Administration's policy to promote rapid development of Caspian energy resources through multiple pipelines and diversified infrastructure networks to reinforce Western energy security, and provide regional consumers alternatives to Iranian energy. It is our judgment that the scale of Caspian basin energy resources not only justifies—but will demand—multiple transportation options for moving production out into world markets. Multiple pipelines will prompt competition, will ensure reliable, more efficient operations, and will promote commercial viability.

The United States has a policy that focuses on expanding and strengthening the web of relations with the region's newly independent states across bilateral, regional and multilateral levels; supporting the development and diversification of regional infrastructural networks and transportation corridors to tie the region securely to the West and providing alternatives to Iran; and constructively engaging these states in a dialogue on Caspian energy development, particularly through trade and investment.

We are encouraging these countries to adopt open, fair, and transparent investment regimes which will create favorable climates for U.S. companies to participate directly in the development of the region's energy resources. We are confident that their participation will bring strong partners and environmentally sound technology and practices to the countries in the region. The Clinton Administration has an active dialogue with the private sector and has developed working relations with the countries in the region to reduce or remove barriers to investment by U.S. companies. However, U.S. companies are disadvantaged in some crucial respects, preeminently by the burden that Section 907 of the FREEDOM Support Act places on companies working in Azerbaijan. Furthermore, foreign companies benefit significantly from unrestricted political and financial support from their governments.

In addition, the division of development rights to the significant oil and gas deposits beneath the Caspian Sea remains a critical issue for the five littoral states. The U.S. Government has encouraged the littoral states to adopt a legal regime in the Caspian Sea which includes the division of seabed resources through clearly established property rights and unrestricted transportation.

Another U.S. policy goal is to continue to isolate the Iranian regime until such time as its unacceptable practices, including support for international terrorism, cease. Iran's economic isolation imposed by U.S. sanctions is leading Teheran to look for new opportunities as well as new markets in the region. This presents a particular challenge as the USG works to balance its commercial interests in the region with its foreign policy goals.

An interagency working group for Caspian energy chaired by the National Security Council meets regularly to discuss U.S. policy toward the Caspian Basin. The Administration believes that significant progress is being made on these goals but suggests the following steps which can further advance U.S. interests in the region:

(1) Repeal Section 907 of the FREEDOM Support Act which restricts the provisions of USG assistance to the Government of Azerbaijan and limits U.S. influence and assistance in Azerbaijan;

(2) Take the necessary legislative and administrative actions to make TDA, OPIC, and EXIM programs available to our companies in the Caucasus, Central Asia, Afghanistan, and Pakistan;

(3) Encourage high-level visits to and from the region;

(4) Continue active U.S. support for international and regional efforts to achieve balanced and lasting political settlement of conflicts in Nagorno-Karabakh, Abkhazia, and elsewhere in the region. Be prepared to contribute a fair share to reconstruction and development costs of warn-torn zones following achievement of peace agreements;

(5) Make available USG resources to support a UN-led peace process in Afghanistan if/when the Afghan parties agree on terms for these elements;

(6) Encourage installation of upgraded navigation systems in the Bosporus;

(7) Encourage the development of new markets in the Black Sea region;

(8) Structure assistance to the region to encourage economic reform and the development of appropriate investment climates in the region.

RECOMMENDED LEGISLATIVE AND EXECUTIVE ACTIONS

1. Repeal Section 907 of the FREEDOM Support Act (FSA) which limits U.S. influence and assistance in Azerbaijan.

Section 907 of the FSA, enacted in 1992, provides that U.S. assistance "may not be provided to the Government of Azerbaijan until the President determines, and so reports to Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh." Unfortunately, this statutory restriction on assistance to the Government of Azerbaijan limits our ability to advance U.S. interests in Azerbaijan. The Clinton Administration has from the start opposed this restriction on assistance to the Government of Azerbaijan. Section 907 hinders U.S. policy objectives, including the provision of humanitarian aid, support for democratic and economic development, support for the Nagorno-Karabakh peace process, and promotion of U.S. investment opportunities in Azerbaijan. Section 907 restrictions have placed American firms at a disadvantage because they limit the ability of the U.S. Government to provide financial support, such as risk insurance and grants for pipeline studies to companies that are involved with the Azerbaijani government of its institutions, including the State Oil Company of Azerbaijan (SOCAR), on projects that involve substantial Azerbaijani government ownership or control. Section 907 prevents the U.S. from offering many kinds of technical assistance and exchange programs offered to other governments throughout the NIS and which are needed to help create an attractive business climate and commercial infrastructure. When the European Union, Japan, or International Financial Institutions step in to fill this void, the U.S. loses influence and U.S. businesses lose opportunities. This also creates hostility towards the U.S. and U.S. businesses. As foreign competition for oil and gas resources in the region increases, American companies—particularly smaller firms—will lose out and may be unable to compete with other, government-supported, foreign companies in Azerbaijan due to the restrictions Section 907 places on U.S. Government-funded support for American investment involving Government of Azerbaijan owned or controlled enterprises in Azerbaijan.

2. Take the necessary legislative and administrative actions to make TDA, OPIC and EXIM programs available to our companies in the Caucasus, Central Asia, Afghanistan and Pakistan.

Since U.S. companies will frequently not be participating as majority owners in pipeline and consortia agreement, we need to find creative ways in which we can assure their access to these programs within existing requirements on U.S. content and equity participation. Our competitors, as noted below, are already operating in the area with government-backed credit lines. Repealing Section 907 of the FREEDOM Support Act would make it easier for these programs to operate effectively throughout the Caspian region. We recognize that opening these programs in individual countries is contingent upon decisions from respective Boards of Directors taking into account legal strictures and country risk assessment.

3. Encourage high-level visits to and from the region.

Many observers point to high-level visible government support as major factor in the successful involvement of British, French, and Japanese firms throughout the Caspian region—support which gives these companies a significant competitive edge against American companies. This support typically takes two forms—high level, high visibility trade missions and export credits. The Caspian Basin is new to many political and business leaders in the U.S. High-level congressional, administration, and business travel to the region—for example cabinet-level participation in the oil and gas shows in Baku, Ashgabat, and Almaty, and in support of companies' bids for contracts—would be particularly useful. These visits should be reinforced by invitations to decision-makers from the region to come to the U.S.

4. Continue active U.S. support for international and regional efforts to achieve balanced and lasting political settlement of conflicts in Nagorno-Karabakh, Abkhazia, and elsewhere in the region (e.g. Chechnya, Tajikistan). Be prepared to contribute a fair share to reconstruction and development costs of war-torn zones following achievement of peace agreements.

5. Make available USG resources to support a UN-led peace process in Afghanistan if/when the Afghan parties agree on terms for these elements.

A lasting Afghanistan peace settlement is not only in the interests of the Afghan people but would promote regional stability and development. U.S. companies are eager to participate in exporting Caspian energy via Afghanistan.

6. Encourage installation of upgraded navigation systems in the Bosporus.

This issue should be kept separate from consideration of a main export pipeline through Turkey: it stands on its own merits. As noted earlier, the capacity of the Bosporus to carry Caspian oil safely and efficiently will eventually be exceeded. The present system is inadequate and needs replacement regardless of the additional volume of oil which transits this area. Turkish concerns for the safety of the 13 million people who live along the straits are valid and we should work through the International Maritime Organization (IMO) to set reasonable standards for safe and secure transit through the Straits. The adoption of more advanced technology would further improve the flow of traffic in the Straits and increase safety for shippers and reduce the risk of an environmentally devastating oil spill. Currently, while there are some aids to navigation, there is no continuous tracking of ships. The USG should continue to urge and work with the Turkish government to install a state-of-the-art Vessel Tracking System (VTS) for the Turkish Straits, preferably from an American supplier, which would provide complete radar coverage throughout the Straits and would have the ability to communicate with ships by radio. The U.S. Coast Guard is currently working on installing 17 such systems across the United States. The Coast Guard estimates that complete coverage of the Straits would cost $60 million to install, and up to $1 million annually to operate. The Turkish government has prepared a tender to install a world class VTS three times. The USG should support efforts to secure international financing for such a system.

7. Encourage the development of new markets in the Black Sea Region.

All current oil export routes from the Caspian Basin terminate at the Black Sea. Given the limitations on the volume of oil which can be exported through the Bosporus as outlined above, alternatives to the Straits must be identified and developed. One possibility is to develop the oil, gas, and power markets in the Black Sea Region and to develop the infrastructure to transport Caspian energy to other markets. Additional sources of energy for the countries of this region and increased transit fees would stimulate economic development, reduce existing monopolies over supplies, and provide lucrative marekts for the producing countries.

8. Structure assistance to the region to encourage economic reform and the development of appropriate investment climates in the region.

Continued USG support through technical assistance is essential in assisting these countries to establish strong market economies and encourage the emergence of a financially vibrant energy sector. Transparent legal and regulatory environment, and restructured and privatized energy sectors in these countries will ensure the commercial viability of new investments and expand opportunities for U.S. industry. To a great extent, the Clinton Administration's ability to tailor assistance strategies to address U.S. interests is hampered by restrictions on how assistance money can be spent. Besides the restrictions imposed by Section 907 of the FSA on USG funded assistance to the Government of Azerbaijan, Congressional earmarks limit assistance flexibility and often channel money away from projects and programs which might further U.S. interests more rapidly. We recommend that earmarks and other restrictions be kept as low as possible, if not completely eliminated.

TRIBUTE TO THOMAS SALMON

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Tom Salmon, president of the University of Vermont, who will be retiring later this month.

Tom and I have worked together for nearly three decades. First as young lawyers in our hometown of Rutland, VT, and then in the general assembly. While he went on to serve as Governor for two terms, I went to Washington to serve in Congress. Although we represented different political parties, we shared a love for Vermont which enabled us to work together and put politics aside.

More recently, during Tom Salmon's tenure as president of the University of Vermont, we have had the opportunity to work closely again. His commitment to improving the quality of education has been outstanding, and I have watched with admiration as the university has flourished under his guidance. His capacity to make tough decisions while also connecting with students at the university has contributed to his success. No one could ever question Tom Salmon's dedication after hearing about the time he had to excuse himself from an important meeting of the Governor's council of economic advisors because it conflicted with his graduate school seminar. This has been a job that Tom has loved, and one that he has done well.

As I think back over the years, one thing is very clear, Tom Salmon is a man who cares about the State of Vermont and its citizens. Be it as Governor, teacher, chairman of the board, or adviser, his outstanding ability always shines through making him one of Vermont's most successful leaders.

COMMENDATION FOR LINDA ESPINOSA

Mr. CAMPBELL. Mr. President, I would like to take the time today to commend an amazing young woman from my home State of Colorado.

Linda Espinosa is a very special person. Not only has she been named the valedictorian of her school in Colorado Springs, but she is also one of only six people each year to be awarded the Junior Achievement Award by Amway Corp. This achievement is even more significant because the award is given to outstanding individuals who have excelled in a particular area, despite suffering from hardship or disability. Linda's triumph has been overcoming deafness to lead her class at the Colorado School for the Deaf and Blind.

I admire Linda's determination and scholarship, and ask my colleagues to join me in recognizing her accomplishment. I wish Linda the best of luck in her future endeavors. We can all learn a lesson in perseverance from this courageous young woman.

Thank you, Mr. President. I yield the floor.

SUMMARY OF A REPORT OF THE SENATE DELEGATION VISIT TO ASIA

Mr. DASCHLE. Mr. President, I ask unanimous consent to insert in today's RECORD a summary of a longer report on a November 1996 trip taken by a congressional delegation consisting of Senators GLENN, LEAHY, DORGAN, KEMPTHORNE, and myself. The delegation traveled to Vietnam, China, Hong Kong, and Taiwan, meeting with senior government officials in each location. The summary discusses the highlights of the trip. The full report is also available. As the trip report summary highlights, members of the delegation raised important U.S. national priorities in each country and gained valuable insight into the leaders' views.

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

REPORT OF THE SENATE DELEGATION VISIT TO ASIA, NOVEMBER 8–17, 1996

SUMMARY AND FINDINGS

A delegation from the United States Senate, consisting of Democratic Leader Tom Daschle (D–SD), Senator John Glenn (D–OH), Senator Patrick Leahy (D–VT), Senator Byron Dorgan (D–ND) and Senator Dirk Kempthorne (R–ID), met with leading officials in Vietnam, China, Hong Kong and Taiwan during a trip to that region from November 8–17, 1996. The delegation's mission was to explore firsthand U.S. policy issues in this part of the world where the United States has important national security, humanitarian and economic interests.

In each country, the delegation discussed various aspects of U.S. policy with high level government officials. In meetings in Vietnam, they raised a variety of important U.S. policy interests, beginning with the high priority the United States places on resolving remaining cases of U.S. service members reported missing in action (MIA). They also discussed the need for a comprehensive trade agreement and the issues that must be addressed before one can be completed. They raised a number of other issues, including urging greater cooperation on Agent Orange research issues; pressing the need or improvements in Vietnam's human rights practices; requesting that the U.S. Embassy in

Hanoi be relocated to a more central location in the city closer to most of the organizations with which it works; and encouraging the Vietnamese to resolve remaining immigration issues and remove existing obstacles to trade.

In these meetings, the Vietnamese expressed a willingness to work with the U.S. to resolve problems in U.S.-Vietnamese bilateral relations. They clearly understood the importance of the MIA issue and pledged cooperation. They appeared to welcome the trade that has taken place in the absence of a comprehensive trade agreement and looked forward to expanding trade with such an agreement. The Vietnamese acknowledged that they had a way to go in modifying their laws and practices to enter fully the international marketplace. In addition, they were eager to have the National Assembly, their legislative branch, host a congressional delegation for the first time. They expressed strong interest in expanding contracts between our respective legislative branches in the future.

The Chinese leaders with whom the delegation met appeared very interested in moving U.S.-Chinese relations in a more positive direction. The delegation had a good exchange of views with the Chinese in a number of areas, including expressing the importance to the United States of human rights practices; the need for improvements in China's trade policies to open its markets and increase opportunities for U.S. exports; and the need for additional attention in the area of nuclear proliferation. They heard varying levels of acknowledgment of U.S. positions and willingness to work with us.

The delegation also discussed with the Chinese the upcoming July 1, 1997 transition in which Hong Kong reverts to Chinese sovereignty. The delegation indicated that it is very important to the U.S. that the transition go smoothly, and the Chinese said that they wished to see that outcome as well. The delegation also met with a wide range of Hong Kong residents to assess their views on the transition. Some were quite optimistic, as were the U.S. businesses with whom the delegation met. Others were more cautious and pointed out the potential for conflict.

The delegation had a number of discussions with leaders in China and Taiwan about the relations between Taiwan and the Mainland. Both sides indicated that tensions had diminished since the U.S. sent carriers to the Taiwan Straits shortly before Taiwan's March 1996 election. However, the delegation observed a wide gulf between each side's interpretation of the relations between them and the prospects for reunification.

TOM DASCHLE,
JOHN GLENN,
PATRICK LEAHY,
BYRON DORGAN,
DIRK KEMPTHORNE.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 7, 1997, the Federal debt stood at $5,336,081,916,565.07 (five trillion, three hundred thirty-six billion, eighty-one million, nine hundred sixteen thousand, five hundred sixty-five dollars and seven cents).

One year ago, May 7, 1996, the Federal debt stood at $5,093,910,000,000 (five trillion, ninety-three billion, nine hundred ten million).

Five years ago, May 7, 1992, the Federal debt stood at $3,883,035,000,000 (three trillion, eight hundred eighty-three billion, thirty-five million).

Ten years ago, May 7, 1987, the Federal debt stood at $2,272,537,000,000 (two trillion, two hundred seventy-two billion, five hundred thirty-seven million).

Fifteen years ago, May 7, 1982, the Federal debt stood at $1,057,931,000,000 (one trillion, fifty-seven billion, nine hundred thirty-one million) which reflects a debt increase of more than $4 trillion—$4,278,150,916,565.07 (four trillion, two hundred seventy-eight billion, one hundred fifty million, nine hundred sixteen thousand, five hundred sixty-five dollars and seven cents) during the past 15 years.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WE CAN SAY WE WERE PART OF SOMETHING

Mr. DASCHLE. Mr. President, the tragic days of the Dirty Thirties are still remembered by many in my State. As an unbreakable drought settled over our region, the fields dried and the crops withered. Hot, dry winds whipped the dust into dark clouds that blew over the land and settled in great drifts on the ground. It was a desperate time for our State. Destitute and facing foreclosure, many South Dakotans had no choice but to abandon the farms in which they had invested countless years of labor. These losses rippled through our economy with a devastating effect, stripping businesses of their livelihood and farmworkers of their jobs. As the lines of the unemployed grew, so did a feeling of hopelessness among our people.

It was in the midst of this terrible Depression that one of our Nation's greatest Presidents, Franklin Delano Roosevelt, offered hope to the people of South Dakota. Through the Civilian Conservation Corps and the Works Progress Administration [WPA], he provided jobs for South Dakotans, and gave us back the dignity that comes with earning your keep. Roosevelt's mark can still be seen across the State, where the thousands of people he put to work left stadiums, sewer systems, and miles of highways and sidewalks as their legacy.

In Milbank, a quiet, friendly town in the northeast corner of my State, the WPA-built municipal water system still ingeniously delivers water from springs outside of town without the work of a single pump. And only recently was the stretch of Highway 12 that runs through Milbank, built by WPA workers and nearly six decades old, finally repaved.

After all Franklin Roosevelt gave to South Dakota and the people of Milbank, I am pleased to say that we have had the rare and wonderful opportunity to give something back to him. Mr. President, last week the long-awaited memorial to Franklin Roosevelt was unveiled. Over 800 feet long, its rough-hewn granite walls form outdoor rooms that honor each of Roosevelt's four terms as President.

I am proud to say that the stone for this memorial was quarried by workers in Milbank. Nearly 60 years after Roosevelt put the citizens of Milbank to work in the WPA, they have again been hard at work for him, cutting and hammering the granite for our memorial to the man who led our Nation through its worst depression and most terrible war.

Quarrying this granite has been a source of deep inspiration and pride for the workers of the Cold Springs Granite Co., which owns the quarry. Often working in the bitter cold, their fierce dedication ensured that the 4,500 hundred tons of stone they cut reached Washington safely and on schedule.

This was no mean feat—to meet the needs of the memorial, the 3-billion-year-old layer of granite that runs beneath Milbank was cut in pieces weighing up to 100 tons. These monstrous stones then had to be carefully raised, without cracking or falling, from the base of a pit 140 feet beneath the ground. Once they reached the surface, the stones were sent by flatbed truck to Cold Springs, MN, where workers shaped them according to the models of Lawrence Halprin, the designer of the monument. According to workers like Frank Hermans, who has worked in the quarry his entire adult life, the job gave him and his coworkers the chance to leave their mark in history. "We can say we were part of something," he said. "Not many get the chance to say that."

I know I speak for my colleagues as I say thank you to the workers of Milbank for their dedication and hours of labor. Their efforts have helped the Nation to honor a man who gave us hope when we were hopeless and the determination to fight when our freedom was threatened.

Mr. President, the Washington Post recently printed an outstanding article on quarrying of the memorial's granite. I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, May 2, 1997]

BY PROUD TOIL, STONE IS HEWN INTO HISTORY

(By Peter Finn)

MILBANK, S.D.—The wind chill was 70 below one Saturday last November when the

six quarrymen working in a deep gouge in the earth here had to move one last piece of granite. It was a 65-ton clossus.

The rock had been quarried loose a month earlier, but the permit to transport it on state roads to a factory in Cold Spring, Minn., for cutting and shaping stated that it had to go that day, bonechilling temperatures not withstanding.

"We had the warn clothes on," said Frank Hermans, the quarry foreman. "But your face hurt. It was a cold one."

It took three excruciating hours to bring the granite up from the 140-foot-deep quarry, making sure it did not fall or crack. Hermans, his face chapped and burnished, felt a fierce satisfaction as he watched it leave on a flatbed truck.

"We can say we were part of something," said the 46-year-old, who has worked down in "the hole," as he calls it, since he was a teenager. "Not many get to say that."

Now, six months later, that piece of granite is a base stone in one of four fountains at the Franklin Delano Roosevelt Memorial, which will be dedicated today on a 7½-acre site by the Tidal Basin.

The memorial's dominant feature is its granite spine, an 800-foot-long meandering wall that forms four outdoor rooms, each representing one of FDR's presidential terms. The 12-foot-high wall defines the memorial sculpture and fountains, embracing and guiding the visitor through Roosevelt's time, the years of the Great Depression and World War II.

"As the stone gets rougher and rougher, the emotion builds up," said landscpe architect Lawrence Halprin, the memorial's designer. With the progression of the wall into the room representing World War II, the stone's face becomes increasingly irregular. "I'm choreographing experiences."

From the quarry here on the dull Dakota flatlands to Washington, where today's dignitary-studded dedication will take place, the hands of many people gave physical life to Halprin's artistry. Working hands. Hands that hammered and gouged and chiseled the stone. Hands that blistered and calloused and ached. Hands that bled passion as well as sweat.

The schedule wore on the workers. One got shots of cortisone in his shoulder to keep working. Another, who was responsible for coordinating all the stonework, literally lost his hair last year under the strain of meeting deadlines. When it grew back this year, it had turned white.

"This was very personal for us," said LaVern Maile, 55, a stonecutter at Cold Spring Granite Co., which owns the quarry and cut the stone for the memorial—enough to build an 80-story building.

"It was a monster of a job," he said. "I don't think any of us realized until we were halfway into it just how big it was. And probably that was just as well."

The Millbank quarry, once a natural outcropping of stone valued for its reddish hue, is now a vast tear that extends 1,000 feet long and 650 feet across as it falls in terraces to its deepest point of 140 feet. Surveys estimate that the granite runs for 12 miles under this desolate plain. Each year this slice of earth yields 463,000 tons of stone for malls, banks, office buildings and grave markers.

Here, in the swirl of red and gray dust kicked up daily by heavy machinery and the boom of explosives cracking rock, Halprin first laid hands on his creation. He chose this granite 22 years ago because the rock closely resembled the stone FDR had selected for additions to the family estate at Hyde Park, N.Y.

The granite is called carnelian, a derivative of the Latin word for flesh. It is 2 billion years old, dating from the pre-Cambrian era, the period before there was abundant life on Earth. The granite formed when molten rocks deep in the earth's crust solidified and either rose to the surface or were exposed by erosion.

Halprin says the wall, too, will endure. He promises it will still be standing 3,000 years from now.

The architect drew and made models of every stone he wanted in the memorial—their lengths, shapes, protrusions, recesses, smoothness and roughness. "I could see every stone in my mind," said Halprin, comparing the process to the way a composer documents musical arrangements.

If Halprin was the composer and conductor, a select group of Minnesota stonecutters was his orchestra.

Stonecutter Wally Leither, 55, carried drawings of each block as he prowled the quarry looking for granite that matched Halprin's specifications.

Usually, granite is blasted loose with explosives, but because Halprin's demands were so specific and explosives leave long rivets on the outside of the stone, Leither had to cut most of the blocks for the memorial by hand.

Using jackhammers, he drilled holes into the stone every four inches, shaping a piece of stone. Two pieces of steel were placed in the shallow holes, and an iron wedge was hammered between them.

"We'd let it sit like that overnight, and the stone would crack with the pressure," said Leither, whose graying mustache doesn't quite hide a persistent smile. "It was slow work."

Stone was first cut for the memorial in 1991 after Congress appropriated the $42.5 million in public funds needed to build it. (An additional $5.5 million came in private donations.) Over the last six years, 15,000 tons of stone was chipped from the earth in South Dakota and trucked two hours east to Minnesota to the Cold Spring Granite Co., where 4,500 tons of it was cut and shaped. The contract for quarrying and preparing the granite was $6.35 million, according to the National Park Service.

Halprin visited the quarry frequently, sometimes becoming seized with excitement when he saw a particular stone and adjusting his design to incorporate it if Leither told him the men could get it out just as Halprin imagined it would look.

"I've never seen anyone look at stone quite like him," said Don Noll, 57, the West Coast Salesman for Cold Spring Granite, who accompanied Halprin on some of his trips to South Dakota. "Each stone has a personality with him. Where I saw nothing except a chunk of rock, he saw part of a fountain. He'd stand in front of stone and say, 'Do you see it? Do you see it?' And I'd say, 'See what, Larry? What do you see?'"

Some uses of the granite came about by happenstance.

In 1978, at the New Jersey studio of George Segal, one of four sculptors who worked on the memorial, Halprin and the others were discussing how to depict World War II in stone. But their ideas seemed uninspired. As they stood over a stone model of the wall, someone waved his hand in agitation, knocking down a section and creating a pile of rubble.

"Suddenly we all realized we had captured the destructive image that expressed what we needed," Halprin recalled.

The Cold Spring Granite Co.'s fabrication plant in Minnesota is a sea of thundering industry: furnaces that blast granite at 1,800 degrees to give it a thermal finish, 10-foot-high wire saws that pulsate rhythmically as they slice the stone, and huge polishing units that smooth the granite. High above the shop floor, cranes straddle the width of the factory, lifting slabs of granite some weighing several tons, with suction cups.

That machinery cut and finished the granite paving stones that visitors to the memorial will walk on, as well as the smooth blocks on which carver John Benson sandblasted some of FDR's words.

But no machine could give the wall stone the roughness that the landscape architect desired.

Leither and Maile and three other stonecutters, Mervile Sabrowsky, 56, Dean Hemmech, 39, and Kraig Kussatz, 38, began work on the rock faces the public would view. They started with 16-pound hammer sets, then moved to smaller and smaller chisels until the stone began to resemble Halprin's drawings.

"It looks easy, but if you take too much, you ruin the granite," Leither said. "Sometimes we had to compromise with Larry. He wanted it a certain way, and we had to say we can't take that much off."

Over the last three years, the pace has been furious. The team of four stonecutters tried to work on at least nine blocks a day, always starting three and finishing three each shift.

Some of the larger stones could not fit in the factory, so the cutters had to work outside, standing on massive chunks of stone and hammering away. One stone was reduced from 92 tons to 40 tons before it was sent to Washington.

Part of the wall's effect is the sense that one huge block is stacked atop another. In fact, in much of the wall the granite is no more than 10 inches thick, the back having been sheared away. Behind it, in a two-inch space, stainless steel anchors hook the granite slabs to an unseen concrete wall that runs inside the memorial, ensuring that the granite cannot fall.

Neither Maile nor Leither has any specific memories of FDR; each was a young child when the President died in 1945. "My day was strong Democratic," Maile said. "He talked about him. He enjoyed him."

Through the FDR Memorial, however, Maile and Leither, along with hundreds of other Cold Spring Granite employees, felt the excitement of leaving a little stamp on history, a mark not easily made in the anonymity of small-town factory work.

"Someday I know that my grandchildren or my great-grandchildren will see this memorial," Maile said, "and in the stone they'll see a little piece of me."

When the last block left the factory late last year, Maile said he felt like retiring.

"We'll never work on something like this again. It's part of history," he said. "And we were all giving 100 percent and a little bit more. When the last piece went out, it was a letdown in some ways. We did nothing else for years."

Construction on the memorial site began in October 1994. It took 210 flatbed truck trips to transport the 4,000 wall stones and 27,239 paving stones from Cold Spring to Washington, the last arriving late last year.

The peninsula on which the memorial sits was formed from mud dredged from the Tidal Basin in the late 1800s and early 1900s. Tests indicated it could not support the 4,500-ton memorial, so about 900 steel pilings were driven down 100 feet to the solid ground under the settled mud. Concrete beams were then built over the pilings.

"It's like it is built on a bridge," Halprin said.

The four sections of the wall were built one by one over the last 30 months, with cranes hoisting the granite stones into position so they could be hooked to the concrete wall behind. The William V. Walsh Construction Co. of Rockville with the primary contractor on site.

Halprin and the workers at Cold Spring had built mock-ups of the wall in Minnesota to see how corners, buttresses and ground connections could best be assembled when the stone reached Washington. Those mock-ups also gave Benson, the inscription designer and carver, an opportunity for some trial runs on the heavily pillowed granite.

He chose a form of Roman inscription that was refined in his studio in Newport, R.I., but the actual carving was done on the erected memorial. Benson traced the letters, some 16 inches tall, onto the granite with water-based paint. Once he saw how the rough surface distorted the appearance of the letters, he repainted them before carving the quotations, using a chisel driven by a pneumatic hammer.

Benson, whose stone-carving business is the oldest in the country, dating to 1705, said he cut at a rate of about two letters a day.

"You don't make mistakes," he said. "You can't make a mistake. The wall was up."

The stonecutters from Cold Spring also worked on site in the last four months, making last-minute cuts at Halprin's direction.

"That was awful scary," Leither said. "Mess up and the whole wall has to come down."

On one of the last pieces the cutters worked on—a bench—Maile gave the 16-pound hammer to Halprin so he could pitch away a piece of stone.

"I couldn't let it pass without him taking one swing," Maile said.

Halprin kept the piece of stone as a souvenir.

Leither and Maile, along with 30 other people from Cold Spring, will be at the dedication today.

"When we said those stones, all finished, it'll be almost like a family reunion," Leither said. "We gave birth to them out in Millbank, nurtured them in Cold Spring and sent them off like grown children to Washington, D.C."

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

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

JACK SWIGERT STATUE PLACEMENT IN NATIONAL STATUARY HALL

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 25, which was received from the House.

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

The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 25) providing for acceptance of a statue of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall.

The Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I am proud to announce on behalf of the State of Colorado that today the Senate will have the opportunity to approve House Resolution 25 to allow the placement of the statue of Jack Swigert in National Statuary Hall.

Coloradans chose astronaut Jack Swigert as the second State statue to be placed in the U.S. Capitol. He was elected to the U.S. House of Representatives in 1982 representing the Sixth Congressional District. Unfortunately, his successful campaign was beset by his battle with bone-marrow cancer. The cancer spread quickly but he insisted on traveling from Colorado to Washington despite his failing health. The Representative-elect died only days before the swearing in ceremony.

Mr. Swigert is well known as one of the astronauts on the famous *Apollo 13* mission. The details of the mission are familiar to many; the suspenseful story of the astronauts' journey was recently depicted in a major movie. The ship and crew of *Apollo* suffered several complications and disasters, including an oxygen tank explosion that threatened the lives of the crew. It was the relentless determination and competence demonstrated by Jack Swigert and the other crew members that made it possible for the return of the spacecraft to Earth.

Jack Swigert was born in Denver. He began flying while he was in high school and dedicated himself to becoming a pilot. After graduating from the University of Colorado at Boulder he joined the Air Force and served as a pilot during the Korean war. His strong desire to become an astronaut inspired him to return to school after twice being rejected by NASA's space program. He was admitted to the program at NASA on his third try.

The statue of Jack Swigert will join the statue commemorating Colorado native Dr. Florence Rena Sabin. Dr. Sabin broke many barriers for women in the field of medicine. She entered medical school in 1893 and pursued a career in medical teaching and research. At a time when women were not considered eligible for the medical teaching profession, she became the first woman to attain the position of full professor at Johns Hopkins University in Baltimore. She also was the first woman to be invited to join the Rockefeller Institute.

Upon returning to Colorado, Dr. Sabin was appointed to a subcommittee on public health and helped to draft legislation reorganizing the State health department. At the age of 76, Dr. Sabin took on the duties of manager of the Department of Health and Welfare of Denver and continued to implement public health legislation.

The passage of House Concurrent Resolution 25 will mark the triumphant end to a 10-year effort to honor Mr. Swigert. The striking statue, which was cast by the Lundeen brothers in my hometown of Loveland, CO, will be provided entirely by private funding.

Jack Swigert's close friends remember him for his humbling tenacity and courage. I remain in awe of his achievements and spirit, and I am pleased that this statue will join Dr. Sabin in representing the State of Colorado to everyone who visits the Capitol.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, today I join my colleague from Colorado, Senator WAYNE ALLARD, in supporting adoption of House Concurrent Resolution 25, which authorizes the placement of the statue of Jack Swigert in Statuary Hall of the U.S. Capitol. This important resolution was submitted by our colleague, Congressman DAN SCHAEFER, in the House of Representatives, who is the dean of our delegation.

The inclusion of this statue would not be possible without the efforts of many Coloradans, who I would like to thank for their dedicated efforts. Among these groups, the Arapahoe County Republican Men's Club stands out for its large contribution. Club members lobbied the state legislature and donated substantial amounts of money in an effort to commission the statue.

Also a key supporter of this effort was Veterans of Foreign Wars Chapter 11229. This chapter was commissioned solely for the purpose of persuading the state legislature to create the statue of Mr. Swigert and put the initiative on the ballot. Mr. Swigert was a lifelong member of VFW Post #1, which is the oldest VFW in the Nation, founded after the Spanish-American War.

Among the many individuals who worked on this honor, Mr. Hal Schroyer, who lives north of Denver, should be mentioned for 10 years of work on this project.

Mr. Swigert was an extraordinary individual, even before his flight in the Apollo 13 spacecraft, made famous by the movie in 1996 that my colleague mentioned.

Jack learned to fly at age 16, while attending Denver East High School, and was on the move ever since. Jack served in the Air Force in Korea, where he flew jet fighters. Even after his plane crashed into a radar unit on a Korean airstrip, Jack continued to fly. After leaving the service, he was a test pilot to 10 years. He kept busy, earning two master's degrees as a followup to his 1953 mechanical engineering degree.

What Jack is best remembered for though, is his fateful aborted trip to

the moon in 1970, as part of the *Apollo 13* mission. Jack joined the crew at the last minute, after his colleague, Thomas Mattingly, was exposed to German Measles and could not make the trip. He had no idea just how exciting this trip would become when he started. After an oxygen tank exploded, the three-member crew used all their knowledge and ingenuity to bring the disabled ship home safely. Because of their quick thinking and grace under extreme pressure, all three members, Jack Haise, James Lovell and Jack Swigert returned safely to Earth.

Following his service with NASA, Swigert put his extensive aeronautical expertise to use as the executive director of the House Committee on Science and Technology. He held the position until 1977, when he decided to run for the U.S. Senate. He was defeated by his friend William Armstrong in the primary and returned to private industry as the vice president for two prominent Denver companies.

In 1982, Jack made a successful bid for a House seat, even after learning that he had cancer. Jack's courageous battle was an effort to prove that, to use his words, "technology and commitment can overcome any challenge." Unfortunately, Jack did not win his battle with bone cancer, and, in December 1982, a month after winning the election, Jack passed away.

Jack Swigert will be remembered and honored with this statue we dedicate to him as a true American hero. And, his statue will represent Colorado with honor and distinction here in the U.S. Capitol for years to come. To my knowledge, this will be the first space age statue to be included. With my colleague from Colorado, I urge my colleagues to support passage of this important resolution.

I yield the floor.

Mr. ALLARD. Mr. President, I ask unanimous consent that H. Con. Res. 25 be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 25) was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

MR. KEMPTHORNE. I thank the Chair.

(The remarks of Mr. KEMPTHORNE, Mr. CRAIG and Mr. TORRICELLI, pertaining to the introduction of S. 730 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy:

The Senator from Arizona [Mr. MCCAIN], ex officio, as chairman, from the Committee on Commerce, Science, and Transportation;

The Senator from Missouri [Mr. ASHCROFT], from the Committee on Commerce, Science, and Transportation;

The Senator from South Carolina [Mr. HOLLINGS], from the Committee on Commerce, Science, and Transportation; and

The Senator from Washington [Mrs. MURRAY], at large.

The Chair, on behalf of the Vice President, pursuant to title 46, section 1295(b), of the United States Code, as amended by Public Law 101–595, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy:

The Senator from Arizona [Mr. MCCAIN], ex officio, as chairman, from the Committee on Commerce, Science, and Transportation;

The Senator from Maine [Ms. SNOWE], from the Committee on Commerce, Science, and Transportation;

The Senator from Louisiana [Mr. BREAUX], from the Committee on Commerce, Science, and Transportation; and

The Senator from Hawaii [Mr. INOUYE], at large.

MESSAGES FROM THE HOUSE

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 25. Concurrent Resolution providing for acceptance of a statue of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall.

The message also announced that the Speaker appoints the following Members on the part of the House to the Advisory Commission on Intergovernmental Relations: Mr. SHAYS and Mr. SNOWBARGER.

The message further announced that the Speaker appoints the following Member on the part of the House to the Congressional Award Board: Mrs. CUBIN.

The message also announced that the Speaker appoints the following individual on the part of the House to the Advisory Committee on the Records of Congress: Dr. Joseph Cooper of Baltimore, Maryland.

At 6:02 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 bill, in which it requests the concurrence of the Senate:

H.R. 3. An act to combat violent youth crime and increase accountability for juvenile criminal offenses.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3. An act to combat violent youth crime and increase accountability for juvenile criminal offenses; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1807. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, a report entitled "Minority Small Business and Capital Ownership Development"; to the Committee on Small Business.

EC–1808. A communication from the General Counsel of the Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Classification, Downgrading, Declassification and Safeguarding of National Security Information," (RIN0348-AB34) received on May 2, 1997; to the Select Committee on Intelligence.

EC–1809. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, a rule relative to filing of disclosure, received on May 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1810. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, a rule relative to trader reports, received on May 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1811. A communication from the General Counsel of the Treasury, transmitting, a draft of proposed legislation to authorize debt buybacks and sales for debt swaps of certain outstanding concessional obligations; to the Committee on Agriculture, Nutrition, Forestry.

EC–1812. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to karnal bunt regulated areas, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1813. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pink bollworn regulated areas, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1814. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant

to law, the report of a rule relative to zoological park quarantive, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1815. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to genetically engineered organisms, received on May 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1816. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of fourteen naval vessels to certain foreign countries; to the Committee on Armed Services.

EC–1817. A communication from the Under Secretary of Defense, transmitting a notice relative to the Defense Manpower Requirements Report; to the Committee on Armed Services.

EC–1818. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Armed Services.

EC–1819. A communication from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize debt buybacks and sales for debt swaps of certain outstanding concessional obligations; to the Committee on Foreign Relations.

EC–1820. A communication from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize debt relief for poor countries; to the Committee on Foreign Relations.

EC–1821. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the Broadcasting Board of Governors annual report for calendar year 1996; to the Committee on Foreign Relations.

EC–1822. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96-03; to the Committee on Appropriations.

EC–1823. A communication from the General Counsel of the Department of Defense, transmitting two drafts of proposed legislation to ease current restrictions which preclude the procurement of certain items; to the Committee on Appropriations.

EC–1824. A communication from the Attorney General of the United States, transmitting, pursuant to law, the 1996 annual report on the Federal Prison Industries, Inc.; to the Committee on Governmental Affairs.

EC–1825. A communication from the Secretary of the Commission of Fine Arts, transmitting a notice relative to internal controls and financial systems in effect; to the Committee on Governmental Affairs.

EC–1826. A communication from the Office of the Independent Counsel, transmitting, pursuant to law, the report on audit and investigative activities for the period April 1 through September 30, 1996; to the Committee on Governmental Affairs.

EC–1827. A communication from the Director of the Office of Personnel Management, transmitting a report relative to political recommendations for federal jobs; to the Committee on Governmental Affairs.

EC–1828. A communication from the Executive Officer of the National Science Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1829. A communication from the Chairman, Cost Accounting Standards Board, Executive Office of the President, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Governmental Affairs.

EC–1830. A communication from the Secretary of the Commission of Fine Arts, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–1831. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for March 1997; to the Committee on Governmental Affairs.

EC–1832. A communication from the Acting Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1833. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on accounting for U.S. assistance under the Cooperative Threat Reduction Program for calendar year 1996; to the Committee on Governmental Affairs.

EC–1834. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "University of the District of Columbia Report of Revenues and Expenditures for the Graduate Program for Academic Years 94–95 and 95–96"; to the Committee on Governmental Affairs.

EC–1835. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule relative to summer employment, (RIN3206-AG21) received on April 21, 1997; to the Committee on Governmental Affairs.

EC–1836. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Administration and General Provisions" (RIN3206–AH66) received on April 25, 1997; to the Committee on Governmental Affairs.

EC–1837. A communication from the Executive Director of the U.S. National Commission on Libraries and Information Science, transmitting, pursuant to law, the report under the Inspector General and Federal Managers' Financial Integrity Acts for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1838. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation relative to the U.S. Secret Service Uniformed Division; to the Committee on Governmental Affairs.

EC–1839. A committee from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the Procurement List received on April 24, 1997; to the Committee on Governmental Affairs.

EC–1840. A communication from the General Counsel of the District of Columba Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a notice relative to the report entitled "A Crisis in Management"; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 58. A resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation.

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

S. 342. A bill to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

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.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States.

By Mr. HELMS, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amended preamble:

S. Con. Res. 6. A concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 21. A concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Joel I. Klein, of the District of Columbia, to be an assistant attorney general.

By Mr. HELMS, from the Committee on Foreign Relations:

Stuart E. Eizenstat, of Maryland, to be an Under Secretary of State.

Thomas R. Pickering, of New Jersey, to be an Under Secretary of State.

Karen Shepherd, of Utah, to be U.S. director of the European Bank for Reconstruction and Development, to which position she was appointed during the last recess of the Senate.

Jeffrey Davidow, of Virginia, a career member of the Senior Foreign Service, class of minister-counselor, to be a member of the Board of Directors of the Inter-American Foundation, for a term expiring September 20, 2002.

Letitia Chambers, of the District of Columbia, to be a representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

Prezell R. Robinson, of North Carolina, to be an alternate representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

James Catherwood Hormel, of California, to be an alternate representative of the United States of America to the Fifty-first Session of the General Assembly of the United Nations.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably five nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of February 13, April 8, and April 25, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officer of Class One, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Kathleen Therese Austin, of the District of Columbia

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

John Wesley Harrison, of Virginia
Carol R. Kalin, of New York
Karen Eastman Klemp, of Illinois
Ronna Sharp Pazdral, of California
Robert Walter Pons, of New Jersey

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Brian D. Goggin, of Virginia

DEPARTMENT OF STATE

Gregory Jon Adamson, of California
Cherrie Sarah Daniels, of Texas
Martha J. Haas, of Texas
Paul Horowitz, of Oregon
John Kevin Madden, of Arkansas
Deborah Rutledge Mennuti, of Texas
Manish Kumar Mishra, of Pennsylvania
William E. Moeller, III, of Florida
William E. Shea, of Florida
Marco Aurelio Ribeir Sims, of the District of Columbia
Mark L. Strege, of Florida
Joni Alicia Treviss, of Massachusetts
David H.L. Van Cleve, of California

The following-named Members of the Foreign Service of the Department of Commerce and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

James Robert Addison, of Virginia
Amy Marie Allen, of Arizona
Emily Jane Allt, of Connecticut
Gregory R. Alston, of Virginia
Margaret Jane Armstrong, of Virginia
William H. Avery, of Florida
Charles R. Banks, of Virginia
Stephen B. Banks, of Virginia
Stephen A. Barneby, of Nevada
William G. Basil, of Maryland
Stephan Berwick, of Virginia
Mark W. Blair, of Virginia
Joshua Blau, of California
Christopher J. Bort, of Maryland
Bridget A. Brink, of Michigan
Jennifer Chintana Bullock, of Pennsylvania
David W. Carey, of Virginia
Paul M. Carter, Jr., of Maryland
Joseph F. Chernesky, of Virginia
Rachel M. Coll, of Virginia
Colin Thomas Robert Crosby, of Ohio
Robert Clinton DeWitt, of Texas
Ali Diba, of Virginia
Joseph A. Dogonniuck, of Virginia
Fred D. Enochs, of Florida
Naomi Catherine Fellows, of California
Barbara J. Fleshman, of Virginia
Mary Anne Flauta Francisco, of Virginia
Robert R. Gabor, of California
Jeffrey E. Galvin, of Colorado
Katherine Gamboa, of Virginia
Roger Z. George, of Virginia
Lisa M. Grasso, of Virginia
Gregory S. Groth, of California
Edward G. Grulich, of Texas
Douglas E. Haas, of Virginia
Mark W. Jackson, of Virginia
Kipling Van Kahler, of Texas
Craig K. Kakuda, of Virginia
Yuri Kim, of Guam
Jennifer A. Koella, of Virginia
Henry P. Kohn, Jr., of Virginia
Paula J. Labuda, of Virginia
John T. Lancia, of Pennsylvania
Jennifer M. Lee, of Virginia
Glenn A. Little, of Virginia
Gregory Michael Marchese, of California
William M. Marshall III, of Virginia
Robert B. Mooney, of California
Kevin L. O'Donovan, of Virginia
Ann A. Omerzo, of Pennsylvania
Robert Anthony Pitre, of Washington
Jennifer L. Savage, of Virginia
Brandon P. Scheid, of Virginia
Carmen A. Seltzer, of Virginia
Russell Schiebel, of Texas
Micaela A. Schweitzer, of the District of Columbia
Stefano G. J. Serafini, of the District of Columbia
Robert E. Setlow, of Washington
Andrew Shaw, of New York
Scott A. Shaw, of Illinois
David William Simons, of Colorado
James Douglas Smith III, of Virginia
Matthew Alexander Spivak, of California
Daisy D. Springs, of Virginia
Cheryl S. Steele, of Massachusetts
Hector J. Tavera, of the District of Columbia
Martina Anna Tkadlec, of Texas
Bonnie J. Toeper, of Virginia
Bryant P. Trick, of California
Mark E. Twambly, of Virginia
Patrick Timothy Wall, of Alabama
Mark A. Weaver, of Washington
Michael Edward Widener, of Virginia
Christine Williams, of Virginia
Thomas A. Witecki, of Virginia
William H. S. Wright, of Virginia
Ronda S. Zander, of Maryland

The following-named career members of the Senior Foreign Service of the United States Information Agency for promotion in the Senior Foreign Service to the classes indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Kenton W. Keith, of California

Career members of the Senior Foreign Service of the United States of America Class of Minister-Counselor:

George Frederic Beasley, of Maryland
John P. Dwyer, of Connecticut
Harriet Lee Elam, of Maryland
Mary Eleanor Gawronski, of New York
David P. Good, of New York
Terrence H. Kneebone, of Utah
John K. Menzies, of California

The following-named career members of the Foreign Service of the United States Information Agency for promotion into the Senior Foreign Service as indicated:

Career members of the Senior Foreign Service of the United States of America, Class of Counselor:

John H. Brown, of the District of Columbia
Guy Burton, of New Jersey
Helena Kane Finn, of New York
Stedman D. Howard, of Florida
Gerald E. Huchel, of Virginia
Mark B. Krischik, of Florida
Nicholas Robertson, of California
Charles N. Silver, of Virginia
Marcelle M. Wahba, of California
Laurence D. Wohlers, of Washington
Mary Carlin Yates, of the District of Columbia

The following-named career member of the Foreign Service for promotion into the Senior Foreign Service, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Counselor:

Terrence W. Sullivan, of New York

The following-named career members of the Senior Foreign Service of the Department of Agriculture for the promotion in the Senior Foreign Service to the classes indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Career Minister.

Daniel B. Conable, of New York

Career members of the Senior Foreign Service of the United States of America, Class of Career Minister-Counselor:

William L. Brant II, of Oklahoma
Warren J. Child, of Maryland
Mattie R. Sharpless of the District of Columbia

The following-named career members of the Senior Foreign Service of the Department of Agriculture for the promotion in the Senior Foreign Service to the class indicated:

Career members of the Senior Foreign Service of the United States of America, Class of Counselor:

Norval E. Francis, of Virginia
Francis J. Tarrant, of Virginia

The following-named career members of the Senior Foreign Service of the Department of Commerce for promotion in the Senior Foreign Service to the classes indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Career Minister:

Kenneth P. Moorefield of Maryland

Career members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Jonathan M. Bensky, of Washington
John Peters, of Florida

The following-named career members of the Foreign Service for promotion into the Senior Foreign Service, as indicated:

Career members of the Senior Foreign Service of the United States of America, Class of Counselor:

Thomas Lee Boam, of Utah
Stephen K. Craven, of Florida
Lawrence I. Eisenberg, of Florida
Edgar D. Fulton, of Virginia
Samuel H. Kidder, of Washington
Bobette K. Orr, of Arizona
James Wilson, of Pennsylvania

The following-named career members of the Foreign Service of the United States Information Agency for promotion into the Senior Foreign Service to the class indicated, and for appointment as Consular Officer and Secretary in the Diplomatic Service, as indicated:

Career member of the Senior Foreign Service of the United States of America, Class of Counselor:

Susan B. Aramayo, of Maryland
Joy Boss, of Texas
Robert S. Morris, of California

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 13, April 8, and April 25, 1997, at the end of the Senate proceedings.)

By Mr. Thurmond, from the Committee on Armed Services:

The following-named officers for promotion in the Regular Air Force of The United States to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. Gary A. Ambrose, [redacted].
Col. Frank J. Anderson, Jr., [redacted].
Col. Thomas L. Baptiste, [redacted].
Col. Barry W. Barksdale, [redacted].
Col. Leroy Barnidge, Jr., [redacted].
Col. Randall K. Bigum, [redacted].
Col. Richard B. Bundy, [redacted].
Col. Sharla J. Cook, [redacted].
Col. Tommy F. Crawford, [redacted].
Col. Charles E. Croom, Jr., [redacted].
Col. Richard W. Davis, [redacted].
Col. Robert R. Dierker, [redacted].
Col. Jerry M. Drennen, [redacted].
Col. Carol C. Elliot, [redacted].
Col. Paul W. Essex, [redacted].
Col. Michael N. Farage, [redacted].
Col. Randall C. Gelwix, [redacted].
Col. James A. Hawkins, [redacted].
Col. Gary W. Heckman, [redacted].
Col. Hiram L. Jones, [redacted].
Col. Joseph E. Kelley, [redacted].
Col. Christopher A. Kelly, [redacted].
Col. Jeffrey B. Kohler, [redacted].
Col. Edward L. LaFountaine, [redacted].
Col. William J. Lake, [redacted].
Col. Dan L. Locker, [redacted].
Col. Teddie M. McFarland, [redacted].
Col. Michael C. McMahan, [redacted].
Col. Duncan J. McNabb, [redacted].
Col. Richard A. Mentemeyer, [redacted].
Col. James W. Morehouse, [redacted].
Col. Paul D. Nielsen, [redacted].
Col. Thomas A. Oriordan, [redacted].
Col. Bentley B. Rayburn, [redacted].
Col. Regner C. Rider, [redacted].
Col. Gary L. Salisbury, [redacted].
Col. Klaus O. Schafer, [redacted].
Col. Charles N. Simpson, [redacted].
Col. Andrew W. Smoak, [redacted].
Col. John M. Speigel, [redacted].
Col. Randall F. Starbuck, [redacted].
Col. Scott P. Van Cleef, [redacted].
Col. Glenn C. Waltman, [redacted].
Col. Craig P. Weston, [redacted].
Col. Michael P. Wiedemer, [redacted].
Col. Michael W. Wooley, [redacted].
Col. Bruce A. Wright, [redacted].

The following U.S. Army Reserve officers for promotion in the Reserve of the Army to the grades indicated under title 10, United States Code, sections 14101, 14315 and 12203(a):

To be major general

Brig. Gen. William F. Allen, [redacted].
Brig. Gen. Craig Bambrough, [redacted].
Brig. Gen. Peter A. Gannon, [redacted].
Brig. Gen. Francis R. Jordan, Jr., [redacted].

To be brigadier general

Col. James P. Collins, [redacted].
Col. William S. Crupe, [redacted].
Col. Alan V. Davis, [redacted].
Col. John F. Depue, [redacted].
Col. Bertie S. Dueitt, [redacted].
Col. Calvin D. Jaeger, [redacted].
Col. John S. Kasper, [redacted].
Col. Richard M. O'Meara, [redacted].
Col. James C. Price, [redacted].
Col. Richard O. Wightman, [redacted].

The following-named officer for appointment in the U.S. Army to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Gregory A. Rountree, [redacted].

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably one nomination list in the Navy which was printed in full in the Congressional Record of February 25, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators:

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of February 25, 1997, at the end of the Senate proceedings.)

The following-named officers for regular appointment to the grades indicated in the U.S. Navy under title 10, United States Code, section 531:

To be captain

Michael J Bailey, [redacted]
Jeffrey F Brookman, [redacted]
James L Buck, [redacted]
Dana C Covey, [redacted]
David W Ferguson, [redacted]
David Leivers, [redacted]

To be commander

Daniel C Alder, [redacted]
Monte L Bible, [redacted]
John T Biddulph, [redacted]
Jeffrey M Bikle, [redacted]
David A Bradshaw, [redacted]
Harpreet S Brar, [redacted]
Frank J Carlson, [redacted]
John R Carney, [redacted]
Ronald F Centner, [redacted]
Gerald A Cohen, [redacted]
Walter J Coyle, [redacted]
James M Craven, [redacted]
Michael J Curren, [redacted]
David L Daugherty, [redacted]
Marlene Demaio, [redacted]
Raymond J Emanuel, [redacted]
Wesley W Emmons, [redacted]
William Erndehazy, [redacted]
Andrew L Findley, [redacted]
Scott D Flinn, [redacted]
Frederick O Foote, [redacted]
Michael J Francis, [redacted]
Michael W Gallagher, [redacted]
John H Greinwald, Jr, [redacted]
Thomas M Gudewicz, [redacted]
Albert S Hammond, III, [redacted]
Terry A Harrison, [redacted]
John P Heffernan, [redacted]
Byron Hendrick, [redacted]
Robert E Hersh, [redacted]
Hal E Hill, [redacted]
Walter R Holloway, [redacted]
Mark J Integlia, [redacted]
Jerome C Kienzle, [redacted]
Kerry J King, [redacted]
Kenneth D Klions, [redacted]
Eric R Lovell, [redacted]
John D Lund, [redacted]
Andrew T Maher, [redacted]
Randall C Mapes, [redacted]
Robert D Matthews, [redacted]
Martin McCaffrey, [redacted]
Francis X McGuigan, [redacted]
James J Melley, [redacted]
Vernon D Morgan, [redacted]
Gary L Munn, [redacted]
James D Murray, [redacted]
Meenakshi A Nandedkar, [redacted]
William F Nelson, [redacted]
Patrick T Noonan, [redacted]
Joseph R Notaro, [redacted]
Lachlan D Noyes, [redacted]
Paul J OBrien, [redacted]
Christopher A Ohl, [redacted]
John C Olsen, [redacted]
Howard A Oriba, [redacted]
Jennifer B Ota, [redacted]
Robert K Parkinson, [redacted]
John S Parrish, [redacted]
Paul Pearigen, [redacted]
Peter J Peff, [redacted]
Wendell S Phillips, [redacted]
David N Rickey, [redacted]
Eric H Schindler, [redacted]
James M Sheehy, [redacted]
Wyatt S Smith, [redacted]
Ricky L Snyder, [redacted]
Henry E Sprance, [redacted]
Douglas M Stevens, [redacted]
Thomas A Tallman, [redacted]
Thomas K Tandy, III, [redacted]
Jon K Thiringer, [redacted]
Anthony M Trapani, [redacted]
Patricia L Verhulst, [redacted]
Maryann P Wall, [redacted]
Diane J B Watabayashi, [redacted]
Joseph R Wax, [redacted]
Jerry W White, [redacted]
Edward A Wood, [redacted]
Jacob N Young, [redacted]

To be lieutenant commander

Clete D Anselm, [redacted]
Elicia Bakerrogers, [redacted]
Simon J Bartlett, [redacted]
Kenneth R Bingman, Jr, [redacted]
Dawn A Blackmon, [redacted]
Janet M Bradley, [redacted]
Arthur M Brown, [redacted]
Jon J Brzek, [redacted]
David B Byres, [redacted]
Lea B Cadle, [redacted]
Lucio Cisneros, Jr, [redacted]
Sean P Clark, [redacted]
Gary W Clore, [redacted]
Walker L A Combs, [redacted]
Elizabeth B Cotten, [redacted]
Donna M Crowley, [redacted]
Gregory J Danhoff, [redacted]

Nancy J Dober, xx...
Sandra L Doucette, xx...
Paul X Dougherty, xx...
David A. Farmer, xx...
Luis Fernandez, xx...
Wayne R. Freiberg, xx...
Paul N. Fujimura, xx...
Michael P. Garvey, xx...
Barbara A. Gies, xx...
Gregory D. Gjurich, xx...
Carolyn G. Goergen, xx...
Virginia P. Haviland, xx...
John S. Hickman, xx...
Susan E. Holt, xx...
Loretta A. Howerton, xx...
Steven R. Huff, xx...
Aaron Jefferson, Jr, xx...
Tommie L. Jennings, xx...
David P. Johnson, xx...
Phillip A. Kanicki, xx...
Maurice S. Kaprow, xx...
William M. Kennedy, xx...
Jamie M. Kersten, xx...
Alan F. Kukulies, xx...
Teresa A. Langen, xx...
Alison C. Lefebvre, xx...
Kim L. Lefebvre, xx...
Margaret A. Lluy, xx...
Steven L. Lorcher, xx...
Michelle L. McKenzie, xx...
Bruce D. Mentzer, xx...
Christine T. Miller, xx...
Craig G. Muehler, xx...
John J. Nesius, xx...
Cathy J. Olson, xx...
Carol A. Papineau, xx...
Joseph R. Petersen, xx...
Nicholas Petrillo, xx...
Herman G. Platt, xx...
Shirley K. Price, xx...
Sabrina L. Putney, xx...
Ann Rajewski, xx...
Abraham I. Ramirez, xx...
Douglas E. Rosander, xx...
Gilbert Seda, xx...
Charles H. Shaw, xx...
Amanda G. Sierra, xx...
Sandra S. Skyles, xx...
John C. Smajdek, xx...
Betsy J. Smith, xx...
Scott A. Smith, xx...
Vanessa D. Smith, xx...
Joseph M. Snowberger, xx...
Dovie S. Soloe, xx...
Amy L. Spearman, xx...
Richard G. Steffey, Jr., xx...
Dana G. Stuartmagda, xx...
Milan S. Sturgis, xx...
Scott C. Swanson, xx...
Atticus T. Taylor, xx...
Benjamin F. Taylor, xx...
Mary W. Tinnea, xx...
Nelida R. Toledo, xx...
Karen D. Torres, xx...
Dick W. Turner, xx...
Barbara J. Votypka, xx...
Christine M. Ward, xx...
Terese M. Warner, xx...
Matthew L. Warnke, xx...
Jan P. Werson, xx...
Michelle S. Williams, xx...
Wayne E. Wiseman, xx...
Stan A. Young, xx...

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself, Mr. ASHCROFT, Mr. WYDEN, and Mr. CAMPBELL):

S. 718. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 719. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. INOUYE, Mr. FRIST, and Mr. GRAHAM):

S. 720. A bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availability of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the medicare and medicaid programs; to the Committee on Finance.

By Mr. TORRICELLI:

S. 721. A bill to require the Federal Trade Commission to conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS:

S. 722. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. KERRY):

S. 723. A bill to increase the safety of the American people by preventing dangerous military firearms in the control of foreign governments from being imported into the United States, and for other purposes; to the Committee on Foreign Relations.

By Mr. NICKLES (for himself, Mr. ROCKEFELLER, Mr. LOTT, Mr. BREAUX, Mr. HATCH, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. D'AMATO, Mr. GRAMM, Mr. MACK, Mr. LIEBERMAN, Mr. COCHRAN, Mr. BROWNBACK, Mr. ENZI, and Mr. HUTCHINSON):

S. 724. A bill to amend the Internal Revenue Code of 1986 to provide coporate alternative minimum tax reform; to the Committee on Finance.

By Mr. CAMPBELL:

S. 725. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mrs. BOXER, Ms. SNOWE, Mr. REID, Mr. JOHNSON, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, Mr. HARKIN, Mr. D'AMATO, Mr. SPECTER, Mrs. MURRAY, and Mr. MACK):

S. 726. A bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JOHNSON, and Mrs. MURRAY):

S. 727. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. MACK, Mr. D'AMATO, Mr. REID, and Mr. JOHNSON):

S. 728. A bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research; to the Committee on Finance.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. HOLLINGS, Ms. LANDRIEU, Mr. ROBERTS, and Mr. BROWNBACK):

S. 729. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in a mobile workforce, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open markets, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KEMPTHORNE (for himself, Mr. CRAIG, Mr. TORRICELLI, Mr. THOMAS, and Mr. ENZI):

S. 730. A bill to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll; to the Committee on Veterans' Affairs.

By Mr. BUMPERS:

S. 731. A bill to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FAIRCLOTH (for himself, Mr. HELMS, Mr. DEWINE, Ms. SNOWE, Ms. COLLINS, Mr. ROBERTS, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. WARNER, Mr. DODD, Mr. COCHRAN, and Mr. MURKOWSKI):

S. 732. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK:

S. Con. Res. 26. A concurrent resolution to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. ASHCROFT, Mr. WYDEN, and Mr. CAMPBELL):

S. 718. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE CRIME CONTROL AND COMMUNITY PROTECTION ACT OF 1997

Mr. DOMENICI. Mr. President, I rise today, with the Senator from Missouri,

Senator ASHCROFT, and the Senator from Oregon, Senator WYDEN, to introduce the Juvenile Crime Control and Community Protection Act of 1997. I don't think there is anything that is worrying the American people more than what is happening to the criminal justice system in their cities, their counties, and their States.

Senator ASHCROFT, a former attorney general from Missouri, knows a lot about these matters on a firsthand basis from having been there. I am hopeful he will arrive before the time expires to speak to one aspect of the bill, which we are introducing, and then I will, as soon as I can, yield to Senator WYDEN for some of his observations.

Last year, I had field hearings in New Mexico to hear the concerns and problems faced by all of the people affected by juvenile crime. We heard from the police, prosecutors, judges, social workers and, most important, Mr. President, as you well know, the victims who reside in our communities.

The sentiments expressed at these hearings are the same ones felt by people all over this country: One, some juveniles are out of control and the juvenile justice system cannot cope with them; second, other children do not have enough constructive things to do to keep them from sliding into delinquency; third, the current system does little, if anything, to protect the public from senseless youth violence; and fourth, the current system has failed its victims.

I want to tell my colleagues about an 18-year-old girl from New Mexico named Renee Garcia who was stabbed and left paralyzed by a 15-year-old gang member. The stabbing was part of that gang's initiation ritual. The gang member later received only a sentence of 4 years in a juvenile facility. This is what Renee Garcia had to say about the current justice system as it applied to her and her family:

> The outdated laws which exist in our legal system today are nothing but a joke to juveniles. Our laws were meant for juveniles who were committing [small] crimes like truancy and breaking curfews. They are not designed to deal with violent crimes that juveniles are committing today.

Renee has made quite a recovery from her attack, and we are quite pleased that she is doing reasonably well in our community and in our State.

The time has come, in my opinion, for the U.S. Government to be a better partner in a major American effort to improve the criminal juvenile justice system across this land. For many, it is well known, we have an adult juvenile system that developed over a long period of time, but we have a juvenile justice system that sort of evolved willy-nilly. It has never reached the stature of the adult system. There are vagaries and much has been left to judges who are asked to respond to the young criminals in a way completely different than if they were adults.

Some statutes were passed that made this response mandatory, and those statutes still exist today. Still today, in many States, you do not disclose to the public the name and detailed information about juvenile criminals who are committing adult crimes. Their fingerprints and their records are not part of law enforcement's ability to cope with repeated crime, committed over and over, from one State to another by some of these same teenage criminals.

The Federal Government, in my opinion, should get involved. As we do this, however, we should expect the States to get tough on youth sentencing. We should reward States for enacting law enforcement and prosecutorial policies designed to take violent juvenile criminals off the streets.

This bill makes some fundamental changes to the crime-fighting partnership which exists between the States and the Federal Government. It contains two important ideas: One, strict law enforcement and prosecution policies for the most violent offenders. We cannot tell the States they must do that, but in this bill, we set up a very significant grant program, part of which goes to States that do certain minimal things to improve their system. If they do not, they do not get that money. It goes to States that choose to modernize their system in accordance with a series of options that we have found are clearly necessary today.

This approach is going to help States fight crime as well as prevent juveniles from entering the juvenile justice system in the first place. It makes important fundamental changes to the Federal juvenile justice system, and I am going to leave an explanation of how we change our Federal juvenile justice system and modernize it to the Senator from Missouri. It would be a shame if we tell the States to do things better, but we leave the prosecutions in the Federal juvenile justice system alone.

The bill adopts an approach that I suggested last year as part of a juvenile justice bill. It authorizes—we do not have it appropriated yet—but we authorize $500 million to provide the States with two separate grant programs: One, with virtually no strings attached, based on a current State formula grant program; the second is a new incentive grant for States that enact what we call "best practices" to combat and prevent juvenile violence.

This bill authorizes $300 million, divided into two $150 million pots, for a new grant program, the purpose of which is to encourage States to get tough and enact reforms to their juvenile justice systems.

I am not going to proceed with each one, but I will just read off the suggested reforms that will comprise "getting tough" and "best practices":

Victims' rights, including the right to be notified of the sentencing and release of the offender;

Mandatory victim restitution;

Public access to juvenile records;

Parental responsibility laws for acts committed by juveniles released to their parents' custody;

Zero tolerance for deadbeat juvenile parents, a requirement that juveniles released from custody attend school or vocational training and support their children;

Zero tolerance for truancy;

Character counts training, or similar programs adopted and enacted among the States;

And mentoring.

These programs are a combination of reforms which will positively impact victims, get tough on juvenile offenders, and provide states with resources to implement prevention programs to keep juveniles out of trouble in the first place.

The bill also increases from around $68 million to $200 million the amount available to states under the current OJJDP grant program. It also eliminates many of the strings placed on states as a condition of receiving those grants.

In my home state of New Mexico, juvenile arrests increased 84 percent from 1986 to last year.

In 1996, 36,927 juveniles were referred to the state juvenile parole and probation office. Some 39 percent of those referred have a history of 10 or more referrals to the system.

While the Justice Department has said that the overall juvenile crime rate in the United States dropped last year, States like New Mexico continue to see yearly increases in the number of juveniles arrested, prosecuted and incarcerated.

I mention these numbers because they have led to a growing problem in my home State, a problem which this bill will help fix.

More juvenile arrests create the need for more space to house juvenile criminals. But, because of burdensome federal "sight and sound separation" rules, New Mexico has been unable to implement a safe, reasonable solution to alleviate overcrowding at its juvenile facilities.

Instead, the state has been forced to consider sending juvenile prisoners to Iowa and Texas to avoid violating the federal rules and losing their funding. That is unacceptable and this bill will fix that.

Mr. President, I am pleased to work with the Senator from Missouri on this important legislation. I know that many of my colleagues share my concerns about the need to update our juvenile justice system. I hope that they will examine our bill and lend their support.

I am going to stop here. I ask unanimous consent that the entire bill and a summary of the bill be printed in the RECORD, and that it be appropriately referred. It will bear the signatures today of Senator ASHCROFT, Senator WYDEN, and Senator CAMPBELL as cosponsors.

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

S. 718

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 "Juvenile Crime Control and Community Protection Act of 1997".

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

Sec. 1. Short title; table of contents.
Sec. 2. Severability.

TITLE I—REFORM OF EXISTING PROGRAMS

Sec. 101. Findings and purposes.
Sec. 102. Definitions.
Sec. 103. Office of Juvenile Justice and Delinquency Prevention.
Sec. 104. Annual report.
Sec. 105. Block grants for State and local programs.
Sec. 106. State plans.
Sec. 107. Repeals.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

Sec. 201. Incentive grants for accountability-based reforms.

TITLE III—REFORM OF FEDERAL JUVENILE JUSTICE SYSTEM

Sec. 301. Juvenile adjudications considered in sentencing.
Sec. 302. Access to juvenile records.
Sec. 303. Referral of children with disabilities to juvenile and criminal authorities.
Sec. 304. Limited disclosure of Federal Bureau of Investigation records.
Sec. 305. Amendments to Federal Juvenile Delinquency Act.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Authorization of appropriations.

SEC. 2. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—REFORM OF EXISTING PROGRAMS

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) FINDINGS.—Congress finds that—

"(1) the Nation's juvenile justice system is in trouble, including dangerously overcrowded facilities, overworked field staff, and a growing number of children who are breaking the law;

"(2) a redesigned juvenile corrections program for the next century should be based on 4 principles, including—

"(A) protecting the community;

"(B) accountability for offenders and their families;

"(C) restitution for victims and the community; and

"(D) community-based prevention;

"(3) existing programs have not adequately responded to the particular problems of juvenile delinquents in the 1990's;

"(4) State and local communities, which experience directly the devastating failure of the juvenile justice system, do not have sufficient resources to deal comprehensively with the problems of juvenile crime and delinquency;

"(5) limited State and local resources are being unnecessarily wasted complying with overly technical Federal requirements for 'sight and sound' separation currently in effect under the 1974 Act, while prohibiting the commingling of adults and juvenile populations would achieve this important purpose without imposing an undue burden on State and local governments;

"(6) limited State and local resources are being unnecessarily wasted complying with the overly restrictive Federal mandate that no juveniles be detained or confined in any jail or lockup for adults, which mandate is particularly burdensome for rural communities;

"(7) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the area of sentencing;

"(8) local school districts lack information necessary to track serious violent juvenile offenders, information that is essential to promoting safety in public schools;

"(9) the term 'prevention' should mean both ensuring that families have a greater chance to raise their children so that those children do not engage in criminal or delinquent activities, and preventing children who have engaged in such activities from becoming permanently entrenched in the juvenile justice system;

"(10) in 1994, there were more than 330,000 juvenile arrests for violent crimes, and between 1985 and 1994, the number of juvenile criminal homicide cases increased by 144 percent, and the number of juvenile weapons cases increased by 156 percent;

"(11) in 1994, males age 14 through 24 constituted only 8 percent of the population, but accounted for more than 25 percent of all homicide victims and nearly half of all convicted murderers;

"(12) in a survey of 250 judges, 93 percent of those judges stated that juvenile offenders should be fingerprinted, 85 percent stated that juvenile criminal records should be made available to adult authorities, and 40 percent stated that the minimum age for facing murder charges should be 14 or 15;

"(13) studies indicate that good parenting skills, including normative development, monitoring, and discipline, clearly affect whether children will become delinquent, and adequate supervision of free-time activities, whereabouts, and peer interaction is critical to ensure that children do not drift into delinquency;

"(14) school officials lack the information necessary to ensure that school environments are safe and conducive to learning;

"(15) in the 1970's, less than half of our Nation's cities reported gang activity, while 2 decades later, a nationwide survey reported a total of 23,388 gangs and 664,906 gang members on the streets of United States cities in 1995;

"(16) the high incidence of delinquency in the United States results in an enormous annual cost and an immeasurable loss of human life, personal security, and wasted human resources; and

"(17) juvenile delinquency constitutes a growing threat to the national welfare, requiring immediate and comprehensive action by the Federal Government to reduce and eliminate the threat."; and

(2) in subsection (b)—

(A) by striking "further"; and

(B) by striking "Federal Government" and inserting "Federal, State, and local governments".

(b) PURPOSES.—Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"SEC. 102. PURPOSES.

"The purposes of this title and title II are—

"(1) to assist State and local governments in promoting public safety by supporting juvenile delinquency prevention and control activities;

"(2) to give greater flexibility to schools to design academic programs and educational services for juvenile delinquents expelled or suspended for disciplinary reasons;

"(3) to assist State and local governments in promoting public safety by encouraging accountability through the imposition of meaningful sanctions for acts of juvenile delinquency;

"(4) to assist State and local governments in promoting public safety by improving the extent, accuracy, availability, and usefulness of juvenile court and law enforcement records and the openness of the juvenile justice system to the public;

"(5) to assist teachers and school officials in ensuring school safety by improving their access to information concerning juvenile offenders attending or intending to enroll in their schools or school-related activities;

"(6) to assist State and local governments in promoting public safety by encouraging the identification of violent and hardcore juveniles and in transferring such juveniles out of the jurisdiction of the juvenile justice system and into the jurisdiction of adult criminal court;

"(7) to provide for the evaluation of federally assisted juvenile crime control programs, and training necessary for the establishment and operation of such programs;

"(8) to ensure the dissemination of information regarding juvenile crime control programs by providing a national clearinghouse; and

"(9) to provide technical assistance to public and private nonprofit juvenile justice and delinquency prevention programs.".

SEC. 102. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3), by inserting "punishment," after "control,";

(2) in paragraph (22)(iii), by striking "and" at the end;

(3) in paragraph (23), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(24) the term 'serious violent crime' means—

"(A) murder or nonnegligent manslaughter, or robbery;

"(B) aggravated assault committed with the use of a dangerous or deadly weapon, forcible rape, kidnaping, felony aggravated battery, assault with intent to commit a serious violent crime, and vehicular homicide committed while under the influence of an intoxicating liquor or controlled substance; or

"(C) a serious drug offense;

"(25) the term 'serious drug offense' means an act or acts which, if committed by an adult subject to Federal criminal jurisdiction, would be punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); and

"(26) the term 'serious habitual offender' means a juvenile who—

"(A) has been adjudicated delinquent and subsequently arrested for a capital offense, life offense, first degree aggravated sexual offense, or serious drug offense;

"(B) has had not fewer than 5 arrests, with 3 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period;

"(C) has had not fewer than 10 arrests, with 2 arrests chargeable as felonies if committed by an adult and not fewer than 3 arrests occurring within the most recent 12-month period; or

"(D) has had not fewer than 10 arrests, with 8 or more arrests for misdemeanor crimes involving theft, assault, battery, narcotics possession or distribution, or possession of weapons, and not fewer than 3 arrests occurring within the most recent 12-month period.".

SEC. 103. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1)—

(A) by striking "shall develop" and inserting the following: "shall—

"(A) develop";

(B) by inserting "punishment," before "diversion"; and

(C) in the first sentence, by striking "States" and all that follows through the end of the paragraph and inserting the following: "States; and

"(B) annually submit the plan required by subparagraph (A) to the Congress.";

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" at the end; and

(B) by striking paragraphs (2) through (7) and inserting the following:

"(2) reduce duplication among Federal juvenile delinquency programs and activities conducted by Federal departments and agencies.";

(3) by redesignating subsection (h) as subsection (f); and

(4) by striking subsection (i).

SEC. 104. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended to read as follows:

"SEC. 207. ANNUAL REPORT.

"Not later than 180 days after the end of a fiscal year, the Administrator shall submit to the President, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Governor of each State, a report that contains the following with respect to such fiscal year:

"(1) SUMMARY AND ANALYSIS.—A detailed summary and analysis of the most recent data available regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, the number of repeat juvenile offenders, the number of juveniles using weapons, the number of juvenile and adult victims of juvenile crime and the trends demonstrated by the data required by subparagraphs (A), (B), and (C). Such summary and analysis shall set out the information required by subparagraphs (A), (B), (C), and (D) separately for juvenile nonoffenders, juvenile status offenders, and other juvenile offenders. Such summary and analysis shall separately address with respect to each category of juveniles specified in the preceding sentence—

"(A) the types of offenses with which the juveniles are charged, data on serious violent crimes committed by juveniles, and data on serious habitual offenders;

"(B) the race and gender of the juveniles and their victims;

"(C) the ages of the juveniles and their victims;

"(D) the types of facilities used to hold the juveniles (including juveniles treated as adults for purposes of prosecution) in custody, including secure detention facilities, secure correctional facilities, jails, and lockups;

"(E) the number of juveniles who died while in custody and the circumstances under which they died;

"(F) the educational status of juveniles, including information relating to learning disabilities, failing performance, grade retention, and dropping out of school;

"(G) the number of juveniles who are substance abusers; and

"(H) information on juveniles fathering or giving birth to children out of wedlock, and whether such juveniles have assumed financial responsibility for their children.

"(2) ACTIVITIES FUNDED.—A description of the activities for which funds are expended under this part.

"(3) STATE COMPLIANCE.—A description based on the most recent data available of the extent to which each State complies with section 223 and with the plan submitted under that section by the State for that fiscal year.

"(4) SUMMARY AND EXPLANATION.—A summary of each program or activity for which assistance is provided under part C or D, an evaluation of the results of such program or activity, and a determination of the feasibility and advisability of replacing such program or activity in other locations.

"(5) EXEMPLARY PROGRAMS AND PRACTICES.—A description of selected exemplary delinquency prevention programs and accountability-based youth violence reduction practices.".

SEC. 105. BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.

(a) SECTION 221.—Section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5631) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Administrator";

(B) by inserting ", including charitable and religious organizations," after "and private agencies";

(C) by inserting before the period at the end the following: ", including—

"(A) initiatives for holding juveniles accountable for any act for which they are adjudicated delinquent;

"(B) increasing public awareness of juvenile proceedings;

"(C) improving the content, accuracy, availability, and usefulness of juvenile court and law enforcement records (including fingerprints and photographs); and

"(D) education programs such as funding for extended hours for libraries and recreational programs which benefit all juveniles"; and

(D) by adding at the end the following:

"(2)(A) State and local governments receiving grants under paragraph (1) may contract with religious organizations or allow religious organizations to accept grants under any program described in this title, on the same basis as any other nongovernmental provider without impairing the religious character of such organizations, and without diminishing the religious freedom of beneficiaries of assistance funded under such program.

"(B) A State or local government exercising its authority to contract with private agencies or to allow private agencies to accept grants under paragraph (1) shall ensure that religious organizations are eligible, on the same basis as any other private organization, as contractors to provide assistance, or to accept grants under any program described in this title so long as the programs are implemented consistent with the Establishment Clause of the United States Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization which is or applies to be a contractor to provide assistance, or which accepts grants, on the basis that the organization has a religious character.

"(C)(i) A religious organization that participates in a program authorized by this title shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(ii) Neither the Federal Government nor a State or local government shall require a religious organization—

"(I) to alter its form of internal governance; or

"(II) to remove religious art, icons, scripture, or other symbols,

in order to be eligible to contract to provide assistance, or to accept grants funded under a program described in this title.

"(D) A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1a) regarding employment practices shall not be affected by its participation in, or receipt of funds from, programs described in this title.

"(E) If a juvenile has an objection to the religious character of the organization or institution from which the juvenile receives, or would receive, assistance funded under any program described in this title, the State in which the juvenile resides shall provide such juvenile (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection with assistance from an alternative provider that is accessible to the juvenile and the value of which is not less than the value of assistance which the juvenile would have received from such organization.

"(F) Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to rendering assistance funded under any program described in this title on the basis of religion, a religious belief, or refusal to actively participate in a religious practice.

"(G)(i) Except as provided in clause (ii), any religious organization contracting to provide assistance funded under any program described in this title shall be subject to the same regulations as other contractors to account in accord with generally accepted accounting principles for the use of such funds provided under such programs.

"(ii) If such organization segregates Federal funds provided under such programs into separate accounts, then only the financial assistance provided with such funds shall be subject to audit.

"(H) Any party that seeks to enforce its rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal district court against the official or government agency that allegedly commits such violation.

"(I) No State or local government may use funds provided under this title to fund sectarian worship, proselytization, or prayer, or for any purpose other than the provision of social services under this title."; and

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) Of amounts made available to carry out this part in any fiscal year, $10,000,000 or 1 percent (whichever is greater) may be used by the Administrator—

"(A) to establish and maintain a clearinghouse to disseminate to the States information on juvenile delinquency prevention, treatment, and control; and

"(B) to provide training and technical assistance to States to improve the administration of the juvenile justice system.".

(b) SECTION 223.—Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(1) by striking "or through" and inserting "through"; and

(2) by inserting "or through grants and contracts with religious organizations in accordance with section 221(b)(2)(B)" after "agencies,".

SEC. 106. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) by striking the second sentence;

(B) by striking paragraph (3) and inserting the following:

"(3) provide for an advisory group, which—

"(A) shall—

"(i)(I) consist of such number of members deemed necessary to carry out the responsibilities of the group and appointed by the chief executive officer of the State; and

"(II) consist of a majority of members (including the chairperson) who are not full-time employees of the Federal Government, or a State or local government;

"(ii) include members who have training, experience, or special knowledge concerning—

"(I) the prevention and treatment of juvenile delinquency;

"(II) the administration of juvenile justice, including law enforcement; and

"(III) the representation of the interests of the victims of violent juvenile crime and their families; and

"(iii) include as members at least 1 locally elected official representing general purpose local government;

"(B) shall participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action;

"(C) shall be afforded an opportunity to review and comment, not later than 30 days after the submission to the advisory group, on all juvenile justice and delinquency prevention grants submitted to the State agency designated under paragraph (1);

"(D) shall, consistent with this title—

"(i) advise the State agency designated under paragraph (1) and its supervisory board; and

"(ii) submit to the chief executive officer and the legislature of the State not less frequently than annually recommendations regarding State compliance with this subsection; and

"(E) may, consistent with this title—

"(i) advise on State supervisory board and local criminal justice advisory board composition;

"(ii) review progress and accomplishments of projects funded under the State plan; and

"(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;";

(C) in paragraph (10)—

(i) in subparagraph (N), by striking "and" at the end;

(ii) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(P) programs implementing the practices described in paragraphs (6) through (12) and (17) and (18) of section 242(b);";

(D) by striking paragraph (13) and inserting the following:

"(13) provide assurances that, in each secure facility located in the State (including any jail or lockup for adults), there is no commingling in the same cell or community room of, or any other regular, sustained, physical contact between—

"(A) any juvenile detained or confined for any period of time in that facility; and

"(B) any adult offender detained or confined for any period of time in that facility.";

(E) by striking paragraphs (8), (9), (12), (14), (15), (17), (18), (19), (24), and (25);

(F) by redesignating paragraphs (10), (11), (13), (16), (20), (21), (22), and (23) as paragraphs (8) through (15), respectively;

(G) in paragraph (14), as redesignated, by adding "and" at the end; and

(H) in paragraph (15), as redesignated, by striking the semicolon at the end and inserting a period; and

(2) by striking subsections (c) and (d).

SEC. 107. REPEALS.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in title II—

(A) by striking parts C, E, F, G, and H;

(B) by striking part I, as added by section 2(i)(1)(C) of Public Law 102-586; and

(C) by amending the heading of part I, as redesignated by section 2(i)(1)(A) of Public Law 102-586, to read as follows:

"PART E—GENERAL AND ADMINISTRATIVE PROVISIONS"; and

(2) by striking title V, as added by section 5(a) of Public Law 102-586.

TITLE II—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

SEC. 201. INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part B the following:

"PART C—INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS

"SEC. 241. AUTHORIZATION OF GRANTS.

"The Administrator shall provide juvenile delinquent accountability grants under section 242 to eligible States to carry out this title.

"SEC. 242. ACCOUNTABILITY-BASED INCENTIVE GRANTS.

"(a) ELIGIBILITY FOR GRANT.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application at such time, in such form, and containing such assurances and information as the Administrator may require by rule, including assurances that the State has in effect (or will have in effect not later than 1 year after the date on which the State submits such application) laws, or has implemented (or will implement not later than 1 year after the date on which the State submits such application)—

"(1) policies and programs that ensure that all juveniles who commit an act after attaining 14 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution, unless on a case-by-case basis, as a matter of law or prosecutorial discretion, the transfer of such juveniles for disposition in the juvenile system is determined to be in the interest of justice, except that the age of the juvenile alone shall not be determinative of whether such transfer is in the interest of justice;

"(2) graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act, ensuring that the sanction is of increasing severity based on the nature of the act, and escalating the sanction with each subsequent delinquent or criminal act; and

"(3) a system of records relating to any adjudication of juveniles less than 15 years of age who are adjudicated delinquent for conduct that if committed by an adult would constitute a serious violent crime, which records are—

"(A) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(B) submitted to the Federal Bureau of Investigation in the same manner in which adult records are submitted;

"(C) retained for a period of time that is equal to the period of time that records are retained for adults; and

"(D) available to law enforcement agencies, prosecutors, the courts, and school officials.

"(b) STANDARDS FOR HANDLING AND DISCLOSING INFORMATION.—School officials referred to in subsection (a)(3)(D) shall be subject to the same standards and penalties to which law enforcement and juvenile justice system employees are subject under Federal and State law for handling and disclosing information referred to in that paragraph.

"(c) ADDITIONAL AMOUNT BASED ON ACCOUNTABILITY-BASED YOUTH VIOLENCE REDUCTION PRACTICES.—A State that receives a grant under subsection (a) is eligible to receive an additional amount of funds added to such grant if such State demonstrates that the State has in effect, or will have in effect, not later than 1 year after the deadline established by the Administrator for the submission of applications under subsection (a) for the fiscal year at issue, not fewer than 5 of the following practices:

"(1) VICTIMS' RIGHTS.—Increased victims' rights, including—

"(A) the right to be treated with fairness and with respect for the dignity and privacy of the victim;

"(B) the right to be reasonably protected from the accused offender;

"(C) the right to be notified of court proceedings; and

"(D) the right to information about the conviction, sentencing, imprisonment, and release of the offender.

"(2) RESTITUTION.—Mandatory victim and community restitution, including statewide programs to reach restitution collection levels of not less than 80 percent.

"(3) ACCESS TO PROCEEDINGS.—Public access to juvenile court delinquency proceedings.

"(4) PARENTAL RESPONSIBILITY.—Juvenile nighttime curfews and parental civil liability for serious acts committed by juveniles

released to the custody of their parents by the court.

"(5) ZERO TOLERANCE FOR DEADBEAT JUVENILE PARENTS.—A requirement as conditions of parole that—

"(A) any juvenile offender who is a parent demonstrates parental responsibility by working and paying child support; and

"(B) the juvenile attends and successfully completes school or pursues vocational training.

"(6) SERIOUS HABITUAL OFFENDERS COMPREHENSIVE ACTION PROGRAM (SHOCAP).—

"(A) IN GENERAL.—Implementation of a serious habitual offender comprehensive action program which is a multidisciplinary interagency case management and information sharing system that enables the juvenile and criminal justice system, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

"(B) MULTIDISCIPLINARY AGENCIES.—Establishment by units of local government in the State under a program referred to in subparagraph (A), of a multidisciplinary agency comprised of representatives from—

"(i) law enforcement organizations;

"(ii) school districts;

"(iii) State's attorneys offices;

"(iv) court services;

"(v) State and county children and family services; and

"(vi) any additional organizations, groups, or agencies deemed appropriate to accomplish the purposes described in subparagraph (A), including—

"(I) juvenile detention centers;

"(II) mental and medical health agencies; and

"(III) the community at large.

"(C) IDENTIFICATION OF SERIOUS HABITUAL OFFENDERS.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, criteria to identify individuals who are serious habitual offenders.

"(D) INTERAGENCY INFORMATION SHARING AGREEMENT.—

"(i) IN GENERAL.—Each multidisciplinary agency established under subparagraph (B) shall adopt, by a majority of its members, an interagency information sharing agreement to be signed by the chief executive officer of each organization and agency represented in the multidisciplinary agency.

"(ii) DISCLOSURE OF INFORMATION.—The interagency information sharing agreement shall require that—

"(I) all records pertaining to serious habitual offenders shall be kept confidential to the extent required by State law;

"(II) information in the records may be made available to other staff from member organizations and agencies as authorized by the multidisciplinary agency for the purposes of promoting case management, community supervision, conduct control, and tracking of the serious habitual offender for the application and coordination of appropriate services; and

"(III) access to the information in the records shall be limited to individuals who provide direct services to the serious habitual offender or who provide community conduct control and supervision to the serious habitual offender.

"(7) COMMUNITY-WIDE PARTNERSHIPS.—Community-wide partnerships involving county, municipal government, school districts, appropriate State agencies, and nonprofit organizations to administer a unified approach to juvenile delinquency.

"(8) ZERO TOLERANCE FOR TRUANCY.—Implementation by school districts of programs to curb truancy and implement certain and swift punishments for truancy, including parental notification of every absence, mandatory Saturday school makeup sessions for truants or weekends in jail for truants and denial of participation or attendance at extracurricular activities by truants.

"(9) ALTERNATIVE SCHOOLING.—A requirement that, as a condition of receiving any State funding provided to school districts in accordance with a formula allocation based on the number of children enrolled in school in the school district, each school district shall establish one or more alternative schools or classrooms for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons and shall require that such juveniles attend the alternative schools or classrooms. Any juvenile who refuses to attend such alternative school or classroom shall be immediately detained pending a hearing. If a student is transferred from a regular school to an alternative school for juvenile offenders or juveniles who are expelled or suspended for disciplinary reasons such State funding shall also be transferred to the alternative school.

"(10) JUDICIAL JURISDICTION.—A system under which municipal and magistrate courts have—

"(A) jurisdiction over minor delinquency offenses such as truancy, curfew violations, and vandalism; and

"(B) short term detention authority for habitual minor delinquent behavior.

"(11) ELIMINATION OF CERTAIN INEFFECTIVE PENALTIES.—Elimination of 'counsel and release' or 'refer and release' as a penalty for juveniles with respect to the second or subsequent offense for which the juvenile is referred to a juvenile probation officer.

"(12) REPORT BACK ORDERS.—A system of 'report back' orders when juveniles are placed on probation, so that after a period of time (not to exceed 2 months) the juvenile appears before and advises the judge of the progress of the juvenile in meeting certain goals.

"(13) PENALTIES FOR USE OF FIREARM.—Mandatory penalties for the use of a firearm during a violent crime or a drug felony.

"(14) STREET GANGS.—A prohibition on engaging in criminal conduct as a member of a street gang and imposition of severe penalties for terrorism by criminal street gangs.

"(15) CHARACTER COUNTS.—Establishment of character education and training for juvenile offenders.

"(16) MENTORING.—Establishment of mentoring programs for at-risk youth.

"(17) DRUG COURTS AND COMMUNITY-ORIENTED POLICING STRATEGIES.—Establishment of courts for juveniles charged with drug offenses and community-oriented policing strategies.

"(18) RECORDKEEPING AND FINGERPRINTING.—Programs that provide that, whenever a juvenile who has not achieved his or her 14th birthday is adjudicated delinquent (as defined by Federal or State law in a juvenile delinquency proceeding) for conduct that, if committed by an adult, would constitute a felony under Federal or State law, the State shall ensure that a record is kept relating to the adjudication that is—

"(A) equivalent to the record that would be kept of an adult conviction for such an offense;

"(B) retained for a period of time that is equal to the period of time that records are kept for adult convictions;

"(C) made available to prosecutors, courts, and law enforcement agencies of any jurisdiction upon request; and

"(D) made available to officials of a school, school district, or postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed to enroll, and that such officials are held liable to the same standards and penalties that law enforcement and juvenile justice system employees are held liable to, for handling and disclosing such information.

"(19) EVALUATION.—Establishment of a comprehensive process for monitoring and evaluating the effectiveness of State juvenile justice and delinquency prevention programs in reducing juvenile crime and recidivism.

"(20) BOOT CAMPS.—Establishment of State boot camps with an intensive restitution or work and community service requirement as part of a system of graduated sanctions.

"SEC. 243. GRANT AMOUNTS.

"(a) ALLOCATION AND DISTRIBUTION OF FUNDS.—

"(1) ELIGIBILITY.—Of the total amount made available to carry out Part C of this title for each fiscal year, subject to subsection (b), each State shall be eligible to receive the sum of—

"(A) an amount that bears the same relation to one-third of such total as the number of juveniles in the State bears to the number of juveniles in all States;

"(B) an amount that bears the same relation to one-third of such total as the number of juveniles from families with incomes below the poverty line in the State bears to the number of such juveniles in all States; and

"(C) an amount that bears the same relation to one-third of such total as the average annual number of part 1 violent crimes reported by the State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data are available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

"(2) MINIMUM REQUIREMENT.—Each State shall be eligible to receive not less than 3.5 percent of one-third of the total amount appropriated to carry out Part C for each fiscal year, except that the amount for which the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands is eligible shall be not less than $100,000 and the amount for which Palau is eligible shall be not less than $15,000.

"(3) UNAVAILABILITY OF INFORMATION.—For purposes of this subsection, if data regarding the measures governing allocation of funds under paragraphs (1) and (2) in any State are unavailable or substantially inaccurate, the Administrator and the State shall utilize the best available comparable data for the purposes of allocation of any funds under this section.

"(b) ALLOCATED AMOUNT.—The amount made available to carry out Part C of this title for any fiscal year shall be allocated among the States as follows:

"(1) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of section 242(a).

"(2) 50 percent of the amount for which a State is eligible under subsection (a) shall be allocated to that State if it meets the requirements of subsections (a) and (c) of section 242.

"(c) AVAILABILITY.—Any amounts made available under this section to carry out Part C of this title shall remain available until expended.".

"SEC. 244. ACCOUNTABILITY.

"A State that receives a grant under section 241 shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Administrator, and shall ensure that any funds used to carry out section 241 shall represent the best value for the State at the lowest possible cost and employ the best available technology.

"SEC. 245. LIMITATION ON USE OF FUNDS.

"(a) NONSUPPLANTING REQUIREMENT.—Funds made available under section 241 shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(b) ADMINISTRATIVE AND RELATED COSTS.—Not more than 2 percent of the funds appropriated under section 299(a) for a fiscal year shall be available to the Administrator for such fiscal year for purposes of—

"(1) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this part; and

"(2) technical assistance relating to the use of grants made under section 241, and development and implementation of policies, programs, and practices described in section 242.

"(c) CARRYOVER OF APPROPRIATIONS.—Funds appropriated under section 299(a) shall remain available until expended.

"(d) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a proposal, as described in an application approved under this part.".

TITLE III—REFORM OF FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 301. JUVENILE ADJUDICATIONS CONSIDERED IN SENTENCING.

Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that offenses contained in the juvenile record of an adult defendant shall be considered as adult offenses in sentencing determinations if such juvenile offenses would have constituted a felony had they been committed by the defendant as an adult.

SEC. 302. ACCESS TO JUVENILE RECORDS.

Section 5038(a) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(7) inquiries from officials of a school, school district, or any postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed or ordered to enroll.".

SEC. 303. REFERRAL OF CHILDREN WITH DISABILITIES TO JUVENILE AND CRIMINAL AUTHORITIES.

Section 615 of the Individuals with Disabilities Education Act (20 U.S.C. 1415) is amended by adding at the end the following:

"(g) REFERRALS TO JUVENILE AND CRIMINAL AUTHORITIES.—

"(1) REPORTING.—Nothing in this part shall be construed to prohibit an agency from reporting a criminal act committed by a child with a disability to the police or a juvenile authority, or to prohibit a State juvenile or judicial authority from exercising the responsibility of the authority with regard to the application of a juvenile or criminal law to a criminal activity committed by a child with a disability.

"(2) FILING PETITIONS.—Nothing in this part shall be construed to require a State educational agency or local educational agency to exhaust the due process procedures under this section or any other part of this Act prior to filing a petition in a juvenile or criminal court with regard to a child with a disability who commits a criminal act at school or a school-related event under the jurisdiction of the State educational agency or local educational agency.".

SEC. 304. LIMITED DISCLOSURE OF FEDERAL BUREAU OF INVESTIGATION RECORDS.

Section 534(e) of title 28, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3)(A) The Director of the Federal Bureau of Investigation, Identification Division, shall provide, upon request, the information received under paragraph (3) of section 242(a) of the Juvenile Justice Delinquency and Prevention Act of 1974, to officials of a school, school district, or postsecondary school where the individual who is the subject of such information seeks, intends, or is instructed or ordered to enroll.

"(B) School officials receiving information under subparagraph (A) shall be subject to the same standards and penalties to which law enforcement and juvenile justice system employees are subject under Federal and State law for handling and disclosing information referred to in subparagraph (A).".

SEC. 305. AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT.

(a) PROSECUTION OF JUVENILES AS ADULTS.—Section 5032 of title 18, United States Code, is amended by inserting before the first undesignated paragraph the following:

"Notwithstanding any other provision of law, a juvenile defendant 14 years of age or older shall be prosecuted as an adult, and this chapter shall not apply, if such juvenile is charged with an offense that constitutes—

"(A) murder or attempted murder;

"(B) robbery while armed with a dangerous or deadly weapon;

"(C) battery or assault while armed with a dangerous or deadly weapon;

"(D) forcible rape;

"(E) any serious drug offense which, if committed by an adult, would be punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); and

"(F) the third or subsequent occasion, unrelated to any previous occasion, on which such juvenile engages in conduct for which an adult could be imprisoned for a term exceeding 1 year, unless, on a case-by-case basis—

"(i) a court determines that trying such a juvenile as an adult is not in the interest of justice, except that the age of the juvenile alone shall not be determinative of whether or not such action is in the interest of justice;

"(ii) the court records its reasons for making such a determination in writing and makes such record available for inspection by the public; and

"(iii) the court makes a record in writing of the disposition of the juvenile in the juvenile justice system available to the public, notwithstanding any other law requiring such information to be withheld or limited in any way from access by the public.".

(b) AMENDMENTS CONCERNING RECORDS.—Section 5038 of title 18, United States Code, is amended—

(1) by striking subsections (d) and (f);

(2) by redesignating subsection (e) as subsection (d); and

(3) by adding at the end the following:

"(e)(1) The court shall comply with the requirements of paragraph (2) if—

"(A) a juvenile under 14 years of age has been found guilty of committing an act which, if committed by an adult, would be an offense described in the first undesignated paragraph of section 5032; or

"(B) a juvenile, age 14 or older, is adjudicated delinquent in a juvenile delinquency proceeding for conduct which, if committed by an adult, would constitute a felony.

"(2) The requirements of this paragraph are that—

"(A) a record shall be kept relating to the adjudication that is—

"(i) equivalent to the record that would be kept of an adult conviction for such an offense;

"(ii) retained for a period of time that is equal to the period of time that records are kept for adult convictions;

"(iii) made available to law enforcement agencies of any jurisdiction;

"(iv) made available to officials of a school, school district, or postsecondary school where the individual who is the subject of the juvenile record seeks, intends, or is instructed to enroll; and

"(v) made available, once the juvenile becomes an adult or is tried as an adult, to any court having criminal jurisdiction over such an individual for the purpose of allowing such court to consider the individual's prior juvenile history as a relevant factor in determining appropriate punishment for the individual at the sentencing hearing;

"(B) officials referred to in clause (iv) of subparagraph (A) shall be held liable to the same standards and penalties that law enforcement and juvenile justice system employees are held liable to under Federal and State law for handling and disclosing such information;

"(C) the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation, Identification Division, and shall otherwise be made available to the same extent that fingerprints and photographs of adults are made available; and

"(D) the court in which the adjudication takes place shall transmit to the Federal Bureau of Investigation, Identification Division, information concerning the adjudication, including the name, date of adjudication, court, offenses, and disposition, along with a prominent notation that the matter concerns a juvenile adjudication.

"(3) If a juvenile has been adjudicated to be delinquent on 2 or more separate occasions based on conduct that would be a felony if committed by an adult, the record of the second and all subsequent adjudications shall be kept and made available to the public to the same extent that a record of an adult conviction is open to the public.".

TITLE IV—GENERAL PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by striking subsections (a) through (e) and inserting the following:

"(a) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—There are authorized to be appropriated for each of fiscal years 1998, 1999, 2000, 2001, and 2002, such sums as may be necessary to carry out part A.

"(b) BLOCK GRANTS FOR STATE AND LOCAL PROGRAMS.—There is authorized to be appropriated $200,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, to carry out part B.

"(c) INCENTIVE GRANTS FOR ACCOUNTABILITY-BASED REFORMS.—There is authorized to be appropriated $300,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002, to carry out part C.

"(d) SOURCE OF APPROPRIATIONS.—Funds authorized to be appropriated by this section may be appropriated from the Violent Crime Reduction Trust Fund.".

SUMMARY OF DOMENICI-ASHCROFT-WYDEN "JUVENILE CRIME CONTROL AND COMMUNITY PROTECTION ACT OF 1997"

Funding—$500 million authorization for juvenile justice grants: $200 million for current OJJDP state formula grants (increase of $113 million from $86.5 million in FY 1997); $300 million for new incentive grants.

To qualify for the first $150 million, states must enact three reforms: (1) mandatory adult prosecution for juveniles age 14 and over who commit serious violent crimes or serious drug felonies; (2) graduated sanctions, so that every bad act receives punishment; and (3) adult recordkeeping, including fingerprints and photographs for juveniles under age 15 who commit serious violent crimes.

To qualify for the next $150 million, states must enact 5 of 20 suggested reforms.

They include:

(1) Increased victims' rights, including notification of release or escape of the offender who committed a crime against a particular victim.

(2) Victim and community restitution.

(3) Public access to juvenile court delinquency proceedings.

(4) Nighttime curfews and parental responsibility laws, holding parents civilly liable for the delinquent acts of their children.

(5) Zero tolerance for deadbeat juvenile parents—require as a condition of parole that juvenile parents pay child support and attend school or vocational training.

(6) SHOCAP—interagency information sharing and monitoring of the most serious juvenile offenders across the state.

(7) Zero tolerance for truancy—parental notification of every absence, mandatory make-up sessions, and denial of participation in extra-curriculars for habitual truants.

(8) Alternative schools and classrooms for expelled or suspended students.

(9) Judicial jurisdiction for local magistrates over minor delinquency offenses and short-term detention authority for habitual delinquent behavior.

(10) Elimination of 'counsel and release' as a penalty for second or subsequent offenses.

(11) Report-back orders for juveniles on probation—must appear before the sentencing judge and apprise the judge of the juvenile's progress in meeting certain goals.

(12) Mandatory penalties for the use of a firearm during a violent crime.

(13) Anti-gang legislation.

(14) Character Counts—character education and training.

(15) Mentoring.

(16) Drug courts, special courts or court sessions for juveniles charged with drug offenses.

(17) Community-wide partnerships involving all levels of state and local government to administer a unified approach to juvenile justice.

(18) Adult recordkeeping for juveniles age 14 and under who commit any felony under state law.

(19) Boot camps, which include an intensive restitution and/or community service component.

(20) Evaluation and monitoring of the effectiveness of State juvenile justice and delinquency prevention programs reducing crime and recidivism.

Mandates—reforms or eliminates 3 of the most burdensome federal mandates found in the 1974 Juvenile Justice and Delinquency Prevention Act.

Modifies mandatory sight and sound separation of juveniles and adults in secure facilities by prohibiting "regular, sustained physical contact" between juveniles and adults in the same facility. States would provide assurances that there will be no commingling or regular physical contact between juveniles and adults in the same cell or community room. This will reduce costs for rural communities, which often do not have a separate space to house juveniles which meets the current strict sight and sound requirement.

Eliminates two other mandates: (1) prohibition on placing juveniles in any adult jail or lock-up; and (2) prohibition on placing "status offenders" in secure facilities.

FEDERAL REFORMS

Adult prosecution. Requires mandatory adult prosecution for juveniles age 14 or over for serious violent crimes and major drug offenses. Also requires mandatory "three strikes" adult prosecution for juveniles age 14 and over when a juvenile commits a third offense chargeable as a felony. Judge has discretion under the "three strikes" provision to refuse to prosecute the juvenile as a adult if the "interests of justice" determine that adult prosecution is inappropriate.

Adult records. Requires equivalent of an adult record for juveniles under age 14 who commit serious violent crimes and for juveniles over age 14 who commit acts chargeable as felonies. Includes fingerprints and photographs.

Access to juvenile records. Allows courts to consider juvenile offenses when making adult sentencing decisions, if juvenile offenses would have been felonies if committed by adults. Gives school officials access to federal juvenile records and FBI files, as long as confidentiality is maintained.

IDEA amendment. Overturns court decision prohibiting school officials from unilaterally reporting to authorities or filing petitions in juvenile or criminal courts with regard to criminal acts at school committed by children covered by the IDEA.

Mr. DOMENICI. Mr. President, I yield to Senator WYDEN at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the Senator from New Mexico, and want him to know I very much appreciate the chance to join him and Senator ASHCROFT on this bipartisan bill.

Mr. President, I say to my colleagues, it is very clear that the juvenile justice system today in our country is very much like a revolving door. A young person can commit a violent crime, a series of violent crimes, be apprehended, visit the juvenile justice system—and that is really an appropriate characterization—and be back on the street virtually immediately. In fact, in our newspaper, the Oregonian, it was recently reported that a child committed 52 crimes, 32 of which were felonies, before the juvenile justice system took action to protect the community.

I felt—and I think this is the focus of the legislation that the Senator from New Mexico, the Senator from Missouri and I bring to the floor today—that there should be three principles for the new juvenile justice system for the 21st century.

The first ought to be community protection; the second should be accountability; and the third should be restitution. The principle of accountability is especially important with young people. I even see it with my own small kids, a 7-year-old and a 13-year-old. If they act up, there needs to be some consequences.

I am particularly pleased that the legislation the Senator from New Mexico brings to the floor today puts a special focus on trying to deal with offenses perpetrated by young people that have not yet risen to that level of violent crime and, in effect, try to send a message to young people that there will be consequences.

The last point that I will make, because I know time is short and we have much to do today, is that this legislation is particularly important in such areas as recordkeeping. We have found across the country that it has not even been possible to keep tabs on the violent juveniles, because there are so many gaps in the recordkeeping in the States. Both the Senator from New Mexico and the Senator from Missouri have done yeoman work in this regard.

This is a balanced bill; it is a bipartisan bill. It moves to update the laws dealing with juveniles for the 21st century.

I thank my friend from New Mexico and the Senator from Missouri for allowing me to be part of this bipartisan coalition. They included a number of provisions that are important to our State in the drafting that went on in the last week. I thank the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator CAMPBELL be added as an original cosponsor.

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

Mr. ASHCROFT. Mr. President, I am proud to join with the Senators DOMENICI and WYDEN in introducing the Juvenile Crime Control and Community Protection Act of 1997 to reform the juvenile justice system in order to protect the public and hold juvenile offenders accountable for their actions.

In 1994, juvenile courts handled an estimated 120,200 drug offense cases, a jump of 82 percent from 1991. Violent crime arrests among juveniles in 1995 was 12 percent higher than the level in 1991 and 67 percent above the level in 1986.

This year, Mr. President, it seems as though incidents of juvenile violence are occurring every day and everywhere.

In Alton, IL, two teens were gunned down—one shot twice in the face and the other shot once in the back of the head when he turned to flee—by a 15-year-old of East St. Louis who had driven 30 miles to carry out the shooting.

In Dayton, KY, a 15-year-old killed her 5-month-old son. She was given the maximum sentence—30 days of detention.

In Montgomery County, MD, a 14-year-old girl along with three adults were arrested for two bank robberies in Silver Spring.

In Boston, MA, three schoolgirls—two 14-year-olds and one 15-year-old—were charged with putting knives to the throat or stomach of classmates and stealing their gold jewelry and lunch money.

As these incidents demonstrate, the perpetrators of violence and their victims are getting younger. Similarly, gang activity is getting worse in our inner cities, suburbs, and rural communities. A 1995 nationwide survey of law enforcement agencies reported a total of 23,388 gangs, and 664,906 gang members in their jurisdiction. In comparison, a 1993 survey showed an estimated 4,881 gangs with 249,324 gang members in the United States.

The need for juvenile justice reform is clear, especially in light of the fact that probation was the sentence handed out for 56 percent of the 1992 juvenile court cases in which the juvenile was adjudicated delinquent whether the offense was a felony or misdemeanor in nature.

Mr. President, this bill takes substantial steps toward addressing the problems of violent juvenile offenders and the prevalence of youth gangs. The Federal Government would assist State and local efforts in dealing with the epidemic of juvenile crime by helping target the most violent and problematic offenders.

Mr. President, the Juvenile Crime Control and Community Protection Act of 1997 would provide $1.5 billion over 5 years in incentive grants to encourage and assist States in reforming their juvenile justice systems.

States are encouraged to revise their laws to reflect three much-needed reforms. First, juveniles age 14 or older who commit serious violent crimes—such as murder, forcible rape, aggravated assault, or serious drug offenses—should be tried as the adult criminals they are. By making sure that the punishment fits the seriousness of the crime, this proposal would deter juveniles who currently believe that the law cannot touch them.

Second, the States are encouraged to ensure that records of juveniles under age 15, who are found to be delinquent regarding serious violent crimes and serious drug offenses, are maintained and made available to law enforcement agencies, including the Federal Bureau of Investigation, prosecutors, adult criminal courts, and appropriate school officials.

Finally, the States are encouraged to establish graduated sanctions for juvenile offenders, ensuring a sanction for every delinquent or criminal act and that the sanctions increase in severity based on the nature of the act. The sanctions should also escalate with each subsequent delinquent or criminal act, and should include mandatory restitution to victims, longer sentences of confinement, or mandatory participation in community service.

For States that enact such reforms, additional grant funds would be made available to implement at least 5 of 18 accountability-based practices including: record-keeping for juvenile criminals age 14 or older who commit offenses equivalent to an adult felony; increasing victims' rights concerning information about the conviction, sentencing, imprisonment, and release of their juvenile attackers; mandatory restitution to victims of juvenile crimes; public access to juvenile court proceedings; parental responsibility laws; zero tolerance for deadbeat juvenile parents; implementation of a Serious Habitual Offenders Comprehensive Action Program [SHOCAP]—a comprehensive and cooperative information and case management process for police, prosecutors, schools, probation departments, corrections facilities, and social and community aftercare services; establishment of community-wide partnerships involving county, municipal government, school districts, and others to administrator a unified approach to juvenile delinquency; antitruancy initiatives; alternative schooling for juvenile offenders or juveniles who are expelled or suspended from school for disciplinary reasons; tougher penalties for criminal street gang crimes; and the establishment of penalties for juvenile offenders who use a firearm during a violent crime or a drug felony.

The bill would provide $200 million in formula grants, a $130 million increase over the FY1997 level for each fiscal year, FY1998 through FY2002. Under current law, states and localities must comply with several mandates to be eligible for these funds. For example, states must currently ensure that (1) no status offender may be held in secure detention or confinement; (2) juveniles cannot be held in jails and law enforcement lockup in which adults may be detained or confined for any period of time; and (3) complete sight and sound separation of juvenile offenders from adult offenders in secure facilities.

These mandates are costly and burdensome on state and local law enforcement efforts. For example, in February of this year, I visited with law enforcement and juvenile justice officials in Kirksville, MO, a rural community in Northeast Missouri, who told me about a problem that is all too common for rural communities. A deputy juvenile officer said that local law enforcement officers were able to apprehend four Missouri 15-year-olds who had brutally murdered a Iowa farm wife in October of 1994, and were even able to secure confessions to the murder. However, the Kirksville police could not detain the murderers because the Federal law prohibits juveniles from being held in jails in which adults may be detained and Kirksville did not have secure detention facilities.

As a result, the teens had to be detained in other Missouri facilities. Two of the teen had to be transported to Boone County, MO—100 miles from Kirksville—while the other two teens had to be taken to Union, MO, more than 200 miles away.

The legislation introduced today would eliminate this absolute jail and lockup prohibition. If enacted, the Kirksvilles of our country would no longer have to bear additional costs in trying to find a completely separate facility in order to detain violent juvenile offenders.

A thorough reform of juvenile justice systems must also include participation by our charitable and faith-based organizations. Government needs to rebuild civil society by fostering a partnership with charitable and faith-based organizations to promote civic virtues and individual responsibility.

Govenrment needs to look beyond its bureaucratic, one-size-fits-all programs and give assistance to those groups toiling daily in our communities, often publicly unnoticed and virtually unaided by Government.

For example, Teen challenge, which is headquartered in Missouri, receives little or no local, State, or Federal government financial assistance. Teen Challenge is a nonprofit, faith-based organization that works with youth, adults and families. Teen challenge has 16 adolescent programs in several states, including Florida, Indiana, and New Mexico.

Most of the juveniles in the program has drug or alcohol problems. A large number of the adolescents have been physically or sexually abused. Almost all of them had a major problem with rebelling against authority, according to a 1992 survey of Indianapolis Teen Challenge. Thirteen percent were court-ordered placements. This same study indicated that 70 percent of the graduates were abstaining from illegal drug use.

Mr. President, this bill would amend the Juvenile Justice and Delinquency Prevention Act to allow states to conduct with, or make grants to, private, charitable and faith-based organizations to provide programs for at-risk and delinquent juveniles.

Charitable and faith-based organizations have a proven track record of

transforming shattered lives by addressing the deeper needs of people, by instilling hope and values which help change behavior and attitudes. Under this bill states would be allowed to enroll these organizations as full-fledged participants in caring for and supporting juveniles who are less fortunate.

The bill also proposes reforms to the federal criminal justice system consistent with those it encourages those states to adopt. The legislation strengthens the federal law by requiring the adult prosecution of any juvenile age 14 or older who is alleged to have committed murder, attempted murder, robbery while armed with a dangerous or deadly weapon, assault or battery while armed with a dangerous weapon, forcible rape or a serious drug offense. Repeat juvenile offenders would also be subject to transfer to adult court, if they have 2 previous adjudications for offenses that would amount to a felony if committed by an adult.

Juvenile criminals found delinquent in U.S. district courts of violent crimes would be fingerprinted and photographed, and then the fingerprints and photograph are sent to the FBI to be made available to the same extent as that of adult felons to law enforcement agencies, school officials, and courts for sentencing purposes.

In addition, the bill would clearly express the intent of Congress with regard to special education students who commit criminal acts at school or school-related events. Earlier this year, the Sixth Circuit Court of Appeals, in *Morgan* v. *Chris L.*, upheld the ruling of a district court that the Knox County Tennessee Public School violated the procedural requirements of the Individuals with Disabilities Education Act (IDEA) by in essence filing criminal charges against a student with a disability. IDEA provides grants to states and creates special due process procedures for children with disabilities.

In this case, a student diagnosed as suffering from attention deficit hyperactivity disorder kicked a water pipe in the school lavatory until it burst—a crime against property—resulting in about $1,000 water damage. The Knox County School District filed a petition in juvenile court against the child. The disabled student's father filed for a due process hearing under the IDEA to review the filing of the petition in juvenile court by the school. The hearing officer ordered the school district to seek dismissal of its juvenile court petition and that decision by the hearing officer was upheld by the Federal District Court and the Sixth Circuit Court of Appeals.

The Court of Appeals concluded that under "IDEA's procedural safeguards, the school system must adopt its own plan and institute a [multi-disciplinary] team meeting before initiating a juvenile court petition." The problem with the circuit court's holding is that the special due process procedures for disabled students take several months, and sometimes a year, to complete. The practical effect of the ruling is that schools, as a matter of law, cannot unilaterally file charges against disabled students unless students' parents consent to such referrals. Schools must keep a student in school—potentially endangering others—and wait until the completion of the due process procedures required by IDEA.

In addition to Tennessee, other States—such as Georgia, Ohio, Minnesota, Illinois, Michigan, Rhode Island, and New Hampshire—allow individuals, including school officials who witness students committing crimes at school, to file petitions in juvenile courts against the students. School officials should not be required to exhaust the IDEA's significant due process procedures before filing criminal juvenile petitions against students with disabilities.

The ramifications of the sixth circuit's ruling have been immediate and troubling for school districts. Citing the ruling of the Chris L holding as authority, a Knox County, TN chancellor recently set aside the juvenile conviction of a high school special education student—because he is deaf in his right ear—who brought a butterfly knife to school. The chancellor court based its decision on the fact that the school had failed to convene a multidisciplinary team before referring the student with a disability to the juvenile court. The chancellor, when asked about his ruling, reportedly said, "There's a serious question to whether or not a student under this IDEA program can be charged at all."

The bill we are introducing today would make it clear to the Tennessee chancellor and other courts that students with disabilities who commit criminal acts on school property are not shielded from immediate referral to juvenile court or law enforcement authorities under IDEA's special due process procedures. We must restore the capacity of schools to create secure environments where all students can learn and achieve their highest potential.

Mr. President, this bill would assist State and local governments in increasing public safety by holding juvenile criminals accountable for their serious and violent crimes, by encouraging accountability through the imposition of meaningful sanctions for delinquent acts, and by improving the extent, accuracy, availability, and usefulness of juvenile criminal records and public accessibility to juvenile court proceedings.

In short, Mr. President, enactment of the Juvenile Crime Control and Community Protection Act of 1997 would be a significant step in the right direction toward addressing America's juvenile crime problem.

Mr. WYDEN. Mr. President, last month, I talked about the importance of the innovative "Community Justice" model for juvenile justice being developed in Deschutes County and Multnomah County, OR. Today, Senators DOMENICI and ASHCROFT and I are introducing legislation that incorporates many important pieces of this Oregon model and also represents an effort to bring some new, bipartisan thinking to the issue of juvenile justice.

Oregon's idea is that the juvenile justice system should weave the community into the very fabric of juvenile justice. This entails treating the victim as a customer of the juvenile justice system and realizing that when a crime is committed the whole community is the victim. There is a reciprocal obligation in communities—first, to give children the values and tools to ensure that youth crime is prevented and second, to look for at-risk children and try to form a net of services to keep these children from getting into trouble. However, once a young person steps over the line and commits a crime, part of the reciprocity involves the youth making the community whole through restitution and community service.

I was pleased to work with Senators DOMENICI and ASHCROFT to include some of these Oregon ideas into this bill. In particular, I think that the second tier of incentive grants will help encourage States to come up with ways to integrate the community into the juvenile justice process. In particular, the bill promotes consideration for victims and restitution for all crimes. It will also ensure that this restitution is collected. The legislation encourages States to look at mentorship programs, parent accountability, and ways to bring together service providers to form a network of information sharing to prevent juvenile crime.

One of the key aspects of the Deschutes County model that is so impressive is the coordination between schools, juvenile justice services, child protection services, police, district attorneys, judges, and others. Not only does this build a broad base of support for the juvenile justice system, but it allows these agencies to identify the most at-risk youth early, to see whether efforts to divert them from delinquency are effective and to concentrate resources on them.

When I began working on this issue in 1995, I laid out three principles for a new juvenile justice system: community protection, accountability, and restitution. We need to keep our streets safe, punish criminals, and make sure victims—including the community itself—are repaid. This legislation will encourage States to develop

systems based on these principles and to add to the the important ingredient of community involvement in the juvenile justice system.

I thank the Senators from Missouri and New Mexico for their bipartisan effort to develop juvenile justice legislation that takes a balanced approach to juvenile justice.

By Mr. WELLSTONE:

S. 719. A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos; to the Committee on the Judiciary.

THE HMONG VETERANS' NATURALIZATION ACT OF 1997

• Mr. WELLSTONE. Mr. President, today, I have introduced the Hmong Veterans' Naturalization Act of 1997.

The purpose of this bill is to help expedite the naturalization of Hmong veterans who served and fought alongside the United States during the United States secret war in Laos. This legislation acknowledges their service and officially recognizes the service of Hmong and other ethnic Lao veterans who sacrificed and loyally fought for America and its principles of freedom, human rights, and democracy.

This legislation continues the tradition of recognizing the service of those who came to the aid of the United States in times of war. Current law permits aliens or noncitizens who served honorably in the U.S. military forces during wartime to be naturalized, regardless of age, period of U.S. residence, or physical presence in the United States. However, expedited naturalization does not apply to Hmong and Lao veterans and their families because of the covert status of their work. This bill would help expedite this process by eliminating the literacy requirement in the naturalization process.

Classified studies conducted by the defense policy think tank RAND have recently been declassified. They show the unique and important role that the Hmong people played during the Vietnam war. The studies reveal that this group, the "Secret Army," specially created by the United States Government, played a critical role in the clandestine military activities in Laos.

Hmong men, women, and children of all ages fought and died alongside U.S. military personnel in units recruited, organized, trained, funded and paid by the U.S. Government. It is estimated that during the United States involvement in Vietnam, 35,000 to 40,000 Hmong veterans and their families' were killed in conflict. 50,000 to 58,000 were wounded in conflict and an additional 2,500 to 3,000 were declared missing.

During the Vietnam conflict, Hmong forces were responsible for risking their lives by crossing enemy lines to rescue downed American pilots. It is estimated that they saved at least 60 American lives and often lost half their troops rescuing one soldier.

When the United States withdrew from Southeast Asia, thousands of Hmong were evacuated by the U.S. Government. However, many were left behind and experienced mass genocide at the hands of Communists. Many fled to neighboring Thailand. During their journey, many were murdered before they reached the Thai border. Even today, despite official denial by the Lao Government, the Communist regime of Laos continues to persecute and discriminate against the Hmong specifically because of their role in the United States secret army.

Edgar Buell, the senior U.S. CIA official who worked with the Hmong secret army, explained their critical role on national television:

"Everyone of them (Hmong) that died, that was an American back home that didn't die, or one that was injured that wasn't injured. Somebody in nearly every Hmong family was either fighting or died from fighting. They became refugees because we (the United States) encouraged them to fight for us. I promised myself: "'Have no fear, we will take care of you.'"

It is now time to live up to earlier promises and take care of this group that so valiantly fought alongside American forces. We can only make good on our word by passing this legislation.

Currently, many of the 45,000 former soldiers and their refugee family members living in the United States cannot become citizens because they lack the sufficient English language skills to pass the naturalization test. The intense and protracted war in Laos and the subsequent exodus of the Hmong veterans into squalid refugee camps did not permit these veterans the opportunity to attend school and learn English. Also, many suffer from injuries that occurred during the war that make learning difficult and frustrating.

Because of the welfare and immigration reform bill enacted last Congress, aging, elderly, illiterate (in English), semiliterate and wounded soldiers—usually with large families—will suffer greatly because they are now facing the almost impossible task of immediately learning English and finding gainful employment. People like Chanh Chantalangsy are faced with an uncertain future:

Chanh served in the secret army and was seriously wounded in his head, arm, and legs. After being in the hospital for 7 months, he returned to combat, serving in a CIA sponsored unit. Fleeing Laos, he spent 14 years in a refugee camp in Thailand. Realizing that the conditions in his country would not improve, Chanh left the refugee camp and came to the United States. He studied English for 5 years but it became evident that mental and physical injuries prevented him from learning English. In 1993, he was classified disabled and now receives $561 a month in SSI benefits. As of August, he could lose this small benefit.

Given the unique role that the veterans served on behalf of the U.S. national security interests, we should waive the difficult naturalization requirements for this group. We have a responsibility to these people. This responsibility was supported by former CIA Director William Colby when he said to a House subcommittee:

"The basic burden (of fighting in Laos) was born by the Hmong. We certainly encouraged them to fight. We enabled them to fight in many cases, and I think the spirit that they developed was in part a result of our offering of support and our provision of it."

Mr. President, it is now time to give our support. These people fought for our country for 15 years and came to the United States with an understanding that they would be cared for. One act of Congress, the welfare reform law, wiped out this understanding and threw the Hmong into a state of despair. They neither have the capacity to care for themselves if benefits are terminated, nor the ability to return to their homeland. I implore my colleagues to support one more act of Congress that would fulfill our pledge and our obligation.

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. 719

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 "Hmong Veterans' Naturalization Act of 1997".

SEC. 2. WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

SEC. 3. NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.

(a) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United

States during the period of the Vietnam hostilities.

(b) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in subsection (a) through—

(1) review of refugee processing documentation for the alien,

(2) the affidavit of the alien's superior officer,

(3) original documents,

(4) two affidavits from person who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(5) other appropriate proof.

The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.•

By Mr. GRASSLEY (for himself, Mr. INOUYE, and Mr. FRIST):

S. 720. A bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availability of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the medicare and medicaid programs; to the Committee on Finance.

THE PACE PROVIDER ACT OF 1997

• Mr. GRASSLEY. Mr. President, I am pleased to introduce today, along with Senator INOUYE, the distinguished Senator from Hawaii, the PACE Provider Act of 1997. PACE, the Program of All-Inclusive Care for the Elderly, is a unique system of integrated care for the frail elderly. This Act increases the number of PACE sites authorized to provide comprehensive, community-based services to frail, elderly persons.

As our population ages, we must continue to place a high priority on long-term care services. Giving our seniors alternatives to nursing home care and expanding the choices available, is not only cost effective, but will also improve the quality of life for older Americans.

PACE programs achieve this goal. PACE enables the frail elderly to remain as healthy as possible, at home in their communities. By doing so, elderly individuals maintain their independence, dignity and quality of life.

Each PACE participant receives a comprehensive care package, including all Medicare and Medicaid services, as well as community-based long-term care services. Each individual is cared for by an interdisciplinary team consisting of a primary care physician, nurse, social worker, rehabilitation therapist, home health worker, and others. Because care providers on the PACE team work together, they are able to successfully accommodate the complex medical and social needs of the elderly person in fragile health.

What's more, PACE provides high-quality care at a lower cost to Medicare and Medicaid, relative to their payments in the traditional system. Studies show a 5–15 percent reduction in Medicare and Medicaid spending for individuals in PACE.

The potential savings to Medicare and Medicaid is significant. PACE programs provide services for one of our most vulnerable, and costly, population: frail, elderly adults who are eligible for Medicare and Medicaid. In many cases, these "dually eligible" individuals have complex, chronic care needs and require ongoing, long-term care services. The current structure of Medicare and Medicaid does not encourage coordination of these services. The result is fragmented and costly care for our nation's most vulnerable population.

The PACE Provider Act does not alter the criteria for eligibility for PACE participation in any way. Instead, it makes PACE programs more available to individuals already eligible for nursing home care, because of their poor health status. PACE is a preferable, and less costly, alternative. Specifically, this Act increases the number of PACE programs authorized from 15 to 40, with an additional 20 to be added each year, and affords regular "provider" status to existing sites.

The PACE Provider Act allows the success of PACE programs to be replicated throughout the country. And, with an emphasis on preventative and supportive services, PACE services can substantially reduce the high-costs associated with emergency room visits and extended nursing home stays often needed by the frail elderly in the traditional Medicare and Medicaid programs.

My sponsorship of this bill grows out of my Aging Committee hearing on April 29, Torn Between Two Systems: Improving Chronic Care in Medicare and Medicaid. The plight of the dual eligibles is unacceptable. This bill is an immediate and positive step in the right direction.

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. 720

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 "Programs of All-inclusive Care for the Elderly (PACE) Coverage Act of 1997".

SEC. 2. COVERAGE OF PACE UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

"PAYMENTS TO, AND COVERAGE OF BENEFITS UNDER, PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE)

"SEC. 1894. (a) RECEIPT OF BENEFITS THROUGH ENROLLMENT IN PACE PROGRAM; DEFINITIONS FOR PACE PROGRAM RELATED TERMS.—

"(1) BENEFITS THROUGH ENROLLMENT IN A PACE PROGRAM.—In accordance with this section, in the case of an individual who is entitled to benefits under part A or enrolled under part B and who is a PACE program eligible individual (as defined in paragraph (5)) with respect to a PACE program offered by a PACE provider under a PACE program agreement—

"(A) the individual may enroll in the program under this section; and

"(B) so long as the individual is so enrolled and in accordance with regulations—

"(i) the individual shall receive benefits under this title solely through such program, and

"(ii) the PACE provider is entitled to payment under and in accordance with this section and such agreement for provision of such benefits.

"(2) PACE PROGRAM DEFINED.—For purposes of this section and section 1932, the term 'PACE program' means a program of all-inclusive care for the elderly that meets the following requirements:

"(A) OPERATION.—The entity operating the program is a PACE provider (as defined in paragraph (3)).

"(B) COMPREHENSIVE BENEFITS.—The program provides comprehensive health care services to PACE program eligible individuals in accordance with the PACE program agreement and regulations under this section.

"(C) TRANSITION.—In the case of an individual who is enrolled under the program under this section and whose enrollment ceases for any reason (including the individual no longer qualifies as a PACE program eligible individual, the termination of a PACE program agreement, or otherwise), the program provides assistance to the individual in obtaining necessary transitional care through appropriate referrals and making the individual's medical records available to new providers.

"(3) PACE PROVIDER DEFINED.—

"(A) IN GENERAL.—For purposes of this section, the term 'PACE provider' means an entity that—

"(i) subject to subparagraph (B), is (or is a distinct part of) a public entity or a private, nonprofit entity organized for charitable purposes under section 501(c)(3) of the Internal Revenue Code of 1986, and

"(ii) has entered into a PACE program agreement with respect to its operation of a PACE program.

"(B) TREATMENT OF PRIVATE, FOR-PROFIT PROVIDERS.—Clause (i) of subparagraph (A) shall not apply—

"(i) to entities subject to a demonstration project waiver under subsection (h); and

"(ii) after the date the report under section 5(b) of the Programs of All-inclusive Care for the Elderly (PACE) Coverage Act of 1997 is submitted, unless the Secretary determines that any of the findings described in subparagraph (A), (B), (C) or (D) of paragraph (2) of such section are true.

"(4) PACE PROGRAM AGREEMENT DEFINED.—For purposes of this section, the term 'PACE program agreement' means, with respect to a PACE provider, an agreement, consistent with this section, section 1932 (if applicable), and regulations promulgated to carry out such sections, between the PACE provider and the Secretary, or an agreement between the PACE provider and a State administering agency for the operation of a PACE program by the provider under such sections.

"(5) PACE PROGRAM ELIGIBLE INDIVIDUAL DEFINED.—For purposes of this section, the term 'PACE program eligible individual'

means, with respect to a PACE program, an individual who—

"(A) is 55 years of age or older;

"(B) subject to subsection (c)(4), is determined under subsection (c) to require the level of care required under the State medicaid plan for coverage of nursing facility services;

"(C) resides in the service area of the PACE program; and

"(D) meets such other eligibility conditions as may be imposed under the PACE program agreement for the program under subsection (e)(2)(A)(ii).

"(6) PACE PROTOCOL.—For purposes of this section, the term 'PACE protocol' means the Protocol for the Program of All-inclusive Care for the Elderly (PACE), as published by On Lok, Inc., as of April 14, 1995.

"(7) PACE DEMONSTRATION WAIVER PROGRAM DEFINED.—For purposes of this section, the term 'PACE demonstration waiver program' means a demonstration program under either of the following sections (as in effect before the date of their repeal):

"(A) Section 603(c) of the Social Security Amendments of 1983 (Public Law 98–21), as extended by section 9220 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).

"(B) Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509).

"(8) STATE ADMINISTERING AGENCY DEFINED.—For purposes of this section, the term 'State administering agency' means, with respect to the operation of a PACE program in a State, the agency of that State (which may be the single agency responsible for administration of the State plan under title XIX in the State) responsible for administering PACE program agreements under this section and section 1932 in the State.

"(9) TRIAL PERIOD DEFINED.—

"(A) IN GENERAL.—For purposes of this section, the term 'trial period' means, with respect to a PACE program operated by a PACE provider under a PACE program agreement, the first 3 contract years under such agreement with respect to such program.

"(B) TREATMENT OF ENTITIES PREVIOUSLY OPERATING PACE DEMONSTRATION WAIVER PROGRAMS.—Each contract year (including a year occurring before the effective date of this section) during which an entity has operated a PACE demonstration waiver program shall be counted under subparagraph (A) as a contract year during which the entity operated a PACE program as a PACE provider under a PACE program agreement.

"(10) REGULATIONS.—For purposes of this section, the term 'regulations' refers to interim final or final regulations promulgated under subsection (f) to carry out this section and section 1932.

"(b) SCOPE OF BENEFITS; BENEFICIARY SAFEGUARDS.—

"(1) IN GENERAL.—Under a PACE program agreement, a PACE provider shall—

"(A) provide to PACE program eligible individuals, regardless of source of payment and directly or under contracts with other entities, at a minimum—

"(i) all items and services covered under this title (for individuals enrolled under this section) and all items and services covered under title XIX, but without any limitation or condition as to amount, duration, or scope and without application of deductibles, copayments, coinsurance, or other cost-sharing that would otherwise apply under this title or such title, respectively; and

"(ii) all additional items and services specified in regulations, based upon those required under the PACE protocol;

"(B) provide such enrollees access to necessary covered items and services 24 hours per day, every day of the year;

"(C) provide services to such enrollees through a comprehensive, multidisciplinary health and social services delivery system which integrates acute and long-term care services pursuant to regulations; and

"(D) specify the covered items and services that will not be provided directly by the entity, and to arrange for delivery of those items and services through contracts meeting the requirements of regulations.

"(2) QUALITY ASSURANCE; PATIENT SAFEGUARDS.—The PACE program agreement shall require the PACE provider to have in effect at a minimum—

"(A) a written plan of quality assurance and improvement, and procedures implementing such plan, in accordance with regulations, and

"(B) written safeguards of the rights of enrolled participants (including a patient bill of rights and procedures for grievances and appeals) in accordance with regulations and with other requirements of this title and Federal and State law designed for the protection of patients.

"(c) ELIGIBILITY DETERMINATIONS.—

"(1) IN GENERAL.—The determination of whether an individual is a PACE program eligible individual—

"(A) shall be made under and in accordance with the PACE program agreement, and

"(B) who is entitled to medical assistance under title XIX, shall be made (or who is not so entitled, may be made) by the State administering agency.

"(2) CONDITION.—An individual is not a PACE program eligible individual (with respect to payment under this section) unless the individual's health status has been determined, in accordance with regulations, to be comparable to the health status of individuals who have participated in the PACE demonstration waiver programs. Such determination shall be based upon information on health status and related indicators (such as medical diagnoses and measures of activities of daily living, instrumental activities of daily living, and cognitive impairment) that are part of a uniform minimum data set collected by PACE providers on potential eligible individuals.

"(3) ANNUAL ELIGIBILITY RECERTIFICATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the determination described in subsection (a)(5)(B) for an individual shall be reevaluated not more frequently than annually.

"(B) EXCEPTION.—The requirement of annual reevaluation under subparagraph (A) may be waived during a period in accordance with regulations in those cases where the State administering agency determines that there is no reasonable expectation of improvement or significant change in an individual's condition during the period because of the advanced age, severity of the advanced age, severity of chronic condition, or degree of impairment of functional capacity of the individual involved.

"(4) CONTINUATION OF ELIGIBILITY.—An individual who is a PACE program eligible individual may be deemed to continue to be such an individual notwithstanding a determination that the individual no longer meets the requirement of subsection (a)(5)(B) if, in accordance with regulations, in the absence of continued coverage under a PACE program the individual reasonably would be expected to meet such requirement within the succeeding 6-month period.

"(5) ENROLLMENT; DISENROLLMENT.—The enrollment and disenrollment of PACE program eligible individuals in a PACE program shall be pursuant to regulations and the PACE program agreement and shall permit enrollees to voluntarily disenroll without cause at any time.

"(d) PAYMENTS TO PACE PROVIDERS ON A CAPITATED BASIS.—

"(1) IN GENERAL.—In the case of a PACE provider with a PACE program agreement under this section, except as provided in this subsection or by regulations, the Secretary shall make prospective monthly payments of a capitation amount for each PACE program eligible individual enrolled under the agreement under this section in the same manner and from the same sources as payments are made to an eligible organization under a risk-sharing contract under section 1876. Such payments shall be subject to adjustment in the manner described in section 1876(a)(1)(E).

"(2) CAPITATION AMOUNT.—The capitation amount to be applied under this subsection for a provider for a contract year shall be an amount specified in the PACE program agreement for the year. Such amount shall be based upon payment rates established under section 1876 for risk-sharing contracts and shall be adjusted to take into account the comparative frailty of PACE enrollees and such other factors as the Secretary determines to be appropriate. Such amount under such an agreement shall be computed in a manner so that the total payment level for all PACE program eligible individuals enrolled under a program is less than the projected payment under this title for a comparable population not enrolled under a PACE program.

"(e) PACE PROGRAM AGREEMENT.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The Secretary, in close cooperation with the State administering agency, shall establish procedures for entering into, extending, and terminating PACE program agreements for the operation of PACE programs by entities that meet the requirements for a PACE provider under this section, section 1932, and regulations.

"(B) NUMERICAL LIMITATION.—

"(i) IN GENERAL.—The Secretary shall not permit the number of PACE providers with which agreements are in effect under this section or under section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 to exceed—

"(I) 40 as of the date of the enactment of this section, or

"(II) as of each succeeding anniversary of such date, the numerical limitation under this subparagraph for the preceding year plus 20.

Subclause (II) shall apply without regard to the actual number of agreements in effect as of a previous anniversary date.

"(ii) TREATMENT OF CERTAIN PRIVATE, FOR-PROFIT PROVIDERS.—The numerical limitation in clause (i) shall not apply to a PACE provider that—

"(I) is operating under a demonstration project waiver under subsection (h), or

"(II) was operating under such a waiver and subsequently qualifies for PACE provider status pursuant to subsection (a)(3)(B)(ii).

"(2) SERVICE AREA AND ELIGIBILITY.—

"(A) IN GENERAL.—A PACE program agreement for a PACE program—

"(i) shall designate the service area of the program;

"(ii) may provide additional requirements for individuals to qualify as PACE program

eligible individuals with respect to the program;

"(iii) shall be effective for a contract year, but may be extended for additional contract years in the absence of a notice by a party to terminate and is subject to termination by the Secretary and the State administering agency at any time for cause (as provided under the agreement);

"(iv) shall require a PACE provider to meet all applicable State and local laws and requirements; and

"(v) shall have such additional terms and conditions as the parties may agree to consistent with this section and regulations.

"(B) SERVICE AREA OVERLAP.—In designating a service area under a PACE program agreement under subparagraph (A)(i), the Secretary (in consultation with the State administering agency) may exclude from designation an area that is already covered under another PACE program agreement, in order to avoid unnecessary duplication of services and avoid impairing the financial and service viability of an existing program.

"(3) DATA COLLECTION.—

"(A) IN GENERAL.—Under a PACE program agreement, the PACE provider shall—

"(i) collect data,

"(ii) maintain, and afford the Secretary and the State administering agency access to, the records relating to the program, including pertinent financial, medical, and personnel records, and

"(iii) make to the Secretary and the State administering agency reports that the Secretary finds (in consultation with State administering agencies) necessary to monitor the operation, cost, and effectiveness of the PACE program under this Act.

"(B) REQUIREMENTS DURING TRIAL PERIOD.—During the first three years of operation of a PACE program (either under this section or under a PACE demonstration waiver program), the PACE provider shall provide such additional data as the Secretary specifies in regulations in order to perform the oversight required under paragraph (4)(A).

"(4) OVERSIGHT.—

"(A) ANNUAL, CLOSE OVERSIGHT DURING TRIAL PERIOD.—During the trial period (as defined in subsection (a)(9)) with respect to a PACE program operated by a PACE provider, the Secretary (in cooperation with the State administering agency) shall conduct a comprehensive annual review of the operation of the PACE program by the provider in order to assure compliance with the requirements of this section and regulations. Such a review shall include—

"(i) an on-site visit to the program site;

"(ii) comprehensive assessment of a provider's fiscal soundness;

"(iii) comprehensive assessment of the provider's capacity to provide all PACE services to all enrolled participants;

"(iv) detailed analysis of the entity's substantial compliance with all significant requirements of this section and regulations; and

"(v) any other elements the Secretary or State agency considers necessary or appropriate.

"(B) CONTINUING OVERSIGHT.—After the trial period, the Secretary (in cooperation with the State administering agency) shall continue to conduct such review of the operation of PACE providers and PACE programs as may be appropriate, taking into account the performance level of a provider and compliance of a provider with all significant requirements of this section and regulations.

"(C) DISCLOSURE.—The results of reviews under this paragraph shall be reported promptly to the PACE provider, along with any recommendations for changes to the provider's program, and shall be made available to the public upon request.

"(5) TERMINATION OF PACE PROVIDER AGREEMENTS.—

"(A) IN GENERAL.—Under regulations—

"(i) the Secretary or a State administering agency may terminate a PACE program agreement for cause, and

"(ii) a PACE provider may terminate an agreement after appropriate notice to the Secretary, the State agency, and enrollees.

"(B) CAUSES FOR TERMINATION.—In accordance with regulations establishing procedures for termination of PACE program agreements, the Secretary or a State administering agency may terminate a PACE program agreement with a PACE provider for, among other reasons, the fact that—

"(i) the Secretary or State administering agency determines that—

"(I) there are significant deficiencies in the quality of care provided to enrolled participants; or

"(II) the provider has failed to comply substantially with conditions for a program or provider under this section or section 1932; and

"(ii) the entity has failed to develop and successfully initiate, within 30 days of the receipt of written notice of such a determination, and continue implementation of a plan to correct the deficiencies.

"(C) TERMINATION AND TRANSITION PROCEDURES.—An entity whose PACE provider agreement is terminated under this paragraph shall implement the transition procedures required under subsection (a)(2)(C).

"(6) SECRETARY'S OVERSIGHT; ENFORCEMENT AUTHORITY.—

"(A) IN GENERAL.—Under regulations, if the Secretary determines (after consultation with the State administering agency) that a PACE provider is failing substantially to comply with the requirements of this section and regulations, the Secretary (and the State administering agency) may take any or all of the following actions:

"(i) Condition the continuation of the PACE program agreement upon timely execution of a corrective action plan.

"(ii) Withhold some or all further payments under the PACE program agreement under this section or section 1932 with respect to PACE program services furnished by such provider until the deficiencies have been corrected.

"(iii) Terminate such agreement.

"(B) APPLICATION OF INTERMEDIATE SANCTIONS.—Under regulations, the Secretary may provide for the application against a PACE provider of remedies described in section 1876(i)(6)(B) or 1903(m)(5)(B) in the case of violations by the provider of the type described in section 1876(i)(6)(A) or 1903(m)(5)(A), respectively (in relation to agreements, enrollees, and requirements under this section or section 1932, respectively).

"(7) PROCEDURES FOR TERMINATION OR IMPOSITION OF SANCTIONS.—Under regulations, the provisions of section 1876(i)(9) shall apply to termination and sanctions respecting a PACE program agreement and PACE provider under this subsection in the same manner as they apply to a termination and sanctions with respect to a contract and an eligible organization under section 1876.

"(8) TIMELY CONSIDERATION OF APPLICATIONS FOR PACE PROGRAM PROVIDER STATUS.—In considering an application for PACE provider program status, the application shall be deemed approved unless the Secretary, within 90 days after the date of the submission of the application to the Secretary, either denies such request in writing or informs the applicant in writing with respect to any additional information that is needed in order to make a final determination with respect to the application. After the date the Secretary receives such additional information, the application shall be deemed approved unless the Secretary, within 90 days of such date, denies such request.

"(f) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall issue interim final or final regulations to carry out this section and section 1932.

"(2) USE OF PACE PROTOCOL.—

"(A) IN GENERAL.—In issuing such regulations, the Secretary shall, to the extent consistent with the provisions of this section, incorporate the requirements applied to PACE demonstration waiver programs under the PACE protocol.

"(B) FLEXIBILITY.—The Secretary (in close consultation with State administering agencies) may modify or waive such provisions of the PACE protocol in order to provide for reasonable flexibility in adapting the PACE service delivery model to the needs of particular organizations (such as those in rural areas or those that may determine it appropriate to use non-staff physicians accordingly to State licensing law requirements) under this section and section 1932 where such flexibility is not inconsistent with and would not impair the essential elements, objectives, and requirements of the this section, including—

"(i) the focus on frail elderly qualifying individuals who require the level of care provided in a nursing facility;

"(ii) the delivery of comprehensive, integrated acute and long-term care services;

"(iii) the interdisciplinary team approach to care management and service delivery;

"(iv) capitated, integrated financing that allows the provider to pool payments received from public and private programs and individuals; and

"(v) the assumption by the provider over time of full financial risk.

"(3) APPLICATION OF CERTAIN ADDITIONAL BENEFICIARY AND PROGRAM PROTECTIONS.—

"(A) IN GENERAL.—In issuing such regulations and subject to subparagraph (B), the Secretary may apply with respect to PACE programs, providers, and agreements such requirements of sections 1876 and 1903(m) relating to protection of beneficiaries and program integrity as would apply to eligible organizations under risk-sharing contracts under section 1876 and to health maintenance organizations under prepaid capitation agreements under section 1903(m).

"(B) CONSIDERATIONS.—In issuing such regulations, the Secretary shall—

"(i) take into account the differences between populations served and benefits provided under this section and under sections 1876 and 1903(m);

"(ii) not include any requirement that conflicts with carrying out PACE programs under this section; and

"(iii) not include any requirement restricting the proportion of enrollees who are eligible for benefits under this title or title XIX.

"(g) WAIVERS OF REQUIREMENTS.—With respect to carrying out a PACE program under this section, the following requirements of this title (and regulations relating to such requirements) are waived and shall not apply:

"(1) Section 1812, insofar as it limits coverage of institutional services.

"(2) Sections 1813, 1814, 1833, and 1886, insofar as such sections relate to rules for payment for benefits.

"(3) Sections 1814(a)(2)(B), 1814(a)(2)(C), and 1835(a)(2)(A), insofar as they limit coverage of extended care services or home health services.

"(4) Section 1861(i), insofar as it imposes a 3-day prior hospitalization requirement for coverage of extended care services.

"(5) Sections 1862(a)(1) and 1862(a)(9), insofar as they may prevent payment for PACE program services to individuals enrolled under PACE programs.

"(h) DEMONSTRATION PROJECT FOR FOR-PROFIT ENTITIES.—

"(1) IN GENERAL.—In order to demonstrate the operation of a PACE program by a private, for-profit entity, the Secretary (in close consultation with State administering agencies) shall grant waivers from the requirement under subsection (a)(3) that a PACE provider may not be a for-profit, private entity.

"(2) SIMILAR TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), and paragraph (1), the terms and conditions for operation of a PACE program by a provider under this subsection shall be the same as those for PACE providers that are nonprofit, private organizations.

"(B) NUMERICAL LIMITATION.—The number of programs for which waivers are granted under this subsection shall not exceed 10. Programs with waivers granted under this subsection shall not be counted against the numerical limitation specified in subsection (e)(1)(B).

"(i) MISCELLANEOUS PROVISIONS.—Nothing in this section or section 1932 shall be construed as preventing a PACE provider from entering into contracts with other governmental or nongovernmental payers for the care of PACE program eligible individuals who are not eligible for benefits under part A, or enrolled under part B, or eligible for medical assistance under title XIX.".

SEC. 3. ESTABLISHMENT OF PACE PROGRAM AS MEDICAID STATE OPTION.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) in section 1905(a) (42 U.S.C. 1396d(a))—

(A) by striking "and" at the end of paragraph (24);

(B) by redesignating paragraph (25) as paragraph (26); and

(C) by inserting after paragraph (24) the following new paragraph:

"(25) services furnished under a PACE program under section 1932 to PACE program eligible individuals enrolled under the program under such section; and";

(2) by redesignating section 1932 as section 1933, and

(3) by inserting after section 1931 the following new section:

"SEC. 1932. PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY (PACE).

"(a) OPTION.—

"(1) IN GENERAL.—A State may elect to provide medical assistance under this section with respect to PACE program services to PACE program eligible individuals who are eligible for medical assistance under the State plan and who are enrolled in a PACE program under a PACE program agreement. Such individuals need not be eligible for benefits under part A, or enrolled under part B, of title XVIII to be eligible to enroll under this section.

"(2) BENEFITS THROUGH ENROLLMENT IN PACE PROGRAM.—In the case of an individual enrolled with a PACE program pursuant to such an election—

"(A) the individual shall receive benefits under the plan solely through such program, and

"(B) the PACE provider shall receive payment in accordance with the PACE program agreement for provision of such benefits.

"(3) APPLICATION OF DEFINITIONS.—The definitions of terms under section 1894(a) shall apply under this section in the same manner as they apply under section 1894.

"(b) APPLICATION OF MEDICARE TERMS AND CONDITIONS.—Except as provided in this section, the terms and conditions for the operation and participation of PACE program eligible individuals in PACE programs offered by PACE providers under PACE program agreements under section 1894 shall apply for purposes of this section.

"(c) ADJUSTMENT IN PAYMENT AMOUNTS.—In the case of individuals enrolled in a PACE program under this section, the amount of payment under this section shall not be the amount calculated under section 1894(d), but shall be an amount, specified under the PACE agreement, which is less than the amount that would otherwise have been made under the State plan if the individuals were not so enrolled. The payment under this section shall be in addition to any payment made under section 1894 for individuals who are enrolled in a PACE program under such section.

"(d) WAIVERS OF REQUIREMENTS.—With respect to carrying out a PACE program under this section, the following requirements of this title (and regulations relating to such requirements) shall not apply:

"(1) Section 1902(a)(1), relating to any requirement that PACE programs or PACE program services be provided in all areas of a State.

"(2) Section 1902(a)(10), insofar as such section relates to comparability of services among different population groups.

"(3) Sections 1902(a)(23) and 1915(b)(4), relating to freedom of choice of providers under a PACE program.

"(4) Section 1903(m)(2)(A), insofar as it restricts a PACE provider from receiving prepaid capitation payments.

"(e) POST-ELIGIBILITY TREATMENT OF INCOME.—A State may provide for post-eligibility treatment of income for individuals enrolled in PACE programs under this section in the same manner as a State treats post-eligibility income for individuals receiving services under a waiver under section 1915(c).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(j) of such Act (42 U.S.C. 1396a(j)) is amended by striking "(25)" and inserting "(26)".

(2) Section 1924(a)(5) of such Act (42 U.S.C. 1396r-5(a)(5)) is amended—

(A) in the heading, by striking "FROM ORGANIZATIONS RECEIVING CERTAIN WAIVERS" and inserting "UNDER PACE PROGRAMS", and

(B) by striking "from any organization" and all that follows and inserting "under a PACE demonstration waiver program (as defined in subsection (a)(7) of section 1894) or under a PACE program under section 1932.".

(3) Section 1903(f)(4)(C) of such Act (42 U.S.C. 1396b(f)(4)(C)) is amended by inserting "or who is a PACE program eligible individual enrolled in a PACE program under section 1932," after "section 1902(a)(10)(A),".

SEC. 4. EFFECTIVE DATE; TRANSITION.

(a) TIMELY ISSUANCE OF REGULATIONS; EFFECTIVE DATE.—The Secretary of Health and Human Services shall promulgate regulations to carry out this Act in a timely manner. Such regulations shall be designed so that entities may establish and operate PACE programs under sections 1894 and 1932 for periods beginning not later than 1 year after the date of the enactment of this Act.

(b) EXPANSION AND TRANSITION FOR PACE DEMONSTRATION PROJECT WAIVERS.—

(1) EXPANSION IN CURRENT NUMBER OF DEMONSTRATION PROJECTS.—Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, as amended by section 4118(g) of the Omnibus Budget Reconciliation Act of 1987, is amended—

(A) in paragraph (1), by inserting before the period at the end the following: ", except that the Secretary shall grant waivers of such requirements to up to the applicable numerical limitation specified in section 1894(e)(1)(B) of the Social Security Act"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ", including permitting the organization to assume progressively (over the initial 3-year period of the waiver) the full financial risk"; and

(ii) in subparagraph (C), by adding at the end the following: "In granting further extensions, an organization shall not be required to provide for reporting of information which is only required because of the demonstration nature of the project.".

(3) ELIMINATION OF REPLICATION REQUIREMENT.—Subparagraph (B) of paragraph (2) of such section shall not apply to waivers granted under such section after the date of the enactment of this Act.

(4) TIMELY CONSIDERATION OF APPLICATIONS.—In considering an application for waivers under such section before the effective date of repeals under subsection (c), subject to the numerical limitation under the amendment made by paragraph (1), the application shall be deemed approved unless the Secretary of Health and Human Services, within 90 days after the date of its submission to the Secretary, either denies such request in writing or informs the applicant in writing with respect to any additional information which is needed in order to make a final determination with respect to the application. After the date the Secretary receives such additional information, the application shall be deemed approved unless the Secretary, within 90 days of such date, denies such request.

(c) PRIORITY AND SPECIAL CONSIDERATION IN APPLICATION.—During the 3-year period beginning on the date of enactment of this Act:

(1) PROVIDER STATUS.—The Secretary of Health and Human Services shall give priority, in processing applications of entities to qualify as PACE programs under section 1894 or 1932 of the Social Security Act—

(A) first, to entities that are operating a PACE demonstration waiver program (as defined in section 1894(a)(7) of such Act), and

(B) then entities that have applied to operate such a program as of May 1, 1997.

(2) NEW WAIVERS.—The Secretary shall give priority, in the awarding of additional waivers under section 9412(b) of the Omnibus Budget Reconciliation Act of 1986—

(A) to any entities that have applied for such waivers under such section as of May 1, 1997; and

(B) to any entity that, as of May 1, 1997, has formally contracted with a State to provide services for which payment is made on a capitated basis with an understanding that the entity was seeking to become a PACE provider.

(3) SPECIAL CONSIDERATION.—The Secretary shall give special consideration, in the processing of applications described in paragraph (1) and the awarding of waivers described in paragraph (2), to an entity which as of May

1, 1997 through formal activities (such as entering into contracts for feasibility studies) has indicated a specific intent to become a PACE provider.

(d) REPEAL OF CURRENT PACE DEMONSTRATION PROJECT WAIVER AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the following provisions of law are repealed:

(A) Section 603(c) of the Social Security Amendments of 1983 (Public Law 98–21).

(B) Section 9220 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272).

(C) Section 9412(b) of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509).

(2) DELAY IN APPLICATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the repeals made by paragraph (1) shall not apply to waivers granted before the initial effective date of regulations described in subsection (a).

(B) APPLICATION TO APPROVED WAIVERS.—Such repeals shall apply to waivers granted before such date only after allowing such organizations a transition period (of up to 24 months) in order to permit sufficient time for an orderly transition from demonstration project authority to general authority provided under the amendments made by this Act.

SEC. 5. STUDY AND REPORTS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in close consultation with State administering agencies, as defined in section 1894(a)(8) of the Social Security Act) shall conduct a study of the quality and cost of providing PACE program services under the medicare and medicaid programs under the amendments made by this Act

(2) STUDY OF PRIVATE, FOR-PROFIT PROVIDERS.— Such study shall specifically compare the costs, quality, and access to services by entities that are private, for-profit entities operating under demonstration projects waivers granted under section 1894(h) of the Social Security Act with the costs, quality, and access to services of other PACE providers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall provide for a report to Congress on the impact of such amendments on quality and cost of services. The Secretary shall include in such report such recommendations for changes in the operation of such amendments as the Secretary deems appropriate.

(2) TREATMENT OF PRIVATE, FOR-PROFIT PROVIDERS.—The report shall include specific findings on whether any of the following findings is true:

(A) The number of covered lives enrolled with entities operating under demonstration project waivers under section 1894(h) of the Social Security Act is fewer than 800 (or such lesser number as the Secretary may find statistically sufficient to make determinations respecting findings described in the succeeding subparagraphs).

(B) The population enrolled with such entities is less frail than the population enrolled with other PACE providers.

(C) Access to or quality of care for individuals enrolled with such entities is lower than such access or quality for individuals enrolled with other PACE providers.

(D) The application of such section has resulted in an increase in expenditures under the medicare or medicaid programs above the expenditures that would have been made if such section did not apply.

(c) INFORMATION INCLUDED IN ANNUAL RECOMMENDATIONS.—The Physician Payment Review Commission shall include in its annual recommendations under section 1845(b) of the Social Security Act (42 U.S.C. 1395w–1), and the Prospective Payment Review Commission shall include in its annual recommendations reported under section 1886(e)(3)(A) of such Act (42 U.S.C. 1395ww(e)(3)(A)), recommendations on the methodology and level of payments made to PACE providers under section 1894(d) of such Act and on the treatment of private, for-profit entities as PACE providers.●

● Mr. FRIST. Mr. President, I join my colleagues in introducing the PACE Provider Act of 1997. I am pleased to support this very worthy program, aimed at increasing community based long term care options for seniors which was initiated and pursued by Senator Dole over the past several years.

This bill amends present law by increasing the number of high quality, comprehensive, community based services available to seniors who would otherwise be forced into nursing homes.

Frail older people, particularly those 85 years and older are the fastest growing population group in this country and have multiple and complex chronic illnesses. More than 50 percent of this population require some assistance with activities of daily living.

At the same time, the cost of caring for the frail elderly is skyrocketing. Many elderly and individuals with disabilities are eligible for both Medicare and Medicaid. These dual eligibles have multidimensional, interdependent, and chronic health care needs. They are at risk for nursing home placement and require acute and long-term care service integration if they are to remain at home. However, as currently structured, the Medicare and Medicaid Programs are not sufficiently coordinated to serve many of these complex health needs. In addition, these programs have traditionally favored institutional care rather than community based or home care. These problems result in duplication and fragmentation of services as well as increased health costs.

In my own State of Tennessee, the home health industry has come under fire because of high Medicare utilization rates. This is partly because there are almost no Medicaid long term care options available to Tennesseans who want to stay at home. Consequently, nursing home care is the only option for frail elders unless they have enough money to pay privately for their care or if family members can afford to be the primary giver. Tennesseans should be able to choose from a broad array of community based long term care services and should not be limited to institutional care.

So, if we are to control costs while providing high quality care to this vulnerable population, we must increase long term care opportunities and provide better coordination between Medicare and Medicaid reimbursement systems.

PACE, Program for All-inclusive Care of the Elderly, is the only program which integrates acute and long term care service delivery and finance. Designed to help the at-risk elderly who need service integration, it represents a fundamental shift in the way needed health services are accessed. By using capitation mechanisms which pool funds from Medicare, Medicaid and private pay sources, this program joins medical services with established long term care services. Care is managed and coordinated by an interdisciplinary team that is responsible for service allocation decisions.

As a result: duplicate services and ineffective treatments are eliminated; participants have access to the entire spectrum of acute and long-term care services, all provided and coordinated by a single organization; and enrollees are relieved of the burden of independently navigating the bewildering health-care maze.

How well has it worked? The accomplishments of PACE include: controlled utilization of both outpatient and inpatient services; controlled utilization of specialist services; high consumer satisfaction; capitation rates which provide significant savings from per capita nursing home costs or community long term care costs; and ethnic and racial distributions of beneficiaries served which reflect the communities from which PACE draws its participants.

Most importantly, PACE has been able to shift location of care from the inpatient acute care setting to the community setting. By integrating social and medical services through adult day health care, PACE has made it possible for frail elders to continue to live at home, not in a nursing care facility.

Are there other alternatives? Medicare HMO's and Social HMO's have also attempted to control costs while providing access to high quality care. However, Medicare HMO's exclude long term care and typically do not serve many frail older persons on an ongoing basis. Social HMO's also limit the long term care benefits available to their members. These programs are important, but simply do not meet the needs of this particular population. PACE, on the other hand, serves frail elders exclusively and provide a continuum of care. It provides all acute and long term care services according to participant needs and without limits on benefits.

Unfortunately, the number of persons enrolled in PACE nationally is minuscule compared with other managed care systems. States such as Tennessee are eager to participate. However, the number of participating sites has been capped under current legislation.

The PACE Provider Act of 1997 increases the number of sites authorized to provide comprehensive, community-

based services to frail, older adults from 15 to 40 with an additional 20 to be added each year; and affords regular provider status to existing sites.

Specifically, the bill:

Specifies that PACE sites be lower in cost than the alternative health care services available to PACE enrollees, a goal which has already been accomplished; includes quality of care safeguards; gives States the option of utilizing PACE programs based on their need for alternatives to long-term institutional care and the program's continuing cost-effectiveness; and allows for-profit entities to participate in PACE as a demonstration project.

PACE services frail older people of diverse ethnic heritage and has operated successfully under different state and local environments. This program deserves expansion.

The PACE Provider Act of 1997 does exactly that. It makes the PACE alternative available for the first time to many communities. It also allows more entities in the healthcare marketplace to participate in a new way of providing care for frail elders. PACE gives us a chance to contain costs while providing high quality care to one of our most vulnerable populations.

The PACE program's integration of health and social services, its cost-effective, coordinated system of care delivery and its method of integrated financing have wide applicability and appeal. It is an exciting way to satisfying an urgent need and I wholeheartedly support it.•

• Mr. INOUYE. Mr. President, I introduce the PACE Provider Act of 1997 with my distinguished colleague Senator GRASSLEY.

The Program for All-inclusive Care for the Elderly [PACE] Act of 1997 began in 1983 with the passage of legislation authorizing On Lok, the prototype for the PACE model, as a demonstration program. In 1986 Congress passed legislation to test the replicability of On Lok's success by authorizing Medicare and Medicaid waivers for up to 10 replication sites; and in 1989 the number of authorized sites was increased to 15. The PACE Provider Act of 1997 is the next step in a series of legislative actions taken by Congress to develop PACE as a community-based alternative to nursing home care.

Currently PACE programs provide services to approximately 3,000 individuals in eight States: California, Colorado, Massachusetts, New York, Oregon, South Carolina, Texas, and Wisconsin. There are also 15 PACE programs in development which are operational, although not involved in Medicare capitation. In addition, a number of other organizations are actively working to develop PACE programs in other States including: Florida, Hawaii, Illinois, New Mexico, Michigan, Ohio, Pennsylvania, Virginia, and Washington.

PACE is unique in a variety of ways. First, PACE programs serve only the very frail—older persons who meet their States' eligibility criteria for nursing home care. This high-cost population is of particular concern to policy makers because of the disproportionate share of resources they use relative to their numbers.

Second, PACE programs provide a comprehensive package of primary acute and long-term care services. All services, including primary and specialty medical care, adult day care, home care, nursing, social work services, physical and occupational therapies, prescription drugs, hospital and nursing home care are coordinated and administered by PACE program staff.

Third, PACE programs are cost-effective in that they are reimbursed on a capitated basis, at rates that provide payers savings relative to their expenditures in the traditional Medicare, Medicaid, and private pay systems. Finally, PACE programs are unique in that a mature program assumes total financial risk and responsibility for all acute and long-term care without limitation.

The PACE Provider Act does not expand eligibility criteria for benefits in any way. Rather, it makes available to individuals already eligible for nursing home care, because of their poor health status, a preferable, and less costly alternative.

By expanding the availability of community-based long-term care services, On Lok's success of providing high quality care with an emphasis on preventive and supportive services, can be replicated throughout the country. PACE programs have substantially reduced utilization of high-cost inpatient services. Although all PACE enrollees are eligible for nursing home care, just 6 percent of these individuals are permanently institutionalized. The vast majority are able to remain in the community and PACE enrollees are also hospitalized less frequently. Through PACE, dollars that would have been spent on hospital and nursing home services are used to expand the availability of community-based long-term care.

This bill would expand the number of non-profit entities to become PACE providers to 45 within the first year and allow 20 new such programs each year thereafter. In addition, the PACE Provider Act of 1997 will establish a demonstration project to allow no more than 10 for-profit organizations to establish themselves as PACE providers. The number of for-profit entities will not be counted against the numerical limitation specified for non-profit organizations.

Analyses of costs for individuals enrolled in PACE show a 5- to 15-percent reduction in Medicare and Medicaid spending relative to a comparably frail population in the traditional Medicare and Medicaid systems.

States have voluntarily joined together with community organizations to develop PACE programs out of their commitment to developing viable alternatives to institutionalization. This legislation provides States with the option of pursuing PACE development; and, as under present law, State participation would remain voluntary.

As our population ages, we must continue to place a high priority on long-term care services. Giving our seniors alternatives to nursing home care and expanding the choices available, is not only cost-effective, but will also improve the quality of life for older Americans.•

By Mr. TORRICELLI:

S. 721. A bill to require the Federal Trade Commission to conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers; to the Committee on Commerce, Science, and Transportation.

THE PERSONAL COMPUTER TRUTH IN ADVERTISING ACT OF 1997

• Mr. TORRICELLI. Mr. President, today I am introducing "The Personal Computer Truth in Advertising Act of 1997," which is designed to ensure that consumers are provided with accurate information about the performance of what is becoming one of the most important consumer products in the Nation, the personal computer.

My bill requires the Federal Trade Commission to investigate and conduct a study of the marketing and advertising practices of personal computer manufacturers and retailers with regard to possibly misleading claims made about the performance of their products.

As we head into the next century, the personal computer is quickly becoming one of the most important consumer products. Indeed, the market for computers in the home has exploded in recent years with the market expected to double by 2000. Still, despite their growing popularity, purchasing a personal computer involves technology and terminology that can be very intimidating and confusing to the average consumer.

Of particular concern to me is a practice by personal computer retailers and manufacturers in how they advertise the speed of the central processing unit (CPU) of the personal computer. Indeed, when marketing and advertising personal computers, the CPU speed is a prominent selling point and consumers are frequently charged hundreds of dollars more for models with faster CPU's.

The CPU is to the personal computer as an engine is to an automobile. Measured in millions of cycles per second [mhz], the faster the CPU, the better the software performs. The CPU's in personal computers, including the popular Pentium chip, operate at two speeds, an external speed and an internal speed. The external speed affects

computing activity the user sees in action—the scrolling of a web page or a word processing document, the smoothness of an animated interactive storybook and the complexity and frame rate of a flight simulator. The internal speed of the CPU involves activity invisible to the user—spreadsheet calculations, spell checking and database organization.

Nonetheless, personal computers are commonly marketed according to their internal, and faster, speed. For example, a Pentium computer advertised as a 200 mhz screamer runs at only 66 mhz externally. Still, most advertisements fail to mention this discrepancy and retailers and manufacturers charge hundreds of dollars more for the 200 mhz than they would for a 66 mhz model.

Moreover, driving the sales of personal computers has been the availability of advanced multimedia and interactive entertainment software. This is the very software whose performance depends greatly on the CPU's external clock speed.

My legislation would require the Federal Trade Commission to conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers, with particular emphasis on claims made about the CPU. My bill requires the FTC to perform their study within 180 days of enactment of the bill. I had previously written to the FTC on this issue as a member of the House.

Car manufacturers provide both highway and city mileage performance figures for the performance of their engines and computer manufacturers should follow the same logic with the engines of the personal computer, the CPU.

I urge my colleagues to cosponsor this bill and I will work hard for its enactment into law.

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. 721

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 "Personal Computer Truth in Advertising Act of 1997".

SEC. 2. FINDINGS.

(b) FINDINGS.—Congress finds that—

(1) computer manufacturers and retailers commonly refer to the speed of the central processing unit of a personal computer in selling a personal computer;

(2) computer manufacturers and retailers commonly charge hundreds of dollars more for a CPU that has a faster speed;

(3) all CPUs operate at 2 speeds (measured in megahertz (MHz)), an external speed and an internal speed;

(4) the external speed of a personal computer affects computing activities that computer users experience, including the scrolling of a word processing document, the smoothness of an animation, and the complexity and frame rate of a flight simulator;

(5) the internal speed of a personal computer, which is faster than the external speed of the computer, affects activities, such as spreadsheet calculations, spelling checks, and database organizations;

(6) it is common for manufacturers and retailers to mention the internal speed of a CPU without mentioning its external speed for the marketing and advertising of a personal computer; and

(7) a study by the Federal Trade Commission would assist in determining whether any practice of computer retailers and manufacturers in providing CPU speeds in advertising and marketing personal computers is deceptive, for purposes of the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

SEC. 3. DEFINITIONS.

In this Act:

(1) CENTRAL PROCESSING UNIT; CPU.—The term "central processing unit" or "CPU" means the central processing unit of a personal computer.

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) MANUFACTURER.—The term "manufacturer" shall have the meaning provided that term by the Commission.

(4) MEGAHERTZ.—The term "megahertz" or "MHz", when used as a unit of measurement of the speed of a CPU, means 1,000,000 cycles per second.

(5) RETAILER.—The term "retailer" shall have the meaning provided that term by the Commission.

SEC. 4. PERSONAL COMPUTER MARKETING AND ADVERTISING STUDY.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall conduct a study of the marketing and advertising practices of manufacturers and retailers of personal computers.

(b) CONTENTS OF STUDY.—In conducting the study under this subsection, the Commission shall give particular emphasis to determining—

(1) whether the practice of the advertising of the internal speed of a CPU in megahertz, without mentioning the external speed of a CPU, could be considered to be an unfair or deceptive practice, within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45); and

(2) the extent to which the practice referred to in paragraph (1) is used in the marketing and advertising of personal computers.

(c) REPORT.—Upon completion of the study under subsection (a), the Chairman of the Commission shall transmit to Congress a report that contains—

(1) the findings of the study conducted under this section; and

(2) such recommendations as the Commission determines to be appropriate.●

By Mr. THOMAS:

S. 722. A bill to benefit consumers by promoting competition in the electric power industry, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC UTILITY RESTRUCTURING EMPOWERMENT AND COMPETITIVENESS ACT OF 1997 [EURECA]

Mr. THOMAS. Mr. President, I rise today to introduce the Electric Utility Restructuring Empowerment and Competitiveness Act of 1997. This legislation, which gives states the authority to order the delivery of electric energy to all retail consumers, is based on the idea that less government intervention is the best way to achieve affordable, reliable and competitive options for retail electric energy services.

This is a substantially different approach from other measures that have been introduced in both the House and Senate to restructure the nation's electric utility industry. I do not believe that a federal mandate on the states requiring retail competition by a date certain is in the best interest of all classes of customers. I am concerned that this method could result in increased electricity rates for low-density states or states that have relatively low-cost power. Electricity is an essential commodity critical to everyday life in this country. It is also an industry heavily regulated at the Federal and State levels. If the Congress is going to make fundamental changes to the last major regulated monopoly, its role should be to help implement competitive changes in a positive manner, rather than interject the heavy hand of government with a "Washington-knows-best" mentality.

This legislation comes down on the side of States' rights. Having been involved in the electric power industry, I understand the unique characteristics of each State. As most everyone knows, California was the first State to pass a retail choice law. Since that time, Arizona, Massachusetts, New Jersey, Pennsylvania, New Hampshire, Texas, Montana, Oklahoma and others have followed suit.

According to Bruce Ellsworth, President of the National Association of Regulatory Utility Commissioners [NARUC], "more than one-third of the Nation's population live in states that have chosen within the last year to move to open-access, customer choice markets." All told, every state except one is in the process of either examining or implementing policies for retail consumers of electric energy. States are clearly taking the lead—they should continue to have that role—and this bill confirms their authority by affirming States' ability to implement retail choice policies.

This initiative leaves important functions, including the ability to recover stranded costs, establish and enforce reliability standards, promote renewable energy resources and support public benefit and assistance to low-income and rural consumer programs in the hands of State Public Service Commissions [PUC's]. If a State desires to impose a funding mechanism—such as wires charges—to encourage that a certain percentage of energy production comes from renewable alternatives, they should have that opportunity. However, I do not believe a nationally mandated set-aside is the best way to promote competition. Likewise, individual states would have the authority

over retail transactions. This ensures that certain customers could not bypass their local distribution system and avoid responsibility for paying their share of stranded costs.

One of the most important aspects of this debate—assuring that universal service is maintained—is a critical function that each State PUC should have the ability to oversee and enforce. In my legislation, nothing would prohibit a state from requiring all electricity providers that sell electricity to retail customers in that state to provide electricity service to all classes and consumers of electric power.

Mr. President, at the wholesale level, my proposal attempts to create greater competition by prospectively exempting the sale of electricity for resale from rates determined by the Federal Energy Regulatory Commission [FERC]. Although everyone talks about "deregulating" the electricity industry, it is really the generation segment that will be deregulated. The FERC will continue to regulate transmission in interstate commerce, and State PUC's will continue to regulate retail distribution services and sales.

When FERC issued Order 888 last year, it allowed utilities to seek market-based rates for new generating capacity. This provision goes a step further and allows utilities to purchase wholesale power from existing generating facilities, after the date of enactment of this Act, at prices solely determined by market forces.

Furthermore, the measure expands FERC authority to require non-public utilities that own, operate or control transmission to open their systems. Currently, the Commission cannot require the Federal Power Marketing Administrations [PMA's], the Tennessee Valley Authority [TVA], municipalities and cooperatives that own transmission, to provide wholesale open access transmission service. According to Elizabeth Moler, Chairwoman of FERC, approximately 22 percent of all transmission is beyond open access authority. Requiring these non-public utilities to provide this service will help ensure that a true wholesale power market exists.

One of the key elements of this measure is streamlining and modernizing the Public Utility Regulatory Policies Act of 1978 [PURPA] and the Public Utility Holding Company Act of 1935 [PUHCA]. While both of these initiatives were enacted with good intentions, and their obligations fulfilled, there is widespread consensus that the Acts have outlived their usefulness.

My bill amends section 210 of PURPA on a prospective basis. Current PURPA contracts would continue to be honored and upheld. However, upon enactment of this legislation, a utility that begins operating would not be required to enter into a new contract or obligation to purchase electricity under section 210 of PURPA.

With regard to PUHCA, I chose to incorporate Senator D'AMATO's recently introduced legislation in my bill. As Chairman of the Senate Banking Committee, which has jurisdiction over the issue, he has crafted a proposal that I believe will successfully reform the statute and I support his efforts. Under his proposal, the provisions of PUHCA would be repealed 18 months after the Act is signed into law. Furthermore, all books and records of each holding company and each associate company would be transferred from the Securities and Exchange Commission [SEC]—which currently has jurisdiction over the 15 registered holding companies—to the FERC. This allows energy regulators, who truly know the industry, to oversee the operations of these companies and review acquisitions and mergers. These consumer protections are an important part of PUHCA reform.

Mr. President, an issue which must be resolved in order for a true competitive environment to exist is that of utilities receiving special "subsidies" by the federal government and the U.S. tax code. For years, investor-owned utilities [IOU's] have claimed inequity because of tax-exempt financing and low-interest loans that municipalities and rural cooperatives receive. On the other side of the equation, these public power systems maintain that IOU's are able to receive special tax treatment, not offered to them, which amounts to a "tax free" loan. The jury is still out on how best to deal with this thorny and, undoubtedly complex matter, but make no mistake about it, changes will be made.

A viable option the Congress should consider is to "build a fence" around governmental utilities. Sales in existing service territories could continue to be financed using current methods. However, for sales outside of their traditional boundaries, these systems should operate on the same basis and play by the same rules as other competitors.

The Congress should also address existing tax structures to determine if the "benefits" tax-paying utilities receive results in unfair advantages against their competitors. While tax initiatives, such as accelerated depreciation and investment tax credits, are available to all businesses that pay income tax, if this amounts to "subsidies" reforms may have to be made.

My bill would direct the Inspector General of the Department of Treasury to file a report to the Congress detailing whether and how tax code incentives received by all utilities should be reviewed in order to foster a competitive retail electricity market in the future. Furthermore, I am pleased that Senator MURKOWSKI, Chairman of the Senate Energy and Natural Resources Committee, requested a report by the Joint Committee on Taxation to review all subsidies and incentives that investor-owned, publicly-owned and cooperatively-owned utilities receive.

Mr. President, I believe EURECA is a common-sense approach that attempts to build consensus to solve some of the critical questions associated with this important issue. The states are moving and should continue to have the ability to craft electricity restructuring plans that recognize the uniqueness of each state. This legislation is the best solution to foster the debate and allow us to move forward with a better product for all classes of consumers and the industry as a whole.

By Mr. LAUTENBERG (for himself, Mrs. BOXER, and Mr. KERRY):

S. 723. A bill to increase the safety of the American people by preventing dangerous military firearms in the control of foreign governments from being imported into the United States, and for other purposes; to the Committee on Foreign Relations.

THE ANTI-GUN INVASION ACT OF 1997

• Mr. LAUTENBERG. Mr. President, today Senators BOXER and KERRY and I are introducing legislation to ensure that millions of lethal American-manufactured military weapons will not be imported into this country. Representatives PATRICK KENNEDY and MALONEY are introducing companion legislation in the House of Representatives.

The bill we are introducing repeals a loophole in the law that could allow U.S. military weapons that were provided to foreign countries to be sold back to gun dealers in this country. The loophole permits the import of so-called "curios or relics"—weapons considered to have historic value or which are more than 50 years old. About 2.5 million American-manufactured military weapons that the U.S. Government gave away, sold, or were taken as spoils of war by foreign governments are at issue. This includes 1.2 million M-1 carbines, which are easily converted to fully automatic weapons. Though these weapons are older, they are lethal. I don't want them flooding America's streets. And I don't want foreign governments making a windfall by selling them to commercial gun dealers.

As some of my colleagues may know, the term "curios or relics" was originally used in the Gun Control Act of 1968 to make it easier for licensed collectors to buy curios or relics weapons from outside his or her State of residence. The Treasury Department came up with a definition and list of "curios or relics" for this purpose. At that time, importation of surplus military weapons—whether of United States or foreign origin—was prohibited, and the curios or relics list had nothing to do with importing weapons.

Nearly 20 years later, in 1984, a law was passed that expanded the scope of the curios or relics list in ways never

foreseen at the time the list was first created. The modified law said that guns that were on the curios or relics list could not just be sold interstate within this country, but could be imported as well.

However, the Arms Export Control Act still prohibited the importation of U.S. military weapons that had been furnished to foreign governments. Although a 1987 amendment to that Act authorized the importation of U.S.-origin military weapons on the curios or relics list as well, only one import license has been granted under the curios or relics exception. Since that isolated incident, every administration—Reagan, Bush, and Clinton—has adopted a policy established by the Reagan administration and based on the Arms Export Control Act of denying these kinds of import licenses.

Though the Clinton administration and the past two Republican administrations have opposed importing these lethal weapons, the NRA supports importing them and it has allies on the Hill. Last year, an effort was made in the Commerce, Justice, State appropriations bill to force the State Department to allow these weapons to be imported for any reason. That effort was killed as part of the negotiations on the catchall appropriations bill that was signed into law on September 30.

The provision included in the Senate version of the C, J, S appropriations bill last year, section 621, would have prohibited any agency of the Government—notwithstanding any other provision of law—from using appropriated funds to deny an application for a permit to import previously exported United States-origin military firearms, parts, or ammunition that are considered to be curios or relics. The provision would have forced the State Department to allow large numbers of U.S. military firearms that are currently in the possession of foreign governments to enter the United States commercially. Because so many of those firearms can be easily converted to automatic weapons, it would have undermined efforts to reduce gun violence in this country. In addition, it could have provided a windfall for foreign governments at the expense of the taxpayer.

Certainly the dangers posed by many guns on the curios or relics list—in particular the M-1 carbine, which is easily converted into an automatic weapon—are an important reason for preventing imports of those guns. It is the main reason I am proposing legislation to clarify the law to prevent imports in the future. But the provisions of the Arms Export Control Act that limit the imports are not merely technical. They support a principle, included in the Arms Export Control Act, that is basic to the integrity of our foreign military assistance program: No foreign government should be allowed to do anything with weapons we have given them that we ourselves would not do with them. For example, the Department of Defense does not transfer weapons to a country that is our enemy; no foreign government should be allowed to use U.S.-supplied weapons in that way. The Department of Defense does not sell its excess guns directly to commercial dealers in the United States, and foreign governments should not be able to do so either.

As recently as 1994, the General Services Administration Federal weapons task force reviewed U.S. policy for the disposal of firearms and confirmed a longstanding Government policy against selling or transferring excess weapons out of Government channels. The Federal Government has made a decision that it should not be an arms merchant. The Federal regulations that emerged from that task force review are clear. They say surplus firearms may be sold only for scrap after total destruction by crushing, cutting, breaking, or deforming to be performed in a manner to ensure that the firearms are rendered completely inoperative and to preclude their being made operative. These are sound regulations. The Department of Defense does not sell its guns to private arms dealers. Under the Arms Export Control Act, we should not allow foreign governments to sell 2.5 million U.S. military weapons to private arms dealers either.

Flooding the market with these curios and relics would only make it harder for law enforcement to do its job. The Bureau of Alcohol, Tobacco, and Firearms has already seen an increase in M-1 carbines that have been converted to fully automatic machine guns due to the availability and relatively low cost of the weapons. The more military weapons there are in this country, the more likely they are to fall into criminal hands. Surplus military weapons are usually cheap, and, if a government sells its whole stockpile, plentiful. A sudden increase in supply of M-1 garands and carbines and M-1911 pistols would drive down the price, making them less attractive to the collector and more attractive to the criminal.

In fact, the administration opposed last year's provision, in part, because of the increased availability of low-cost weapons for criminals that invariably would have resulted. According to the administration, "The criminal element thrives on low-cost firearms that are concealable, or capable of accepting large-capacity magazines, or capable of being easily converted to fully automatic fire. Thus, such weapons would be particularly enticing to the criminal element. In short, the net effect of the proposal would be to thwart the administration's efforts to deny criminals the availability of inexpensive, but highly-lethal, imported firearms."

We know that the M-1 carbine has already been used to kill at least 6 police officers. Another 3 were killed with M-1911 pistols. As recently as this January, two sheriff's deputies, James Lehmann, Jr. and Michael P. Haugen, were killed with an M-1 carbine while responding to a domestic violence call in Cabazon, CA. In October 1994, in Gilford, NH, Sgt. James Noyes of the State Police Special Weapons and Tactics Unit was killed in the line of duty with an M-1 carbine. In December 1992, two Richmond, CA police officers were killed with an M-1 carbine. In just one State, Pennsylvania, at least 10 people were killed using U.S.-origin military weapons during a recent 5-year period. To those who would argue that "curios and relics" are not used in crimes, I would say talk to the families of these victims.

American-manufactured weapons were sold to foreign governments—often at a discount rate subsidized by the U.S. taxpayer—because we believed it was in our foreign policy interest to strengthen and assist our allies. We did not intend to enable foreign governments to make a profit by turning around and selling them back to commercial gun dealers in the U.S. We certainly did not help our allies so they could turn around and flood America's streets with lethal guns.

We also did not provide weapons to foreign governments so they could reap a financial windfall at the expense of the taxpayer. Although the law could allow the U.S. Government to receive the net proceeds of any sales made by foreign governments of defense articles it received on a grant basis, the provision in the appropriations bill last year would have forced the administration—notwithstanding any other law —to approve the import license, even if a foreign government would not agree to provide proceeds of the sale. As such, it would undermine our government's ability to require foreign governments to return proceeds to the United States and could result in a windfall for foreign governments.

Even more, some countries like Vietnam, which hold a significant quantity of spoils of war weapons, including "curios or relics," could sell those "spoils of war" to U.S. importers at a financial gain. And, the Government of Iran, which received more than 25,000 M-1911 pistols from the United States Government in the early 1970's, could qualify to export weapons to the United States at a financial gain as well.

Allowing more than 2 million U.S.-origin military weapons to enter the United States would profit a limited number of arms importers. But it is not in the interest of the American people. I don't believe private gun dealers should have the ability to import these weapons from foreign governments. These weapons are not designed for hunting or shooting competitions.

They are designed for war. Our own Department of Defense does not sell these weapons on the commercial market for profit. Why should we allow foreign countries to do so?

Mr. President, this bill would confirm the policy against importing these lethal weapons by removing the "curios or relics" exception from the Arms Export Control Act. Under this legislation, U.S. military weapons that the U.S. Government has provided to foreign countries could not be imported to the United States for sale in the United States by gun dealers. If a foreign government had no use for surplus American military weapons, those weapons could be returned to the Armed Forces of the United States or its allies, transferred to State or local law enforcement agencies in the United States, or destroyed. The legislation also asks the Treasury Department to provide a study on the importation of foreign-manufactured surplus military weapons.

Mr. President, I ask unanimous consent that a copy of this legislation appear in the RECORD, and I urge my colleagues to support this legislation.

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

S. 723

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 "Anti-Gun Invasion Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1950, the United States Government has furnished to foreign governments at least 2,500,000 military firearms that are considered to be "curios or relics" under the Gun Control Act of 1968.

(2) These firearms include more than 1,200,000 M–1 Carbine rifles and 250,000 M1911 pistols of United States manufacture that have been furnished to foreign governments under United States foreign military assistance grant, loan, or sales programs.

(4) Criminals tend to use low-cost firearms that are concealable, capable of accepting large-capacity magazines, or are capable of being easily converted to fully automatic fire.

(5) An M–1 Carbine can be converted easily to a fully automatic weapon by disassembling the weapon and reassembling the weapon with a few additional parts.

(6) An M1911 or M1911A pistol is easily concealable.

(7) At least 9 police officers have been murdered in the United States using M–1 Carbines or M1911 pistols in the past 7 years.

(8) The importation of large numbers of "curio or relic" weapons would lower their cost, make them more readily available to criminals, and constitute a threat to public safety and to law enforcement officers.

(9) The importation of these "curios or relics" weapons could result in a financial windfall for foreign governments.

(10) In order to ensure that these weapons are never permitted to be imported into the United States, a provision of the Arms Export Control Act must be deleted.

SEC. 3. REMOVAL OF EXEMPTION FROM PROHIBITION ON IMPORTS OF CERTAIN FIREARMS AND AMMUNITION.

(a) REMOVAL OF EXEMPTION.—Section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)) is amended by striking subparagraph (B), as added by section 8142(a) of the Department of Defense Appropriations Act, 1988 (contained in Public Law 100–202).

(b) SAVINGS PROVISION.—The amendment made by subsection (a) shall not affect any license issued before the date of the enactment of this Act.

SEC. 4. REPORT ON IMPORTS OF FOREIGN-MADE SURPLUS MILITARY FIREARMS THAT ARE CURIOS OR RELICS

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury, acting through the Bureau of Alcohol, Tobacco and Firearms, shall submit a report to Congress on the scope and effect of the importation of foreign-made surplus military firearms under section 925(e) of title 18, United States Code. The report shall contain the following:

(1) CURRENT IMPORTATION.—A list of types and models of military firearms currently being imported into the United States as "curios or relics" under section 925(e) of title 18, United States Code, which would otherwise be barred from importation as surplus military firearms under section 925(d)(3) of that title.

(2) IMPORTATION DURING PRECEDING 5 YEARS.—A list of the number of each type and model listed under paragraph (1) that has been imported into the United States during the 5 years preceding the date of submission of the report.

(3) EASE OF CONVERSION.—A description of the ease with which each type and model listed under paragraph (1) may be converted to a semi-automatic assault weapon as defined in section 921(a)(30)(B) of that title or to a fully automatic weapon.

(4) INVOLVEMENT IN CRIMINAL ACTIVITIES.—Statistics that may be relevant to the use for criminal activities of each type and model of weapons listed in paragraph (1), including—

(A) statistics involving the use of the weapons in homicides of law enforcement officials; and

(B) the number of firearm traces by the Bureau of Alcohol, Tobacco and Firearms that involved those weapons.

(5) COMPREHENSIVE EVALUATION.—A comprehensive evaluation of the scope of imports under section 925(e) of that title and the use of such weapons in crimes in the United States.●

By Mr. NICKLES (for himself, Mr. ROCKEFELLER, Mr. LOTT, Mr. BREAUX, Mr. HATCH, Ms. MOSLEY-BRAUN, Mr. MURKOWSKI, Mr. D'AMATO, Mr. GRAMM, Mr. MACK, Mr. LIEBERMAN, Mr. COCHRAN, Mr. BROWNBACK, Mr. ENZI, and Mr. HUTCHINSON):

S. 724. A bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform; to the Committee on Finance.

THE ALTERNATIVE MINIMUM TAX REFORM ACT OF 1997

Mr. NICKLES. Mr. President, today I join my colleague from West Virginia, Senator ROCKEFELLER, to introduce legislation to reform the Alternative Minimum Tax, or AMT. We are joined in this effort by 13 of our colleagues, including a total of 10 Finance Committee members.

Congress created the AMT in 1986 to prevent businesses from using tax loopholes, such as the investment tax credit or safe harbor leasing, to pay little or no tax. The use of these tax preferences sometimes resulted in companies reporting healthy "book" income to their shareholders but little taxable income to the government.

Therefore, to create a perception of fairness, Congress created the AMT. The AMT requires taxpayers to calculate their taxes once under regular tax rules, and again under AMT rules which deny accelerated depreciation, net operating losses, foreign tax credits, and other deductions and credits. The taxpayer then pays the higher amount, and the difference between their AMT tax and their regular tax is credited to offset future regular tax liability if it eventually falls below their AMT tax liability.

Unfortunately, Mr. President, in the real world the AMT has reached far beyond its original purpose. As it is currently structured, the AMT is a massive, complicated, parallel tax code which places huge burdens on capital intensive companies. Corporations must now plan for and comply with two tax codes instead of one. Further, the elimination of accelerated depreciation increases the cost of investment and makes U.S. businesses uncompetitive with foreign companies.

It makes little sense, Mr. President, to allow a reasonable business deduction under one tax code, and then take it away through another tax code. Perhaps there are some bureaucrats who believe regular tax depreciation is too generous and should be curtailed, but the AMT is an extremely complicated and convoluted way to accomplish that goal.

The legislation I am introducing today would correct this problem by allowing businesses to use the same depreciation system for AMT purposes as they use for regular tax purposes. This one simple reform removes the disincentive to invest in job-producing assets and greatly simplifies compliance and reporting. In fact, this reform was first suggested by President Clinton in 1993.

Further, my bill helps AMT taxpayers recover their AMT credits in a more reasonable timeframe than under current law. Many capital-intensive businesses have become chronic AMT taxpayers, a situation that was not contemplated when the AMT was created. These companies continue to pay AMT year after year with no relief in sight, and as a matter of function they accumulate millions in unused AMT credits. These credits are a tax on future, unearned revenues which may never materialize, and because of the time-value of money their value to the taxpayer decreases every year.

Since Congress did not intend for the AMT to become a permanent tax system for certain taxpayers, my bill would allow chronic AMT taxpayers to

use AMT credits which are 5 years old or older to offset up to 50 percent of their current-year tentative minimum tax. This provision will help chronic AMT taxpayers dig their way out of the AMT and allow them to recoup at least a portion of these accelerated tax payments in a reasonable manner and time-frame.

Mr. President, as the Senate begins working out the details of the recent bipartisan budget accord and the resulting tax bill, I hope we will not forget the importance of savings and investment. In that regard, there are few tax code changes we could make which are more important than eliminating the investment disincentives created by the AMT.

Does my legislation fix all of the AMT's problems? No, it does not. This bill specifically addresses the depreciation adjustment, but there are many other AMT adjustments, preferences, and limitations which are unchanged. Some of these, such as the 90-percent net operating loss limitation and the foreign tax credit limitation, are very damaging to business profitability and competitiveness. I hope all these issues will be examined when the Senate Finance Committee considers AMT reform.

Mr. President, I ask unanimous consent that there appear in the RECORD a list of the original cosponsors of this legislation, as well as statements of support by the U.S. Chamber of Commerce and the National Association of Manufacturers. I encourage my colleagues to join Senator ROCKEFELLER and me in this important initiative.

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

ALTERNATIVE MINIMUM TAX REFORM ACT COSPONSORS, 105TH CONGRESS

(15 total, 10 from Committee on Finance)

Sponsor: NICKLES.

Cosponsors: ROCKEFELLER, LOTT, BREAUX, HATCH, MOSELEY-BRAUN, MURKOWSKI, D'AMATO, GRAMM, MACK, LIEBERMAN, COCHRAN, BROWNBACK, ENZI, and HUTCHINSON.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, May 8, 1997.

Hon. DON NICKLES,
Assistant Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: The U.S. Chamber of Commerce—the world's largest business federation representing an underlying membership of more than three million businesses and organizations of every size, sector, and region—supports your legislation to reform the Alternative Minimum Tax (AMT).

The current AMT system unfairly penalizes businesses that invest heavily in plant, machinery, equipment and other assets. The AMT significantly increases the cost of capital and discourages investment in productivity-enhancing assets by negating many of the capital formation incentives provided under the regular tax system, most notably accelerated depreciation. To make matters worse, many capital-intensive businesses have been perpetually trapped in the AMT system, and unable to utilize their suspended AMT credits. Furthermore, the AMT is extremely complex, burdensome and expensive to comply with.

Your legislation addresses many of the problems of the current AMT and its passage will spur capital investment, help businesses to sustain long-term grown and create jobs. Recent analysis by Data Resources, Inc. demonstrates that your reform bill will result in an increase in GDP of 1.6 percent, the creation of 100,000 new jobs each year, and an increase in worker productivity of about 1.6 percent.

Thank you for introducing this important legislation, and we look forward to working with you for its passage.

Sincerely,

R. BRUCE JOSTEN.

STATEMENT OF NATIONAL ASSOCIATION OF MANUFACTURERS

NAM CALLS THE ALTERNATIVE MINIMUM TAX THE "ANTI-MANFACTURING TAX"

Urges Support of AMT Reform Legislation

WASHINGTON, DC., MAY 8, 1997.—Calling the alternative minimum tax (AMT) a disincentive for capital investment and job creation, the National Association of Manufacturers urged lawmakers to support AMT reform legislation introduced today by Senators DON NICKLES (R-OK) and JOHN D. ROCKFELLER (D-WV).

"The alternative minimum tax is a fundamentally flawed, counter-productive tax that stifles the creation of high-skilled, high-paying manufacturing jobs," said Gil Thurm, vice president taxation and economic policy, in support of the reform bill. "It's little wonder that many believe that AMT really stands for 'Anti-Manufacturing Tax.'"

The legislation substantially reforms the AMT to allow businesses to use the same depreciation rules for AMT purposes as they use for their regular tax depreciation rules. It also allows AMT taxpayers to recover their existing tax credits quicker than under current law.

"No other industrialized country imposes such a penalty tax on investment made by capital intensive companies. Furthermore, when businesses report little or no profit, they are still frequently required to pay the AMT," said Thurm.

"Substantially reforming the alternative minimum tax will result in greater economic growth by creating thousands of new jobs, stronger growth in GDP, increased productivity and improved cash flow, especially for those companies that have been penalized the most under the AMT," according to Thurm.

The NAM continues to lead a coalition of more than 100 companies and associations in support of complete repeal of the AMT. However, absent complete repeal, the AMT Coalition for Economic Growth supports substantive AMT reform.

• Mr. ROCKEFELLER. Mr. President, I am pleased to join my Senate Finance Committee colleague, Senator NICKLES, in introducing an Alternative Minimum Tax [AMT] reform bill. Our bill will: first, allow businesses to use the same depreciation system for AMT as they do under regular tax, and second, permit businesses to use their AMT credits more easily than under current law. It will help make it easier for U.S. businesses to compete and reduce the unintended inequity of current law.

For several years, I have looked for an opportunity to fix the problems that AMT creates especially for capital intensive industries. Two years ago, I introduced my own bill to reform the aspects of AMT that I believe are most detrimental to businesses for which AMT is frequently their method of tax payment. Unfortunately, with the controversies and difficulties that made it impossible to enact a budget plan in the last Congress, there was no ability to move that effort forward.

This year, I am pleased to work with Senator NICKLES to make the AMT fairer. I hope this means we have a real chance of working together in a bipartisan manner to compel Congress, the Finance Committee in particular, to figure out a way to deal with some of the unintended consequences of AMT as part of this year's budget deal. I think previous efforts at AMT reform have failed in the part because it is very tough to focus on the merits of certain corporate tax changes. That remains true today in the context of a larger budget agreement, but if we keep our perspective, I think AMT reform will win support on its merits and Congress can responsibly find a way to finance it.

I am well aware of the fact that as we introduce this legislation, there is no specific provision for AMT relief in the budget deal which the President and Congressional leadership have struck in outline form. As I have noted, the constraints of balancing the budget will require us to carefully examine how much AMT relief is practical this year, as part of an agreement to balance the budget over the next 5 years. I understand that very well, as does Senator NICKLES. I think that means we will have to zero in on the aspects of AMT relief that are most doable this year—and which can be financed without harming other priorities. I am prepared to do that and recognize that it also means the scope of the AMT bill we submit today will have to be tailored accordingly. That does not mean that we should put off AMT relief for another day, it just means we will have to be honest about what is critical to do and what portions of this bill will have to remain on the to-do list. I say all this because it is important to understand the context for our introducing this relief bill now, and as the budget agreement places some high hurdles on what can realistically be accomplished.

I also would like to say that it is my strong belief that the excruciating specifics of the budget agreement which relate to matters under the jurisdiction of the Finance Committee are best left to the expertise on that Committee. The Finance Committee serves an extremely important role in the legislative process. That role cannot and should not be supplanted by private negotiations between the administration

and congressional leadership—however worthwhile the overall purpose. Reaching consensus on the approach to balancing the budget and protecting priorities of the administration and both sides of the aisle in congressional leadership provides the Finance Committee with the framework for its detailed work. The Finance Committee will soon have to work its will within the appropriate parameters of its reconciliation instructions. When that happens, I think the committee must address AMT relief, and I intend to work to build support for it as we wend our way through the committee process.

Let me return to the substance of the bill we submit for our colleagues' consideration today. First, I want to make it absolutely clear—this bill does not repeal AMT. AMT has created during the 1986 Tax Reform Act in response to the problem raised when companies would report profits to stockholders and yet claim losses to the IRS. However, in an effort to simplify the code depreciation under AMT was treated as an adjustment—which amounts to an increase in income. This penalizes low-profit, capital intensive companies, like steel companies. Compared to other countries, after 5 years, a U.S. steelmaker under AMT recovers only 37 percent of its investment in a new plant and equipment. The recovery of investment in other countries is much higher—for example, in Japan it's 58 percent, in Germany companies recover 81 percent, Korea is 90 percent, and in Brazil it's 100 percent.

The problem is not unique to the steel industry though. Other capital-intensive industries that also have long-lived assets lose under the current AMT. The chemical industry has 9½ years to depreciate under the AMT, as opposed to 5 years under the regular tax. And for paper, they have 13 years to depreciate under the AMT, as opposed to 7 years under the regular tax. We need to fix the AMT so that industries with very high capital costs which they cannot recover for years are not put at such a disadvantage.

Today's AMT discourages investment in new plants and equipment, while under our regular tax system depreciation investments are encouraged. The need to improve our tax system to make it fairer to capital intensive industries is clear—fixing the AMT is one way to do that.

U.S. companies have to be able to compete in an increasingly competitive global market—that's almost an adage. It's what our trade laws and agreements seek to ensure. We'll never be able to sufficiently promote U.S. exports if we don't being to equalize the effects of our tax laws on American companies as well.

This bill would eliminate depreciation as an adjustment under AMT—treating AMT taxpayers the same as those companies that pay under our regular tax system. It would also allow tax payers who have not used their accumulated minimum tax credits which are at least 5 years old to use those credits to offset up to 50 percent of their current year AMT liability—with a provision to ensure that taxpayers could not reduce their current payment below their regular tax liability for that year.

AMT has become the standard method of tax payment for many of our Nation's capital intensive industries and it is not working the way Congress initially intended. It's time to fix it.

The bill Senator NICKLES and I submit for your consideration today will fix the AMT so it works the way I believe Congress originally intended. It will have the consequence of improving the competitiveness of American business. It is time to stop talking about AMT and do something that figures out how to address this real problem. I urge my colleagues to cosponsor this legislation and work with me and my Finance Committee colleagues to find a way to act on this important issue in this year's budget bill.●

By Mr. CAMPBELL:

S. 725. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Energy and Natural Resources.

THE COLLBRAN PROJECT UNIT CONVEYANCE ACT

● Mr. CAMPBELL. Mr. President, today I reintroduce legislation to transfer the Collbran project from the Federal Government back to the people it serves. The bill is designed with only one goal in mind, to guarantee the growing population in the Grand Valley of Colorado a supply of water that they have relied on for the last 30 years.

At the same time, this legislation will be a model for transitioning the Federal Government out of the daily operations of facilities where its useful participation has ceased. This transfer will also be an important and symbolic step in downsizing the Federal Government, returning power to the States and localities, while contributing to our continuing efforts to balance the Federal budget.

The Western slope of Colorado, like the rest of the Colorado Plateau, has a unique blend of rich natural resources and beautiful scenery. This fortunate combination attracts and sustains a strong economy of both industry and tourism. Much of this booming economic development and recreational opportunities would not exist if not for the water and electricity provided by the various Federal reclamation projects in the West. These projects were authorized in the Federal Reclamation Act in 1902 by a visionary Congress which saw the need and importance of water projects to the development of the West. Without such projects, there would be virtually no farming, mining, or ranching and little tourism.

It is appropriate for the Federal Government to shed the Collbran project at this time because the goals of the project have been met. The project, completed in 1964, provides a reliable supply of irrigation water to the users on the arid west slope of Colorado. This project is the main water supplier for a growing population in the Grand Valley, currently serving over 55,000 people. It also provides electric power to the grid that serves several Western States.

It is also time now to transfer the Collbran project because, as the Bureau of Reclamation has acknowledged, due to unanticipated circumstances this project has been a net-cash drain on the Treasury. The Ute Water Conservancy District, the public entity that will purchase the project, will pay the remaining debt on the project, reimbursing the Government completely, returning over $12 million to the Federal Treasury. It is time for the Government to stand aside.

Let me stress that this transfer will not in any way jeopardize any of the recreation opportunities available in Vega Reservoir and related Collbran project reservoirs. In fact, this legislation will transfer the Vega Reservoir from the Federal Government to the State of Colorado, ensuring continued recreation opportunities there. This bill also preserves all water and power operations of the existing Collbran project.

I also want to emphasize that we have striven to accommodate environmental groups' concerns. Although there is no reason to think that a mere transfer of ownership, without affecting the operations, should require the water district to perform an environmental impact statement under the National Environmental Policy Act, I have accommodated the environmental community's requests and eliminated any reference to NEPA. In this way, I have ensured that the transfer will fully comply with all environmental laws.

Finally, as a symbol of the Ute Water Conservancy's good faith, this bill explicitly requires that the conservancy district contributes $600,000 to the Colorado River Endangered Fish Recovery Program and that the project itself will remain subject to future ESA-related obligations that could be imposed on similar projects.

Again, the object of this legislation is merely to ensure a reliable supply of quality water for the residents of the Grand Valley who have depended upon this supply for the last 30 years. This bill proposes a fiscally and environmentally sound and sensible transfer of an existing Federal project to the people it serves.

I look forward to working with all interested parties as this bill proceeds. I urge my colleagues to join me and support this bill.

Thank you, 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. 725

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 "Collbran Project Unit Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Ute Water Conservancy District and the Collbran Conservancy District (including their successors and assigns), which are political subdivisions of the State of Colorado.

(2) FEDERAL RECLAMATION LAWS.—The term "Federal reclamation laws" means the Act of June 17, 1902, and Acts amendatory thereof or supplementary thereto (32 Stat. 388, chapter 1093; 43 U.S.C. 371 et seq.) (including regulations adopted under those Acts).

(3) PROJECT.—The term "project" means the Collbran Reclamation project, as constructed and operated under the Act of July 3, 1952 (66 Stat. 325, chapter 565), including all property, equipment, and assets of or relating to the project that are owned by the United States, including—

(A) Vega Dam and Reservoir (but not including the Vega Recreation Facilities);

(B) Leon-Park dams and feeder canal;

(C) Southside Canal;

(D) East Fork diversion dam and feeder canal;

(E) Bonham-Cottonwood pipeline;

(F) Snowcat shed and diesel storage;

(G) Upper Molina penstock and power plant;

(H) Lower Molina penstock and power plant;

(I) the diversion structure in the tailrace of the Lower Molina power plant;

(J) all substations and switchyards;

(K) a nonexclusive easement for the use of existing easements or rights-of-way owned by the United States on or across non-Federal land that are necessary for access to project facilities;

(L) title to land reasonably necessary for all project facilities (except land described in subparagraph (K) or paragraph (1) or (2) of section 3(a));

(M) all permits and contract rights held by the Bureau of Reclamation, including contract or other rights relating to the operation, use, maintenance, repair, or replacement of the water storage reservoirs located on the Grand Mesa that are operated as part of the project;

(N) all equipment, parts inventories, and tools;

(O) all additions, replacements, betterments, and appurtenances to any of the land, interests in land, or facilities described in subparagraphs (A) through (N); and

(P) a copy of all data, plans, designs, reports, records, or other materials, whether in writing or in any form of electronic storage, relating specifically to the project.

(4) VEGA RECREATION FACILITIES.—The term "Vega Recreation Facilities" includes—

(A) buildings, campgrounds, picnic areas, parking lots, fences, boat docks and ramps, electrical lines, water and sewer systems, trash and toilet facilities, roads and trails, and other structures and equipment used for State park purposes (such as recreation, maintenance, and daily and overnight visitor use), at and near Vega Reservoir;

(B) lands above the high water level of Vega Reservoir within the area previously defined by the Secretary as the "Reservoir Area Boundary" that have not historically been utilized for Collbran project water storage and delivery facilities, together with an easement for public access for recreational purposes to Vega Reservoir and the water surface of Vega Reservoir and for construction, operation, maintenance, and replacement of facilities for recreational purposes below the high water line; and

(C) improvements constructed or added under the agreements referred to in section 3(f).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE.

(a) IN GENERAL.—

(1) CONVEYANCE TO DISTRICTS.—

(A) IN GENERAL.—On or before the date that is 1 year after the date of enactment of this Act, the Secretary shall convey to the Districts all right, title, and interest of the United States in and to the project by quitclaim deed and bill of sale, without warranties, subject only to the requirements of this Act.

(B) ACTION PENDING CONVEYANCE.—Until the conveyance under subparagraph (A) occurs, the Director of the Bureau of Reclamation shall continue to exercise the responsibility to provide for the operation, maintenance, repair, and replacement of project facilities and the storage reservoirs on the Grand Mesa to the extent that the responsibility is the responsibility of the Bureau of Reclamation and has not been delegated to the Districts before the date of enactment of this Act or is delegated or transferred to the Districts by agreement after that date, so that at the time of the conveyance the facilities are in the same condition as, or better condition than, the condition of the facilities on the date of enactment of this Act.

(2) EASEMENTS ON NATIONAL FOREST SYSTEM LANDS.—

(A) IN GENERAL.—On or before the date that is 1 year after the date of enactment of this Act, the Secretary of Agriculture shall grant, subject only to the requirements of this section—

(i) a nonexclusive easement on and across National Forest System land to the Districts for ingress and egress on access routes in existence on the date of enactment of this Act to each component of the project and storage reservoir on the Grand Mesa in existence on the date of enactment of this Act that is operated as part of the project;

(ii) a nonexclusive easement on National Forest System land for the operation, use, maintenance, repair, and replacement (but not enlargement) of the storage reservoirs on the Grand Mesa in existence on the date of enactment of this Act to the owners and operators of the reservoirs that are operated as a part of the project; and

(iii) a nonexclusive easement to the Districts for the operation, use, maintenance, repair, and replacement (but not enlargement) of the components of project facilities that are located on National Forest System land, subject to the requirement that the Districts shall provide reasonable notice to and the opportunity for consultation with the designated representative of the Secretary of Agriculture for nonroutine, nonemergency activities that occur on the easements.

(B) EXERCISE OF EASEMENT.—The easement under subparagraph (A)(ii) may be exercised if the land use authorizations for the storage reservoirs described in subparagraph (A)(ii) are restricted, terminated, relinquished, or abandoned, and the easement shall not be subject to conditions or requirements that interfere with or limit the use of the reservoirs for water supply or power purposes.

(3) EASEMENTS TO DISTRICTS FOR SOUTHSIDE CANAL.—On or before the date that is 1 year after the date of enactment of this Act, the Secretary shall grant to the Districts, subject only to the requirements of this section—

(A) a nonexclusive easement on and across land administered by agencies within the Department of the Interior for ingress and egress on access routes to and along the Southside Canal in existence on the date of enactment of this Act; and

(B) a nonexclusive easement for the operation, use, maintenance, repair, and replacement of the Southside Canal, subject to the requirement that the Districts shall provide reasonable notice to and the opportunity for consultation with the designated representative of the Secretary for nonroutine, nonemergency activities that occur on the easements.

(b) RESERVATION.—

(1) IN GENERAL.—The conveyance of easements under subsection (a) shall reserve to the United States all minerals (including hydrocarbons) and a perpetual right of public access over, across, under, and to the portions of the project that on the date of enactment of this Act were open to public use for fishing, boating, hunting, and other outdoor recreation purposes and other public uses such as grazing, mineral development, and logging.

(2) RECREATIONAL ACTIVITIES.—The United States may allow for continued public use and enjoyment of such portions of the project for recreational activities and other public uses as are conducted as of the date of enactment of this Act.

(c) CONVEYANCE TO STATE OF COLORADO.—All right, title, and interest in the Vega Recreation Facilities shall remain in the United States until the terms of the agreements referred to in subsection (f) have been fulfilled by the United States, at which time all right, title, and interest in the Vega Recreation Facilities shall be conveyed by the Secretary to the State of Colorado, Division of Parks and Outdoor Recreation.

(d) PAYMENT.—

(1) IN GENERAL.—At the time of the conveyance under subsection (a)(1), the Districts shall pay to the United States $12,900,000 ($12,300,000 of which represents the net present value of the outstanding repayment obligations for the project), of which—

(A) $12,300,000 shall be deposited in the general fund of the Treasury of the United States; and

(B) $600,000 shall be deposited in a special account in the Treasury of the United States and shall be available to the United States Fish and Wildlife Service, Region 6, without further Act of appropriation, for use in funding Colorado operations and capital expenditures associated with the Grand Valley Water Management Project for the purpose of recovering endangered fish in the Upper Colorado River Basin, as identified in the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado

River Basin, or such other component of the Recovery Implementation Program within Colorado as may be selected with the concurrence of the Governor of the State of Colorado.

(2) SOURCE OF FUNDS.—Funds for the payment to the extent of the amount specified in paragraph (1) shall not be derived from the issuance or sale, prior to the conveyance, of State or local bonds the interest on which is exempt from taxation under section 103 of the Internal Revenue Code of 1986.

(e) OPERATION OF PROJECT.—

(1) IN GENERAL.—

(A) DECLARATION.—The project was authorized and constructed under the Act of July 3, 1952 (66 Stat. 325, chapter 565) for the purpose of placing water to beneficial use for authorized purposes within the State of Colorado.

(B) OPERATION.—The project shall be operated and used by the Districts for a period of 40 years after the date of enactment of this Act for the purpose for which the project was authorized.

(C) CHANGES IN OPERATION.—The Districts shall attempt, to the extent practicable, taking into consideration historic project operations, to notify the State of Colorado of changes in historic project operations which may adversely affect State park operations.

(2) REQUIREMENTS.—During the 40-year period described in paragraph (1)(B)—

(A) the Districts shall annually submit to the Secretary of Agriculture and the Colorado Department of Natural Resources a plan for operation of the project, which plan shall—

(i) report on project operations for the previous year;

(ii) provide a description of the manner of project operations anticipated for the forthcoming year, which shall be prepared after consultation with the designated representatives of the Secretary of Agriculture, the Board of County Commissioners of Mesa County, Colorado, and the Colorado Department of Natural Resources; and

(iii) certify that the Districts have operated and will operate and maintain the project facilities in accordance with sound engineering practices; and

(B) subject to section 4, all electric power generated by operation of the project shall be made available to and be marketed by the Western Area Power Administration.

(f) AGREEMENTS.—Conveyance of the project shall be subject to the agreements between the United States and the State of Colorado dated August 22, 1994, and September 23, 1994, relating to the construction and operation of recreational facilities at Vega Reservoir, which agreements shall continue to be performed by the parties to the agreements according to the terms of the agreements.

SEC. 4. OPERATION OF THE POWER COMPONENT.

(a) CONFORMITY TO HISTORIC OPERATIONS.—The power component and facilities of the project shall be operated in substantial conformity with the historic operations of the power component and facilities (including recent operations in a peaking mode).

(b) POWER MARKETING.—

(1) EXISTING MARKETING ARRANGEMENT.—The post-1989 marketing criteria, which provide for the marketing of power generated by the power component of the project as part of the output of the Salt Lake City area integrated projects, shall no longer be binding on the project upon conveyance of the project under section 3(a).

(2) AFTER TERMINATION OF EXISTING MARKETING ARRANGEMENT.—

(A) IN GENERAL.—

(i) FIRST OFFER.—After the conveyance under section 3(a), the Districts shall offer all power produced by the power component of the project to the Western Area Power Administration or its successors or assigns (referred to in this paragraph as "Western"), which, in consultation with its affected preference customers, shall have the first right to purchase such power at the rates established under subparagraph (B).

(ii) SECOND OFFER.—If Western declines to purchase the power after consultation with its affected preference customers, the power shall be offered at the same rates first to Western's preference customers located in the Salt Lake City area integrated projects marketing area (referred to in this paragraph as the "SLCAIP preference customers").

(iii) OTHER OFFERS.—After offers have been made under clauses (i) and (ii), power may be sold to any other party, but no such sale may occur at a rate less than a rate established under subparagraph (B) unless the power is offered at the lesser rate first to Western and second to the SLCAIP preference customers.

(B) RATE.—The rate for power initially offered to Western and the SLCAIP preference customers under this paragraph shall not exceed that required to produce revenues sufficient to provide for—

(i) annual debt service or recoupment of the cost of capital for the amount specified in section 3(d)(1)(A) less the sum of $310,000 (which is the net present value of the outstanding repayment obligation of the Collbran Conservancy District); and

(ii) the cost of operation, maintenance, and replacement of the power component of the project.

(C) DETERMINATION OF COSTS AND RATE.—Costs and a rate under subparagraph (B) shall be determined in a manner that is consistent with the principles followed, as of the date of enactment of this Act, by the Secretary and by Western in its annual power and repayment study.

SEC. 5. LICENSE.

(a) IN GENERAL.—Before conveyance of the project to the Districts, the Federal Energy Regulatory Commission shall issue to the Districts a license or licenses as appropriate under part I of the Federal Power Act (16 U.S.C. 791 et seq.) authorizing for a term of 40 years the continued operation and maintenance of the power component of the project.

(b) TERMS OF LICENSE.—

(1) IN GENERAL.—The license under subsection (a)—

(A) shall be for the purpose of operating, using, maintaining, repairing, and replacing the power component of the project as authorized by the Act of July 3, 1952 (66 Stat. 325, chapter 565);

(B) shall be subject to the condition that the power component of the project continue to be operated and maintained in accordance with the authorized purposes of the project; and

(C) shall be subject to part I of the Federal Power Act (16 U.S.C. 791 et seq.) except as stated in paragraph (2).

(2) LAWS NOT APPLICABLE.—

(A) FEDERAL POWER ACT.—

(i) IN GENERAL.—The license under subsection (a) shall not be subject to the following provisions of the Federal Power Act: the 4 provisos of section 4(e) (16 U.S.C. 797(e)); section 6 (16 U.S.C. 799) to the extent that the section requires acceptance by a licensee of terms and conditions of the Act that this subsection waives; subsection (e) (insofar as the subsection concerns annual charges for the use and occupancy of Federal lands and facilities), (f), or (j) of section 10 (16 U.S.C. 803); section 18 (16 U.S.C. 811); section 19 (16 U.S.C. 812); section 20 (16 U.S.C. 813); or section 22 (16 U.S.C. 815).

(ii) NOT A GOVERNMENT DAM.—Notwithstanding that any dam under the license under subsection (a) may have been constructed by the United States for Government purposes, the dam shall not be considered to be a Government dam, as that term is defined in section 3 of the Federal Power Act (16 U.S.C. 796).

(iii) STANDARD FORM LICENSE CONDITIONS.—The license under subsection (a) shall not be subject to the standard "L-Form" license conditions published at 54 FPC 1792–1928 (1975).

(B) OTHER LAWS.—The license under subsection (a) shall not be subject to—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) section 2402 of the Energy Policy Act of 1992 (16 U.S.C. 797c);

(iii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(iv) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(vi) the Federal Water Pollution Control Act (commonly known as the "Clean Water Act") (33 U.S.C. 1251 et seq.);

(vii) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(viii) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(ix) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.); or

(x) any other Act otherwise applicable to the licensing of the project.

(3) LAWS ENACTED AFTER ISSUANCE OF LICENSE.—The operation of the project shall be subject to all applicable State and Federal laws enacted after the date of issuance of the license under subsection (a).

(c) LICENSING STANDARDS.—The license under subsection (a) is deemed to meet all licensing standards of the Federal Power Act (16 U.S.C. 791 et seq.).

(d) POWER SITE RESERVATION.—Any power site reservation established under section 24 of the Federal Power Act (16 U.S.C. 818) or any other law that exists on any land, whether federally or privately owned, that is included within the boundaries of the project shall be vacated by operation of law on issuance of the license for the project.

(e) EXPIRATION OF LICENSE.—All requirements of part I of the Federal Power Act (16 U.S.C. 791 et seq.) and of any other Act applicable to the licensing of a hydroelectric project shall apply to the project on expiration of the license issued under this section.

SEC. 6. INAPPLICABILITY OF PRIOR AGREEMENTS AND OF FEDERAL RECLAMATION LAWS.

On conveyance of the project to the Districts—

(1) the repayment contract dated May 27, 1957, as amended April 12, 1962, between the Collbran Conservancy District and the United States, and the contract for use of project facilities for diversion of water dated January 11, 1962, as amended November 10, 1977, between the Ute Water Conservancy District and the United States, shall be terminated and of no further force or effect; and

(2) the project shall no longer be subject to or governed by the Federal reclamation laws.

SEC. 7. LIABILITY OF THE DISTRICTS.

The Districts shall be liable, to the extent allowed under State law, for all acts or omissions relating to the operation and use of the

project by the Districts that occur subsequent to the conveyance under section 3(a), including damage to any Federal land or facility that results from the failure of a project facility.

SEC. 8. EFFECT ON STATE LAW.

Nothing in this Act impairs the effectiveness of any State or local law (including a regulation) relating to land use.

SEC. 9. TREATMENT OF SALES FOR PURPOSES OF CERTAIN LAWS.

The sales of assets under this subchapter shall not be considered to be a disposal of Federal surplus property under—

(1) section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484); or

(2) section 13 of the Surplus Property Act of 1944 (50 U.S.C. App. 1622).•

By Mrs. FEINSTEIN (for herself, Mr. GRAHAM, Mrs. BOXER, Ms. SNOWE, Mr. REID, Mr. JOHNSON, Ms. MOSELEY-BRAUN, Ms. LANDRIEU, Mr. HARKIN, Mr. D'AMATO, Mr. SPECTER, Mrs. MURRAY, and Mr. MACK):

S. 726. A bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

THE BREAST CANCER RESEARCH STAMP ACT

• Mrs. FEINSTEIN. Mr. President, I, along with Senators BOXER, GRAHAM, SNOWE, MOSELEY-BRAUN, LANDRIEU, HARKIN, SPECTER, D'AMATO, MACK, JOHNSON, REID, and MURRAY would like to introduce the Breast Cancer Research Stamp Act.

In a time of shrinking budgets and resources for breast cancer research, this legislation would provide an innovative way to provide additional funding for breast cancer research.

This bill would: authorize the U.S. Postal Service to issue an optional special first class stamp to be priced at 1 cent above the cost of normal first-class postage; earmark a penny of every stamp for breast cancer research; provide administrative costs from the revenues for post office expenses; allow 100 percent of the proceeds from the stamp to fund HHS breast cancer research projects; clarify current law, in that any similar stamp would require an act of Congress to be issued in the future.

If only 10 percent of all first class mail used this optional 33 cent stamp, $60 million could be raised for breast cancer research annually.

There is wide support for this legislation. Congressman FAZIO, along with over 100 cosponsors have already introduced the companion bill (H.R. 407) in the House.

The breast cancer epidemic has been called this Nation's best kept secret. There are 2.6 million women in America today with breast cancer, one million of whom have yet to be diagnosed with the disease.

In 1996, an estimated 184,000 were diagnosed with breast cancer. It is the number one killer of women ages 40 to 44 and the leading cause of cancer death in women ages 15 to 54, claiming a woman's life every 12 minutes in this country (source: National Breast Cancer Coalition).

For California, 17,100 women were diagnosed with breast cancer and 4,100 women will die from the disease (source: American Cancer Society cancer facts and figures, 1996).

In addition to the cost of women's lives, the annual cost of treatment of breast cancer in the United States is approximately $10 billion.

Over the last 25 years, the National Institutes of Health has spent over $31.5 billion on cancer research—$2 billion of that on breast cancer. In the last 6 years alone, appropriations for breast cancer research have risen from $90 million in 1990 to $600 million today. That's the good news.

But, the bad news is that the national commitment to cancer research overall has been hamstrung since 1980. Currently, NIH is able to fund only 23 percent of applications received by all the institutes. For the Cancer Institute, only 23 percent can be funded—a significant drop from the 60 percent of applications funded in the 1970's.

Most alarming is the rapidly diminishing grant funding available for new researcher applicants.

In real numbers, the National Cancer Institute will fund approximately 3,600 research projects, of which about 1,000 are new, previously unfunded activities. For investigator-initiated research, only 600 out of 1,900 research projects will be new.

The United States is privileged to have some of the most talented scientists and many of the leading cancer research centers in the world such as UCLA, UC San Francisco, Memorial Sloan-Kettering, and the M.D. Anderson.

This lack of increase in funding is starving some of the most important research, because scientists will have to look elsewhere for their livelihood.

The U.S. must increase the research funds if these scientists and institutions are to continue to contribute their vast talents to the war on cancer and finding a cure.

What is clear is that there is a direct correlation between increase in research funding and the likelihood of finding a cure.

Cancer mortality has declined by 15 percent from 1950 to 1992 due to increases in cancer research funding. In fact, federally-funded cancer research has yielded vast amounts of knowledge about the disease—information which is guiding our efforts to improve treatment and search for a cure. We have more knowledge and improvements in prevention through: identification of a "cancer gene", use of mammographies, clinical exams, and encouragement of self breast exams. Yet there is still no cure.

The Bay Area has one of the highest rates of breast cancer incidence and mortality in the world. According to data given to my staff by the Northern California Cancer Center, Bay Area white women have the highest reported breast cancer rate in the world, 104 per 100,000 population. Bay Area African-American women have the fourth highest reported rate in the world at 82 per 100,000 (source: Northern California Cancer Center).

I want to recognize Dr. Balazs (Ernie) Bodai who suggested this innovative funding approach. Dr. Bodai is the Chief of the Surgery Department at the Kaiser Permanente Medical Group in Sacramento, California. He is the founder of Cure Cancer Now, which is a nonprofit organization committed to developing a funding source for breast cancer research.

This legislation is supported by the American Cancer Society, American Medical Association, American Hospital Association, Association of Operating Room Nurses, California Health Collaborative Foundations, YWCA-Encore Plus, the Sacramento City Council and Mayor Joe Serna, Siskiyou County Board of Supervisors, Sutter County Board of Supervisors, Nevada County Board of Supervisors, Yuba City Council, California State Senator Diane Watson and California State Assemblywoman Dede Alpert as well as the Public Employees Union, San Joaquin Public Employees Association, and Sutter and Yuba County Employees Association and many more on the attached list.

Given the intense competition for Federal research funds in a climate of shrinking budgets, the Breast Cancer Research Stamp Act would allow anyone who uses the postal service to contribute in finding a cure for the breast cancer epidemic.

In a sense, this particular proposal is a pilot. I recognize that the postal service may oppose this since it hasn't been done before. I also recognize that in a day of diminishing federal resources, this innovation is an idea whose time has come.

It will make money for the post office and for breast cancer research. No one is forced to buy it, but women's organizations may even wish to sell the stamps in a fundraising effort.

The administrative costs can be handled with the 1 cent added on to the cost of a first class stamp and conservatively it can make from $60 million per year for breast cancer research.

We need to find a cure for breast cancer and I believe the Breast Cancer Research Stamp Act is an innovative response to the hidden epidemic among women. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 726

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

SECITON 1. SHORT TITLE.

This Act may be cited as the "Breast-Cancer Research Stamp Act".

SEC. 2. SPECIAL POSTAGE STAMPS.

(a) IN GENERAL.—In order to afford the public a convenient way to contribute to funding for breast-cancer research, the United States Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) HIGHER RATE.—The rate of postage established under this section—

(1) shall be 1 cent higher than the rate that would otherwise apply;

(2) may be established without regard to any procedures under chapter 36 of title 39, United States Code, and notwithstanding any other provision of law; and

(3) shall be offered as an alternative to the rate that would otherwise apply.

The use of the rate of postage established under this section shall be voluntary on the part of postal patrons.

(c) USE OF FUNDS.—

(1) IN GENERAL.—

(A) PAYMENTS.—The amounts attributable to the 1-cent differential established under this Act shall be paid by the United States Postal Service to the Department of Health and Human Services.

(B) USE.—Amounts paid under subparagraph (A) shall be used for breast-cancer research and related activities to carry out the purposes of this Act.

(C) FREQUENCY OF PAYMENTS.—Payments under subparagraph (A) shall be paid to the Department of Health and Human Services no less than twice in each calendar year.

(2) AMOUNTS ATTRIBUTABLE TO THE 1-CENT DIFFERENTIAL.—For purposes of this subsection, the term "amounts attributable to the 1-cent differential established under this Act" means, as determined by the United States Postal Service under regulations that it shall prescribe—

(A) the total amount of revenues received by the United States Postal Service that it would not have received but for the enactment of this Act, reduced by

(B) an amount sufficient to cover reasonable administrative and other costs of the United States Postal Service attributable to carrying out this Act.

(d) SPECIAL POSTAGE STAMPS.—The United States Postal Service may provide for the design and sale of special postage stamps to carry out this Act.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) nothing in this Act should directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services or any other agency or instrumentality of the Government (or any component or other aspect thereof) below the level that would otherwise have been anticipated absent this Act; and

(2) nothing in this Act should affect regular first-class rates or any other regular rate of postage.

SEC. 3. ANNUAL REPORTS.

The Postmaster General shall include in each annual report rendered under section 2402 of title 39, United States Code, information concerning the operation of this Act.

ORIGINAL COSPONSORS

Tony Hall (OH)—original.
Charles Norwood (GA)—original.
Lynn Woolsey (CA)—original.
George Brown (CA).
Tom Barrett (WI).
Carrie Meek (FL).
Nancy Pelosi (CA).
Bernie Sanders (VT).
Robert Matsui (CA).
Corrine Brown (FL).
Eni Faleomavaega (AS).
Barney Frank (MA).
Tom Lantos (CA).
Gene Green (TX).
Lynn Rivers (MI).
Sheila Jackson-Lee (TX).
Gary Condit (CA).
Jose Serrano (NY).
Zoe Lofgren (CA).
Sam Farr (CA).
Carolyn Maloney (NY).
Bob Filner (CA).
Connie Morella (MD).
Martin Frost (TX).
Mike McNulty (NY).
Loretta Sanchez (CA).
Tom Coburn (OK).
John Dingell (MI).
Mel Watt (NC).
Sherrod Brown (OH).
Pete Stark (CA).
Anna Eshoo (CA).
John Olver (MA).
Paul McHale (PA).
Susan Molinari (NY).
Eleanor Holmes-Norton (DC).
Gary Ackerman (NY).
Jerry Lewis (CA).
Louise Slaughter (NY).
Frank Lobiando (NJ).
Kay Granger (TX).
Sam Gejdenson (CT).
Henry Gonzalez (TX).
Floyd Flake (NY).
Danny K. Davis (IL).
Elizabeth Furse (OR).
Eddie Bernice Johnson (TX).
Major Owens (NY).
William Jefferson (LA).
Thomas Foglietta (PA).
Ed Pastor (AZ).
John Ensign (NV).
John Tierney (MA).
Ron Packard (CA).
Ellen Tauscher (CA).
Rosa DeLauro (CT).
Brian Bilbray (CA).
Barbara Kennelly (CT).
Scott Klug (WI).
James McGovern (MA).
John Conyers (MI).
Carolyn Kilpatrick (MI).
J.D. Hayworth (AZ).
Gerald Kleczka (WI).
Robert Wexler (FL).
Richard Neal (MA).
Sue Kelly (NY).
John Doolittle (CA).
George Miller (CA).
Donna Christian-Green (Virgin Islands).
David Camp (MI).
Martin Meehan (MA).
Carlos Romero-Barcello (PR).
David Minge (MN).
Sonny Callahan (AL).
Peter Deutsch (FL).
John Baldacci (ME).
Harold Ford (TN).
Cynthia McKinney (GA).
Charlie Rangel (NY).
Nick Lampson (TX).
Richard Burr (NC).
Jim McDermott (WA).
Earl Hilliard (AL).
David Bonior (MI).
Frank Pallone (NJ).
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SUPPORTERS OF H.R. 407

American Association of Health Education.
American Association of Critical-Care Nurses.
American Cancer Society—National.
American College of Surgeons.
American Medical Association.
American Medical Student Association.
American Society of Anesthesiologists.
American Society of Clinical Pathologists.
American Society of Internal Medicine.
American Society of Plastic and Reconstructive Surgeons.
Association of Operating Room Nurses.
California Health Collaboration Foundations.
California Medical Association.
California Nurses Association.
California Schools Employees Association.
California State.
Committee for Freedom of Choice in Medicine, Inc.
Emergency Nurses Association.
Health Education Council.
Kaiser Permanente—Sacramento.
Louisiana Breast Cancer Task Force.
Merced County Board of Supervisors.
National Cancer Registrars Association.
National Lymphedema Network.
National Osteoporosis Foundation.
Nevada County Board of Supervisors.
ONE-California, organization of nurse leaders.
Public Employees Union—Local One.
Sacramento Area Mammography Society.
Sacramento City Council.
Sacramento-El Dorado Medical Society.
San Joaquin Public Employees Association.
Santa Cruz County Board of Supervisors.
Save Ourselves-Y-Me.
Sonoma County Board of Supervisors.
Sutter County Board of Supervisors.
The Breast Cancer Fund.
United Farm Workers of America AFL-CIO.
Vital Options TeleSupport Cancer Network.
WIN Against Breast Cancer.
YWCA-ENCORE.
Hadassah The Women's Zionist Organization of America, Inc.
Foundation Health Corporation.
American Association of Health Plans.
American College of Osteopathic Surgeons.
Association of Reproductive Health Professionals.•

By Mrs. FEINSTEIN (for herself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. JOHNSON, and Mrs. MURRAY):

S. 727. A bil to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for women 40 years of age or older if the coverage or plans include coverage for diagnostic mammography; to the Committee on Finance.

PRIVATE INSURANCE UNIFORM COVERAGE OF MAMMOGRAPHY LEGISLATION

• Mrs. FEINSTEIN. Mr. President, I am introducing a bill today to try to bring some uniform coverage of mammography to private insurance, Medicare and Medicaid, consistent with the

American Cancer Society and the National Cancer Institute guidelines. Joining me as cosponsors are Senators MIKULSKI, WELLSTONE and JOHNSON.

I am introducing this bill because I believe mammography is our best tool for finding breast cancer early and women will not get mammograms without good insurance coverage. We now have the two leading organizations, the American Cancer Society and the National Cancer Institute, agreeing on screening guidelines and we cannot assume that insurance companies will rush to follow those guidelines. In the current highly competitive climate of managed care, with plans and providers reducing services and benefits, with employers cutting back on coverage, only congressional action will guarantee women the health care they need, especially preventive services like this.

BREAST CANCER'S TOLL

Breast cancer is the most common cancer among women, after skin cancer. In 1996, 184,300 new cases were diagnosed and 44,300 women died. Breast cancer is the second leading cause of cancer deaths among women, after lung cancer. Breast cancer is the leading cause of cancer death in women between ages 40 and 55.

Most women diagnosed with breast cancer are over age 50. For women age 40 to 44, the incidence rate is 125.4 per 100,000 women; for women ages 50 to 54, it jumps to 232.7 per 100,000.

EARLY DETECTION SAVES LIVES

The sooner breast cancer is detected, the better the survival rate. If breast cancer is diagnosed when it is local—confined to the breast—the 5-year survival rate is 96 percent. If diagnosed later, when cancer has metastasized, the survival rate is 20 percent.

Regularly scheduled mammography screening offers the single best method of finding breast cancer early. Mammograms, while never absolutely certain, can detect cancer several years before physical symptoms are obvious to a women or her doctor. Mammography has a sensitivity that is 76–94 percent higher than that of a clinical breast exam. Its ability to find an absence of cancer is greater than 90 percent. For women over 50, mammography can reduce breast cancer mortality by at least 30 percent.

Earlier this year, the National Cancer Institute recommended that asymtomatic women in their 40s have a screening mammogram every one to two years. The American Cancer Society recommends that all women over age 40 should have annual screening mammograms.

A February 1997 CBS poll found that 71 percent of women think early detection of breast cancer significantly increases a woman's chances of surviving. 85 percent believe mammograms are safe and 88 percent trust the accuracy of mamograms. Between 1987 and 1992, the National Health Interview survey found that there was at least a two-fold increase in the percentage of women of all ages who had a recent mammogram.

COMPLIANCE WITH GUIDELINES LOW

So women by and large understand the need for mammograms. However, a study by the Centers for Disease Control found that only 41 percent of women age 40 to 49 reported having a recent mammogram. Only half of women aged 50 to 64 had a recent mammogram. And only 39 percent of women over age 65 reported a recent mammogram.

LACK OF INSURANCE A DETERRENT

So the question is, if women understand the importance of mammograms, why is adherence to the guidelines so low? The CDC study said, "Health insurance coverage and educational attainment were both strongly associated with [mammograms] for women 40–49 years of age."

A survey by the Jacob Institute of Women's Health likewise found that 56 percent of women in their 40's and 47 percent of women in the 50's were meeting the ACS screening guideline. After lack of a family history, the cost of a mammogram was the principal reason for not having a mammogram.

The lack of insurance coverage, the CDC study found, is an important factor in determining which women follow the recommended guidelines. Among commercially insured women, more than half were following the guidelines. However, for women in government insurance programs, between 58 percent and 66 percent were not following the guidelines. For women with no insurance of any kind, 84 percent were not in compliance with the guidelines.

The cost of a mammogram also varies widely, depending on the radiologist's technique, the location, the interpretation needed. One unofficial estimate of cost is that a mammogram ranges from $75.00 to $200.00 per visit. A $200 medical charge is not something most Americans want to bear out of pocket. They expect their insurance plan to cover medically necessary services.

COVERAGE VARIES WIDELY

Commercial insurance coverage for mammograms varies widely, differing in terms of the age of the covered person and frequency of the service. Many plans follow the American Cancer Society's guidelines, but this is not documented. At least 38 states have mandated some type of coverage for commercial plans, but again the details vary. Medicare covers mammograms every other year. Federal law does not require Medicaid to have specific coverage. A 1993 Alan Guttmacher study attempting to describe coverages of commercial health insurance coverage of reproductive services is aptly titled "Uneven & Unequal." So in summary, insurance coverage is "all over the map."

THE BILL

The bill addresses private commercial group and individual insurance plans, Medicare and Medicaid. It would—

Require private plans that cover diagnostic mammograms for women under 40 to also cover annual screening mammography.

Require Medicare and Medicaid to cover annual screening mammography for women over age 40. (Medicare now covers biannual screening. Federal law does not require State Medicaid programs to cover mammography for any age and State approaches vary widely.)

Prohibits plans from denying coverage for annual screening mammography because it is not medically necessary or not pursuant to a referral or recommendation by any health care provider;

Deny a woman eligibility or renewal to avoid these requirements;

Provide monetary payments or rebates to women to encourage women to accept less than the minimum protections of the bill;

Financially reward or punish providers for withholding mammographies.

SUPPORT FOR THE BILL

The bill is supported by the American Cancer Society, the National Breast Cancer Coalition, the Susan B. Komen Breast Cancer Foundation, the Breast Cancer Resource Committee, the Association of Women's Health, Obstetrics, and Neonatal Nurses.

I believe this bill will put some important principles into insurance coverage for this very necessary service. I hope my colleagues will join me in promptly moving this bill to enactment.•

By Mrs. FEINSTEIN (for herself, Mr. MACK, Mr. D'AMATO, Mr. REID, and Mr. JOHNSON):

S. 728. A bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research; to the Committee on Finance.

THE CANCER RESEARCH FUND ACT OF 1997

• Mrs. FEINSTEIN. Mr. President, today Senators MACK, D'AMATO, REID, and I are introducing a bill to give citizens two ways to contribute to the Nation's cancer research program. In connection with their annual tax return, taxpayers could make a tax deductible contribution for cancer research of not less than $1 and could check off or designate a contribution of not less than $1 from their tax refund owed them by the Government.

The bill establishes a Cancer Research Trust Fund and directs the National Institutes of Health to use the funds for research on cancer. It prohibits expenditures from the fund if appropriations in any year for the NIH

are less than the previous year so that these funds do not supplant appropriated funds.

In fiscal 1997, the National Cancer Institute could only fund 26 percent of grants received with appropriated funds. This approval rate dropped from 29 percent in 1996 and 32 percent in 1992. Under the President's budget request for fiscal 1998, the success rate is estimated to drop again, to 25 percent.

While we do not have a specific estimate for how much our bill for cancer research would raise, a Federal tax checkoff for health research could raise $35 million in revenues for health research, if the average contribution were $2, according to Research America. If taxpayers gave $10, it would raise $410 million. Their study shows that the average contribution would be $23 and at that rate, $1.1 billion could be raised. In 1994, U.S. taxpayers contributed $25.7 million through State checkoffs.

I believe Americans would be very willing to make a contribution to health research and using the tax return is a very easy way. Sixty percent of Americans say they would check off a box on the tax return for medical research. The median amount people are willing to designate is $23.

Virtually everyone is touched by disease and has had some experience with incurable diseases. We all fear dreaded diseases. A May 1996 California poll found that 59 percent of my constituents would pay an extra dollar a week in taxes to support medical research. An overwhelming 94 percent of Americans believe it is important that the United States maintains its role as a world leader in medical research and medical research takes second place only to national defense for tax dollar value.

Cancer mortality has risen in the past half-century. By the year 2000, cancer will overtake heart disease as the leading cause of death of Americans. Over 40 percent of Americans will develop cancer and over 20 percent of us will die from cancers. Cancer is causing twice as many deaths as in 1971. Cancer's total economic costs in 1995, according to the National Institutes of Health, came to $104 billion.

In my own State of California, in 1996, 125,800 new cases of cancer were diagnosed and 51,200 people died. The incidence of certain cancers, specifically cervical, stomach, and liver, is higher than national rates. The San Francisco area has some of the highest rates of breast cancer in the world. There are areas in my State, such as Alameda County, where prostate cancer incidence exceeds the national rate. In my State, African-American women have a 60-percent higher risk of developing cervical cancer than white women. Hispanic women have the highest risk of cervical cancer in my State. Asian-Americans in California are twice as likely to develop stomach cancer and five times more likely to develop liver cancer than whites.

We have made great strides in understanding cancer, particularly the genetics of cancer and what makes a normal cell become a cancer cell. Because of research, cancer survival rates have increased for some cancers. But we cannot rest until we find a cure.

The National Cancer Institute's bypass budget identifies five promising areas of research and with 74 percent of grants going unapproved, the scientific talent is there. As the National Cancer Advisory Board said in its 1994 report to Congress, "Current investment is insufficient to capitalize on unprecedented opportunities in basic science research." Clearly additional funds can be well used by some of the world's leading cancer researchers.

By introducing this bill, I do not believe giving taxpayers an opportunity to contribute to cancer research will or should be the mainstay of funding for our national war on cancer. Congress needs to continue increasing appropriations and I am disappointed that the President's fiscal year 1998 budget for the National Cancer Institute represents only a 2.5-percent increase over fiscal 1997. I hope we can do better and I pledge my help in doing that. To insure that these taxpayer contributions generated by this bill do not supplant Congressionally appropriated funds, the bill includes a provision that prohibits expenditures from the cancer research fund if appropriations in any year for the NIH are less than the previous year.

Twenty-six years of research since the 1971 passage of the National Cancer Act has brought great progress, but some say that the war on cancer has really only been a skirmish. We must escalate that war, we must launch an armada of scientists, we must push vigorously ahead, we must find a cure for cancer. I hope this bill will help to escalate that battle.●

By Mr. KEMPTHORNE (for himself, Mr. CRAIG, Mr. TORRICELLI, Mr. THOMAS, and Mr. ENZI):

S. 730. A bill to make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll; to the Committee on Veterans' Affairs.

MEDAL OF HONOR ROLL LEGISLATION

Mr. KEMPTHORNE. Mr. President, I rise today to introduce legislation that is the final step toward correcting a wrong—a wrong which lingered for more than 50 years.

In January of this year, I attended a moving ceremony at the White House where the Congressional Medal of Honor was presented to seven African-Americans who had been denied the award during World War II. I can tell you, it was a solemn and dignified ceremony in the East Room of the White House last January, when the medals were awarded. Unfortunately, only one of the soldiers—Lt. Vernon Baker—was able to receive the medal in person. The other six died, unaware their heroism would one day be acknowledged.

Like the medal itself, the financial rewards that normally accompany the honor are also past due. My bill offers the stipend that would have been earned by the three heroes who survived the heroic act which earned them the Congressional Medal of Honor.

This bill, co-sponsored by Senators CRAIG, TORRICELLI, THOMAS, and ENZI, provides Lt. Vernon Baker and the surviving spouse or children of S. Sgt. Edward A. Carter, Jr., and Maj. Charles L. Thomas with the financial benefits normally given to recipients of the Congressional Medal of Honor. The other Medal of Honor recipients, S. Sgt. Ruben Rivers, 1st Lt. John R. Fox, Pfc. Willy F. James, Jr., and Pvt. George Watson were all killed in action performing acts of heroism, and have no surviving family members.

Mr. Vernon Baker, the only living survivor, now makes his home in the quiet north Idaho community of St. Maries. He is a soft spoken, humble man, almost embarrassed by all the national and international attention given him as a result of heroism. In April 1945, on a hill in Italy, Lt. Vernon Baker performed acts of bravery above and beyond the normal call of duty, risking his life to save the lives of others and taking a strategically important position, which saved countless other American lives.

Following the battle, Lieutenant Baker's commander recommended this hero for our Nation's top military honors. But during World War II, no African-American soldier received the Medal of Honor, and so Lieutenant Baker never received the commendation due him—until 50 years after the fact.

An Army review board studied thousands of service records and reports, and determined that seven African-Americans should have been awarded the Congressional Medal of Honor. I am proud the last Congress finally stepped up to the challenge and overturned this stain on the Nation's history, when it authorized the President to award the Congressional Medal of Honor to Vernon Baker.

My bill will provide Mr. Baker and the surviving spouse or children of S. Sgt. Edward A. Carter, Jr., and Maj. Charles L. Thomas with the Congressional Medal of Honor pension that they would have received had they been rightly given the award in 1945. My bill does not adjust the pension for inflation nor does it offer interest. Instead, the bill I am introducing today offers three American heroes only what they rightly earned in combat defending our Nation and the free world.

The people of Idaho have embraced Vernon Baker as a true American hero. The State's Governor has awarded Mr. Baker Idaho's top civilian honor. The Nation has bestowed upon him its highest military honor.

This is a fair bill that will help provide three American heroes with the reward they rightly earned. I urge my colleagues to take a look at this important bill and I urge its adoption.

Mr. President, in closing, I will just say that as an Idahoan and as an American, I am so proud to have been able to get to know Vernon Baker, a truly great American, and his wife Heidi. I wish them all the best success and joy as they continue a wonderful life in the State of Idaho.

Again, as an American, I salute him and the other six African Americans who are true American heroes.

Mr. President, I send to the desk the bill. I know that Senator CRAIG wishes to now address this issue as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me first thank my colleague, Senator KEMPTHORNE, for his action and the work in developing this legislation that appropriately recognizes Vernon Baker, Edward A. Carter, Jr., and Charles L. Thomas in what I think can best be called retroactivity, certainly recognizing that there is a special pension tied to the Medal of Honor.

The Medal of Honor was given to these African American soldiers and citizens and wonderful people in the appropriate fashion, finally, after a long, long wait. We had the opportunity to be at the White House for the ceremonies, and it was truly moving.

Recognition of their outstanding courage and daring leadership during their service to their country in World War II was far too long coming, as I mentioned. However, their rewards should not be based upon the delay in their recognition, but based on the moment of their heroism.

In the case of Vernon Baker, one of my fellow Idahoans—as Senator KEMPTHORNE said, we had the privilege of getting to know he and his wife—more than 50 years have passed before the Nation did the appropriate thing in recognizing their courageous actions and bestowing them with the Congressional Medal of Honor. Now fairness demands that we couple this honor with the benefits entitled to them and the next of kin in the case of the deceased, effective to the dates corresponding to their actions.

Mr. President, on behalf of a grateful Nation, I once more thank Vernon Baker for his gallant actions on that April day so long ago and encourage the support of my colleague's legislation to resolve this issue for America for all time.

Mr. TORRICELLI. Mr. President, I rise today in strong support of Senator KEMPTHORNE's effort to provide Medal of Honor recipient Vernon Joseph Baker, and the heirs of Medal of Honor recipients Edward Carter and Charles Thomas, with retroactive compensation for their awards.

During World War II, Mr. Baker was an Army 2d lieutenant serving with the 92d Infantry Division in Europe. During a 2-day action near Viareggio, Italy, he single handedly wiped out two German machinegun nets, led successful attacks on two others, drew fire on himself to permit the evacuation of his wounded comrades, and then led a battalion advance through enemy minefields. Mr. Baker is the only one of these three men still alive today, and he currently resides in St. Maries, ID.

Edward Carter, of Los Angles, was staff sergeant with the 12th Armored Division when his tank was destroyed in action near Speyer, Germany, in March 1945. Mr. Carter led three men through extraordinary gunfire that left two of them dead, the third wounded and himself wounded five times. When eight enemy riflemen attempted to capture him, he killed six of them, captured the remaining two and, using his prisoners as a shield, recrossed an exposed field to safety. The prisoners yielded valuable information. Mr. Carter died in 1963.

Charles Thomas, of Detroit, was a major with the 103d Infantry Division serving near Climbach, France, in December 1944. When his scout car was hit by intense artillery fire, Mr. Thomas assisted the crew to cover and, despite severe wounds, managed to signal the column some distance behind him to halt. Despite additional multiple wounds in the chest, legs, and left arm, he ordered and directed the dispersion and emplacement of two antitank guns that effectively returned enemy fire. He refused evacuation until certain his junior officer was in control of the situation. Mr. Thomas died in 1980.

I commend Mr. Baker, Mr. Carter, and Mr. Thomas for their bravery and Senator KEMPTHORNE for leading this effort.

As a result of their heroics these men had clearly met the criteria for being awarded a Medal of Honor, the Nation's highest award for valor. This medal is only awarded to a member of the U.S. armed services who "distinguishes themselves conspicuously by gallantry and intrepidity at the risk of their life and beyond the call of duty," with an act "so conspicuous as to clearly distinguish the individual above their comrades." However, because of the racial climate of the time and the segregated nature of the Army in 1945, African-Americans were denied the Medal of Honor. It is a sad testament to America's legacy of discrimination that although 1.2 million African-Americans served in the military during the Second World War, including Mr. Baker, Mr. Carter, and Mr. Thomas, none received 1 of the 433 Medals of Honor awarded during the conflict.

This past January our Nation took an important step in correcting this injustice by awarding Mr. Vernon Joseph Baker, and six of his dead comrades, the Medal of Honor during a long-overdue ceremony at the White House. This recognition of these men's extraordinary courage was a vindication for all African-American heroes of World War II. In order to further demonstrate our profound thanks to these brave men, I support Senator KEMPTHORNE's effort to retroactively compensate Mr. Baker, and the heirs of Mr. Carter and Mr. Thomas for the money that they would have received from the Army for receiving the Medal of Honor. The other three heroes died as a result of the brave deeds which qualified them to receive the Medal, and thus would not have received any compensation by the military.

Each recipient of this Medal is entitled to receive a token monthly stipend from their respective branch of the military after they leave active duty service. In 1945 the stipend was $10 and today it has risen to $400. Since he was denied the Medal more than a half century ago, Mr. Baker and the survivors of Mr. Carter and Mr. Thomas, deserve to receive the same amount of money that they would have received had they been awarded the Medal at the close of World War II. American is profoundly thankful for the patriotism of these men, and awarding retroactive compensation to them is a simple way to express our gratitude for their service. For these reasons I stand today to recognize Mr. Baker, Mr. Carter, and Mr. Thomas, and support retroactively compensating them for their accomplishments.

By Mr. FAIRCLOTH (for himself, Mr. HELMS, Mr. DEWINE, Ms. SNOWE, Ms. COLLINS, Mr. ROBERTS, Mr. MACK, Mr. DOMENICI, Mr. ABRAHAM, Mr. SANTORUM, Mr. THOMAS, Mr. WARNER, Mr. DODD, Mr. COCHRAN, and Mr. MURKOWSKI):

S. 732. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the centennial anniversary of the first manned flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903; to the Committee on Banking, Housing, and Urban Affairs.

THE FIRST FLIGHT COMMEMORATIVE COIN ACT

Mr. FAIRCLOTH. Mr. President, I rise today, joined by my colleague from North Carolina, Senator HELMS, and 12 other Senators to introduce the First Flight Commemorative Coin Act. This revenue-neutral legislation instructs the Treasury Secretary to mint coins in commemoration of the Wright Brothers' historic 1903 flight on the North Carolina coast.

Mr. President, in the cold morning hours of December 17, 1903, a small

crown watched the Wright Flyer lift off the flat landscape of Kitty Hawk. Orville Wright traveled just 120 feet—less than the wingspan of a Boeing 747—in his 12-second flight. It was, however, the first time that a manned machine sailed into the air under its own power. The residents of Kitty Hawk, then an isolated fishing village, thus bore witness to the realization of the centuries-old dream of flight.

The significance of the Wright Brothers' flight reaches far beyond its status as the first flight. Their flight represented the birth of aviation. On that morning, aeronautics moved from untested theory to nascent science, and it triggered a remarkable technological evolution. In fact, just 24 years after their fragile craft rose unsteadily and took to the air, Charles Lindbergh crossed the Atlantic Ocean. In 1947, less than half a century after the pioneer 31 m.p.h. flight over Kitty Hawk, Chuck Yeager shattered the sound barrier over the Mojave Desert.

The rapid aeronautical progression, which the Wright Brothers initiated on that December morning in Kitty Hawk, is, of course, remarkable. Mr. President, it was just 66 years after the Wright Brothers' 120-foot flight—a timespan equivalent to the age of many Members of this body—that Neil Armstrong traveled 240,000 miles to plant the American flag on the moon. Today, some 86,000 planes lift off from American airports on a daily basis, and air travel is routine. It was with a sprinkling of onlookers, however, that the Wright Brothers ushered in the age of flight on that cold winter morning in Kitty Hawk.

The site of the first flight, at the foot of Kill Devil Hill, was initially designated as a national memorial in 1927 and is visited by close to a half-million people each year.

I think that First Flight Commemorative Coin Act is a most appropriate tribute to the Wright Brothers as the centennial anniversary of the first flight approaches. The coin will be minted in $10, $1, and 50¢ denominations, and its sales will fund educational programs and improvements to the visitor center at the memorial. These commemorative coins are struck to celebrate important historical events, and, of course, the proceeds are an important revenue source to the custodians of these legacies. The centennial anniversary of the Wright Brothers' flight merits our observance.

Mr. President, because all of the funds raised under this legislation will be used to, build, repair or refurbish structures all within a national park, I have added an exemption to the mintage levels as required by coin reform legislation last year. Nevertheless, so that coin collectors can enjoy some certainty that the coin will be of value in the future, the Mint can reduce the mintage levels as it deems necessary.

Mr. President, I ask my colleagues for their support, and 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. 732

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 "First Flight Commemorative Coin Act of 1997".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $10 GOLD COINS.—Not more than 500,000 $10 coins, each of which shall—

(A) weigh 16.718 grams;

(B) have a diameter of 1.06 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 3,000,000 $1 coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 10,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) REDUCED AMOUNTS.—If the Secretary determines that there is clear evidence of insufficient public demand for coins minted under this Act, the Secretary of the Treasury may reduce the maximum amounts specified in paragraphs (1), (2), and (3) of subsection (a).

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold and silver for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law, including authority relating to the use of silver stockpiles established under the Strategic and Critical Materials Stockpiling Act, as applicable.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the first flight of Orville and Wilbur Wright in Kitty Hawk, North Carolina, on December 17, 1903.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2003"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Board of Directors of the First Flight Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. PERIOD FOR ISSUANCE OF COINS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may issue coins minted under this Act only during the period beginning on August 1, 2003, and ending on July 31, 2004.

(b) EXCEPTION.—If the Secretary determines that there is sufficient public demand for the coins minted under section 2(a)(3), the Secretary may extend the period of issuance under subsection (a) for a period of 5 years with respect to those coins.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of—

(1) $35 per coin for the $10 coin;

(2) $10 per coin for the $1 coin; and

(3) $1 per coin for the half dollar coin.

(e) MARKETING EXPENSES.—The Secretary shall ensure that—

(1) a plan is established for marketing the coins minted under this Act; and

(2) adequate funds are made available to cover the costs of carrying out that marketing plan.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the First Flight Foundation for the purposes of—

(1) repairing, refurbishing, and maintaining the Wright Brothers Monument on the Outer Banks of North Carolina; and

(2) expanding (or, if necessary, replacing) and maintaining the visitor center and other facilities at the Wright Brothers National Memorial Park on the Outer Banks of North Carolina, including providing educational programs and exhibits for visitors.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the First Flight Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

SEC. 10. WAIVER OF COIN PROGRAM RESTRICTIONS.

The provisions of section 5112(m) of title 31, United States Code, do not apply to the coins minted and issued under this Act.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. ASHCROFT, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor 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. 67

At the request of Ms. SNOWE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 67, a bill to amend the Public Health Service Act to extend the program of research on breast cancer.

S. 98

At the request of Mr. HUTCHINSON, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 98, a bill to amend the Internal Revenue Code of 1986 to provide a family tax credit.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 191

At the request of Mr. HELMS, the names of the Senator from Alabama [Mr. SESSIONS] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 191, a bill to throttle criminal use of guns.

S. 253

At the request of Mr. LUGAR, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 253, a bill to establish the negotiating objectives and fast track procedures for future trade agreements.

S. 263

At the request of Mr. MCCONNELL, the names of the Senator from Florida [Mr. MACK] and the Senator from Georgia [Mr. CLELAND] were added as cosponsors of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 311

At the request of Mr. GRAHAM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 311, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the medicare program.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Florida [Mr. MACK] 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. 335

At the request of Mr. WARNER, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 335, a bill to authorize funds for construction of highways, and for other purposes.

S. 350

At the request of Mr. THURMOND, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 350, a bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 387

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 433

At the request of Mr. BROWNBACK, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 476

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 497

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. THOMAS] and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 535

At the request of Mr. MCCAIN, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of 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.

S. 555

At the request of Mr. ALLARD, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 572

At the request of Mr. ALLARD, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Arizona [Mr. KYL], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 572, a bill to amend the Internal Revenue Code of 1986 to repeal restrictions on taxpayers having medical savings accounts.

S. 616

At the request of Mr. ALLARD, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 616, a bill to amend titles 23 and 49, United States Code, to improve

the designation of metropolitan planning organizations, and for other purposes.

S. 620

At the request of Mr. GREGG, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

S. 717

At the request of Mr. JEFFORDS, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 717, a bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. DODD, the names of the Senator from California [Mrs. FEINSTEIN], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Massachusetts [Mr. KERRY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from California [Mrs. BOXER], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor 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 21

At the request of Mr. MOYNIHAN, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Minnesota [Mr. GRAMS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Kansas [Mr. ROBERTS] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 51

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Resolution 51, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace or liberty around the world.

AMENDMENT NO. 66

At the request of Mr. WARNER the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of amendment No. 66 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. KOHL his name was added as a cosponsor of amendment No. 66 proposed to S. 672, supra.

At the request of Mr. LUGAR his name was added as a cosponsor of amendment No. 66 proposed to S. 672, supra.

AMENDMENT NO. 80

At the request of Ms. SNOWE the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Maine [Ms. COLLINS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Hampshire [Mr. SMITH], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of amendment No. 80 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 134

At the request of Mr. STEVENS the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of amendment No. 134 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 139

At the request of Mr. KEMPTHORNE the names of the Senator from Nevada [Mr. REID], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. CRAIG], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of amendment No. 139 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

SENATE CONCURRENT RESOLUTION 26—TO PERMIT THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. BROWNBACK submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 26

Whereas Mother Teresa of Calcutta has greatly enhanced the lives of people in all walks of life in every corner of the world through her faith, her love, and her selfless dedication to humanity and charitable works for nearly 70 years;

Whereas Mother Teresa founded the Missionaries of Charity, which includes more than 3,000 members in 25 countries who devote their lives to serving the poor, without accepting any material reward in return;

Whereas Mother Teresa has been recognized as an outstanding humanitarian around the world and has been honored by: the first Pope John XXIII Peace Prize (1971); the Jawaharal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); and the Presidential Medal of Freedom (1985).

Whereas Mother Teresa has forever enhanced the culture and history of the world; and

Whereas Mother Teresa truly leads by example and shows the people of the world the way to live by love for all humanity: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 5, 1997, for a congressional ceremony honoring Mother Teresa. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED

THE SUPPLEMENTAL APPROPRIATIONS ACT

COCHRAN AMENDMENT NO. 236

Mr. STEVENS (for Mr. COCHRAN) proposed an amendment to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 13, line 4, strike "$161,000,000" and insert in lieu thereof "$171,000,000".

DORGAN (AND OTHERS) AMENDMENT NO. 237

Mr. STEVENS (for Mr. DORGAN for himself, Mr. CONRAD, Mr. GRAMS, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON) proposed an amendment to the bill, S. 672, supra; as follows:

On page 30, line 11, strike "$100,000,000" and insert "$500,000,000".

On page 31, line 4, insert after the colon the following: "*Provided further*, the Secretary of Housing and Urban Development shall publish a notice in the federal register governing the use of community development block

grant funds in conjunction with any program administered by the Director of the Federal Emergency Management Agency for buyouts for structures in disaster areas: *Provided further*, that for any funds under this head used for buyouts in conjunction with any program administered by the Director of the Federal Emergency Management Agency, each state or unit of general local government requesting funds from the Secretary of Housing and Urban Development for buyouts shall submit a plan to the Secretary which must be approved by the Secretary as consistent with the requirements of this program: *Provided further*, the Secretary of Housing and Urban Development and the Director of the Federal Emergency Management Agency shall submit quarterly reports to the House and Senate Committees on Appropriations on all disbursement and use of funds for or associated with buyouts:".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,100,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,100,000,000".

MURRAY (AND GORTON) AMENDMENT NO. 238

Mr. STEVENS (for Mrs. MURRAY, for herself and Mr. GORTON) proposed an amendment to the bill, S. 672, supra; as follows:

On page 17 of the bill, line 5, after "Administration" insert the following:

Operations, Research, and Facilities

Within amounts available for "Operations, Research and Facilities" for Satellite Observing Systems, not to exceed $7,000,000 is available until expended to continue the salmon fishing permit buyback program implemented under the Northwest Economic Air Package to provide disaster assistance pursuant to section 312 of the Magnuson-Stevens Fishery Conservation and Management Act: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $7,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided, further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

GRASSLEY AMENDMENT NO. 239

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . RELIEF TO AGRICULTURAL PRODUCERS FOR FLOODING LOSS CAUSED BY DAM ON LAKE REDROCK, IOWA.

(a) ELIGIBILITY.—To be eligible for assistance under this section, an agricultural producer must—

(1)(A) be an owner or operator of land who granted an easement to the Federal Government for flooding losses to the land caused by water retention at the dam site at Lake Redrock, Iowa; or

(B) have been an owner or operator of land that was condemned by the Federal Government because of flooding of the land caused by water retention at the dam site at Lake Redrock, Iowa; and

(2) have incurred losses that exceed the estimates of the Secretary of the Army provided to the producer as part of the granting of the easement or as part of the condemnation.

(b) COMPENSATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Army shall compensate an eligible producer described in subsection (a) for flooding losses to the land of the producer described in subsection (a)(2) in an amount determined by the Federal Crop Insurance Corporation.

(2) REDUCTION.—If the Secretary maintains a water retention rate at the dam site at Lake Redrock, Iowa, of—

(A) less than 769 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 10 percent;

(B) not less than 769 feet and not more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 7 percent; and

(C) more than 772 feet, the amount of compensation provided to a producer under paragraph (1) shall be reduced by 3 percent.

(c) CROP YEARS.—This section shall apply to flooding losses to the land of a producer described in subsection (a)(2) that are incurred during the 1997 and subsequent crop years.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President. I would like to announce for the benefit of Members and the public that the Committee on Energy and Natural Resources has scheduled a hearing to receive testimony on S. 417, reauthorizing EPCA through 2002; S. 416, administration bill reauthorizing EPCA through 1998; and S. 186, providing priority for purchases of SPR oil for Hawaii; and the energy security of the United States. In addition to these bills the committee will also consider S. 698, the Strategic Petroleum Reserve Replenishment Act.

The hearing will take place on Tuesday, May 13, 1997 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact Karen Hunsicker, counsel to the committee at (202) 224-3543 or Betty Nevitt, staff assistant, at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 8, 1997, at 5 p.m. in executive session, to consider certain pending military nominations.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 8, 1997, to conduct a mark-up on S. 462, the Public Housing Reform and Responsibility Act of 1997.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 8, 1997, at 10:30 a.m. to hold a business meeting.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 8, 1997, at 10 a.m. for a hearing on the Government's Impact on Television Programming.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, May 8, 1997, at 10 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 8, 1997, at 2 p.m. to hold a hearing on: S. 43, Criminal Use of Guns.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 8, 1997, beginning at 9:30 a.m. to consider revisions of Title 44/GPO.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine of the Senate Committee on Commerce, Science and Transportation be authorized to meet on May 8, 1997, at 10:30 a.m. on the Hazardous Materials Transportation Reauthorization.

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

ADDITIONAL STATEMENTS

AMENDMENT ON WZLS RADIO STATION

• Mr. FAIRCLOTH. Mr. President, I have agreed not to offer an amendment

to the supplemental appropriations bill regarding a radio station in my State, because I am told that a point of order may be raised against it. But, Mr. President, I will continue to probe this matter further. I intend to request documents from the FCC on this issue. Further, I think that the Commerce Committee should hold a hearing to investigate the irregularities concerning this case.

Mr. President, in 1987, Zeb Lee and his family attempted to get a new FM station license in Asheville, NC. At the time, Mr. Lee had owned and operated a successful AM station in the area for 40 years.

By all accounts, Mr. Lee has been a model citizen and a model radio station operator, this is in stark contrast to a lot of what is taking place on radio today.

In 1993, a full 6 years later, Mr. Lee was awarded the station on a temporary basis, beating out 12 other applicants. Several of his competitors were found to be unqualified. In fact, one lied about his ability to operate a station. Another lied about his heritage in order to obtain a minority preference.

Pending final approval, Mr. Lee was required by the FCC to sell his AM station and to begin constructing a new FM tower. In reliance on the Government, he did both. A week after Zeb Lee was on the air, the FCC issued a public notice freezing all licensing proceedings affected by the Bechtel versus FCC case.

In an unusual move, in 1996, the full FCC Board reversed all previous decisions and awarded temporary operating authority to the four opponents of Zeb Lee in the original application process. The four opponents were acting as a group by this time.

Mr. President, here we are, 10 years later—and Mr. Lee is still fighting his case with the FCC. He was on the air for 3 years—only to be told by the FCC that he would now be taken off the air, once his opponents could go on.

Mr. President, this is a highly unusual case. This was the only station, affected by the Bechtel case, where the initial decision was reserved. Furthermore, the FCC has never issued final regulations pursuant to the Bechtel case.

And what did the four opponents who got the radio station do with the new license—they have shopped for another buyer.

The four opponents have now turned over their temporary license to a large out of state radio company.

The fact of the matter is that the opponents in the licensing process had no intention of running a radio station. They only hope was that Zeb Lee would buy them off—in other words pay "blackmail." If that did not work—and they did win the radio station—they would transfer those rights for a big profit.

Mr. President, this process is wrong. It is deeply flawed.

Any bureaucratic process that takes 10 years, by itself is an outrage.

But the process that bankrupts an 80 year old man is truly wrong.

If he losses the station, the end result will be that a family owned radio business, located in Asheville area for 40 years, will have lost the radio license in a deeply flawed process.

His four opponents never had any intention of operating a radio station, they only wanted to flip the license to a larger company.

This is wrong, and it must stop.

Mr. President, my amendment would have provided that Zeb Lee could continue to operate his station for a period of 6 more months. This would allow the Congress to review this matter. It would allow us to get to the bottom of what the FCC is doing.

We have to make certain that this process has been fair and even handed, but quite frankly, judging from the facts, there have been serious problems with this entire issue.

Mr. President, in conclusion, I can assure all the citizens in Asheville that I will continue to pursue this matter with vigor.●

ARSON AWARENESS WEEK

● Mr. MOYNIHAN. Mr. President, as I am sure many of my colleagues are aware, this week—May 4–May 10—is Arson Awareness Week. All over the Nation, people are coming together to combat arson and take back their communities. One such place where this has been happening is Utica, a city of about 70,000 people in upstate New York. Utica is a pilot city in the Federal Emergency Management Agency's [FEMA] Partnership for Arson Awareness and Prevention. FEMA Director James Lee Witt is heading up the National Arson Prevention Initiative [NAPI], a combined effort of FEMA and the Departments of Housing and Urban Development, Justice, and the Treasury. President Clinton asked Director Witt to create the NAPI in response to the many church fires which recently occurred in the South.

In March, Utica Mayor Edward Hanna and Oneida County Executive Ralph Eannace formed a local arson prevention coalition and have been working with FEMA officials. Throughout this week and in the future, the people of Utica will band together to take back their city from scourge of arson fires which it has recently seen.

On Tuesday, students at the Martin Luther King School heard a public education program on arson from officers of the Utica Fire Department and the New York State Office of Fire Prevention. On Wednesday, risk assessments were conducted at senior citizen's centers, and on Friday, the Utica National Insurance Co's. are presenting a fire prevention grant to residents of the neighborhood near the intersections of South and Steuben Streets.

On Saturday, Director Witt will cap off the week with a visit to Utica. The day's activities will include boarding up abandoned structures to make them less susceptible to arson and conducting fire drills at several churches in the morning and having a parade and arson prevention rally in the afternoon. I would like to thank Director Witt for making Utica a pilot city in this program and for visiting Utica. Working together, the people of Utica will reclaim their city from arson.

Mr. President, I ask that an article by Director Witt on Arson Awareness Week be printed in the RECORD.

The article follows:

WHAT ARE YOU DOING TO TARGET ARSON IN YOUR COMMUNITY?

WASHINGTON.—In the wake of the church fires last summer, the President asked me to lead a National Arson Prevention Initiative. He wanted to focus the efforts and the resources of the Federal government on supporting community-based activities to prevent arson.

The initiative the President implemented was national in scope—not regional, and not focused on houses of worship exclusively. This effort represents the commitment by numerous Federal agencies, governments at all levels, the private sector, and the voluntary community to greatly reduce the 750 fatalities and over $2 billion in losses caused by arson in this country every year.

National Arson Awareness Week, which begins Sunday (May 4) and runs through Saturday, May 10th, is the culmination of this initiative. In a very real sense, it marks the first anniversary of an unprecedented crusade to combat a national problem that far too often maims and kills and can destroy the fabric of our communities. The theme of this week is "Target Arson," and each community should ask themselves what they are doing in the fight against arson.

Arson is preventable. What is disturbing is that one out of every four fires is intentionally set. That means that someone—a fellow human being—consciously decides for whatever reason to destroy a home, a car, a house of worship, or a business. And in that moment they have attacked the lives, the livelihoods, and the spirit of a community. Arson is a national problem, but it is fundamentally a local problem. This war—like most wars—must be won in the trenches. Local fire and police departments are well-trained and ready to mount heroic efforts. But when the doors of the fire station go up to respond, you have already lost the battle to prevent that fire from happening. In the end, the real responsibility for stopping arson lies with the community—with students, teachers, business leaders, parents, the clergy, and civic organizations.

Arson does affect everyone—and every taxpayer should be vitally concerned about arson's destructive and deadly toll. Think of the cost of rolling out fire trucks to deal with a toilet paper fire at a school. Consider that teenagers account for more than 55 percent of all deliberately set blazes, and if you include youth 20 years and younger that figure climbs to 61.2 percent. Then think of the

cost of teachers and students killed or scarred for the rest of their lives and a smoldering school that must be rebuilt. Think again of the houses and businesses that disappear from the tax rolls because of arson, and the services that suffer in a community as the result. Imagine what it's like to pull up outside your church or house of worship, and realize that it disappeared in flames the night before.

As we observe National Arson Awareness Week, three communities—Charlotte, NC; Macon, GA; and Utica, NY—will be launching grassroots arson prevention coalitions that could well become models for other American cities. These are communities that took firm hold of their arson problems and have put together a partnership from across their community to prevent future arson fires.

These communities will step forward as model arson prevention partnerships with a flurry of week-long activity, that includes boarding up abandoned buildings, cleaning up litter and debris from vacant properties, conducting arson prevention training programs in schools and community centers, and promoting arson awareness through public education campaigns and neighborhood watch rallies. Dozens of other cities across the country will also be hosting National Arson Awareness Week events.

The most effective way of combating any problem, including arson, it to prevent it from happening. That takes more than federal agencies and federal dollars. It takes you and your family and your friends. It takes your entire community.

So ask yourself this week—what you are doing to "target arson" in your community? Then get involved—organize a neighborhood watch, assess arson risks in your community, participate in prevention training programs, call your local fire department or call the National Arson Prevention Clearinghouse at 1-888-603-3100 for some arson prevention ideas. Remember fire stops with you.•

CAPT. JAMES HUARD

• Mr. ABRAHAM. Mr. President, I rise today to pay my respects to Air Force Capt. James Huard, buried on Thursday, May 1 with full military honors at Arlington National Cemetery. The day was long overdue; 25 years, in fact, since the Dearborn, MI native's plane disappeared in a mission over North Vietnam.

In July 1972, Captain Huard's death left behind a young wife, three small children, and countless other family and friends. His memory lives on today, however, evident in the attendance at Arlington of a number of members of the Vietnam Veterans of America James L. Huard Chapter 267, named in his honor.

As fitting and well deserved a tribute as last week's ceremony was, it also serves as a stirring reminder of those who still wait for return of the remains of their loved ones. For one quarter of a century, over 2,000 families have so far been denied the opportunity to properly bring closure to this difficult period in their lives.

As Paul Kane, one of Captain Huard's fellow veterans told the Detroit News, "This ends the Vietnam war for Dearborn, finally. Today, the good captain comes home to rest."

It is my sincere hope the other families and communities across this country waiting to honor those servicemen still missing in action will one day, if they have not already, find a similar peace themselves. Until then, we cannot and will not waver or rest in our solemn task of returning every American home for recognition as heroes by the country in whose service they made the ultimate sacrifice.•

NATIONAL SAFE KIDS WEEK 1997

• Mr. ABRAHAM. Mr. President, I rise today to recognize May 10 through 18 as National Safe Kids Week 1997. The National Safe Kids Campaign is a joint effort of the Children's National Medical Center and its founding sponsor Johnson & Johnson to promote basic child safety precautions among America's parents.

To illustrate the importance of this cause, consider the following facts. Unintentional injury is the number one killer of children ages 14 and under. Every day, more than 39,000 children are injured seriously enough to require emergency medical treatment. That is more than 14 million each year. These statistics are all the more tragic because so many of these accidents could have been prevented with adequate basic child safety education.

Earlier today, the National Safe Kids Gear Up Games kicked off here in Washington. The Gear Up Games will move to New York tomorrow, Los Angeles on Saturday, and on to communities across the country in the days ahead. The primary awareness program of National Safe Kids Week 1997, the Gear Up Games are an interactive safety obstacle course with events centered around the childhood injury risk areas depicted in the Safe Kids Gear Up Guide.

Mr. President, I am honored to say my wife Jane is a honorary chairperson of the Detroit Safe Kids Campaign. She joins such respected national figures as former United States Surgeon General C. Everett Koop, our distinguished colleagues from Connecticut and Ohio, CHRIS DODD and MIKE DEWINE, respectively, and countless others in this worthwhile initiative.

During National Safe Kids Week 1997, and beyond, I plan to have available in both my Washington and Michigan offices copies of the Safe Kids Gear Up Guide. Jane and I join Senators DODD and DEWINE in urging other Senators to do likewise. As the parents of three children, all under the age of 4, my wife and I believe there is no more important task than working to ensure all of America's children have safe home and play environments in which to grow up.

I commend those involved in the National Safe Kids Campaign and the good works they do, and look forward to the day accidental childhood injuries are eliminated entirely.•

HOPE SCHOLARSHIP PROGRAM

• Mr. CLELAND. Mr. President, I rise today to acknowledge and commend the State of Georgia's HOPE Scholarship program. The HOPE Scholarship, which stands for helping outstanding pupils educationally, has served as a model of excellence in education for a number of other States, and indeed the entire Nation. I am honored to represent a State, which in my opinion, has one of the most innovative educational programs in the country.

The HOPE Scholarship provides eligible students wishing to attend a Georgia Pubic College or University with tuition, mandatory fees and a $100 book allowance. The HOPE Scholarship also provides eligible students wishing to attend a Georgia Private College or University with $3000 per academic school year and an additional $1000 in Georgia Tuition Equalization Grants per academic year. To be eligible, students must be a Georgia resident, graduated from high school after a certain date and have completed high school with a "B" average. Students must continue to perform well academically and maintain a "B" average while in college to continue to receive the HOPE Scholarship.

Students wishing to attend a Georgia Public Technical Institute are also eligible for the HOPE Scholarship. The HOPE scholarship provides tuition, mandatory fees and a $100 book allowance for students attending these technical institutions.

Since the program began in September of 1993, more than 238,500 Georgia students have been awarded HOPE Scholarships. Because of the HOPE Scholarship college enrollment is up 1.2 percent, full-time private college enrollment is up 32 percent and technical school enrollment is up 24 percent in Georgia. At the University of Georgia, 97 percent of the entering in-state freshman were on HOPE Scholarships for the Fall 1996 quarter. At the Georgia Institute of Technology, 96 percent of in-state entering students in 1996 were on HOPE Scholarships.

The HOPE Scholarship has given, and will continue to give, thousands of Georgia students the financial encouragement both to attend college and to persist and gain a degree. Students in Georgia know that if they work hard and do well academically, despite the rising cost of higher education, they will be provided the resources needed to further their education. Not only does the HOPE Scholarship reward those students who are willing to work hard with tuition money, but it also serves as incentive to keep Georgia's best and brightest in the great state of Georgia.

A lack of financial resources should not prevent any American from pursuing a college education and thanks to the Georgia HOPE Scholarship, in Georgia, it doesn't. Unfortunately, however, the lack of financial resources remains the number one obstacle to higher education for many American students and their families. This is why it is so important that the necessary financial resources are provided to all students pursuing a higher education and why the importance of current education legislation, such as S. 12, that addresses this crucial need cannot be overlooked.

I believe that federal support for education is one of the best investments our nation can make to ensure future security and prosperity. In keeping with this commitment to education I am a proud co-sponsor of S.12. The goal of S. 12 is to make higher education more accessible and affordable for all students. S. 12, "The Education for the 21st Century Act," includes two new forms of assistance to help families meet the costs of higher education. The first form of assistance, also called the HOPE Scholarship, is a $1500 per year refundable tax credit for the first two years of post-secondary education. To qualify for the credit, students must have a "B" average and be drug-free. S. 12 also includes a tax deduction of up to $10,000 per year for qualified education expenses.

In these days of budget cuts, we must not forget that the future of our country depends on the youth of today. If we deny our youth the necessary tools to grow and learn we deny ourselves a better tomorrow. The Georgia HOPE Scholarship is a shining example of how the people and the government can come together to create an efficient, highly successful program that benefits everyone.

The Georgia HOPE Scholarship has been an overwhelming success and Georgians have been very fortunate to have reaped such a wealth of benefits from this innovative program. S. 12 is an attempt to provide similar opportunities for all Americans. We must work together as a nation to ensure that barriers to higher education continue to fall for all Americans. It is my sincere hope that the entire nation will follow Georgia's lead and make education a top priority. The future of our country depends on it.•

RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

• Mr. THOMPSON. Mr. President, I ask unanimous consent that the Rules of Procedure for the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, as adopted, April 28, 1997, be printed in the RECORD.

The rules of procedure follow:

105TH CONGRESS—RULES OF PROCEDURE FOR THE SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS AS ADOPTED, APRIL 28, 1997

1. No public hearing connected with an investigation may be held without the approval of either the Chairman and the ranking minority Member or the approval of a majority of the Members of the Subcommittee. In all cases, notification to all Members of the intent to hold hearings must be given at least 7 days in advance to the date of the hearing. The ranking minority Member should be kept fully apprised of preliminary inquiries, investigations, and hearings. Preliminary inquiries may be initiated by the Subcommittee majority staff upon the approval of the Chairman and notice of such approval to the ranking minority Member or the minority counsel. Preliminary inquiries may be undertaken by the minority staff upon the approval of the ranking minority Member and notice of such approval to the Chairman or Chief Counsel. Investigations may be undertaken upon the approval of the Chairman of the Subcommittee and the ranking minority Member with notice of such approval to all members.

No public hearing shall be held if the minority Members unanimously object, unless the full Committee on Governmental Affairs by a majority vote approves of such public hearing.

Senate Rules will govern all closed sessions convened by the Subcommittee (Rule XXVI, Sec. 5(b), Standing Rules of the Senate).

2. Subpoenas for witnesses, as well as documents and records, may be authorized and issued by the Chairman, or any other Member of the Subcommittee designated by him, with notice to the ranking minority Member. A written notice of intent to issue a subpoena shall be provided to the Chairman and ranking minority Member of the Committee, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him, immediately upon such authorization, and no subpoena shall issue for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and ranking minority Member waive the 48 hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and ranking minority Member that, in his opinion, it is necessary to issue a subpoena immediately.

3. The Chairman shall have the authority to call meetings of the Subcommittee. This authority may be delegated by the Chairman to any other Member of the Subcommittee when necessary.

4. If at least three Members of the Subcommittee desire the Chairman to call a special meeting, they may file in the office of the Subcommittee, a written request therefor, addressed to the Chairman. Immediately thereafter, the clerk of the Subcommittee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Subcommittee Members may file in the office of the Subcommittee their written notice that a special Subcommittee meeting will be held, specifying the date and hour thereof, and the Subcommittee shall meet on that date and hour. Immediately upon the filing of such notice, the Subcommittee clerk shall notify all Subcommittee Members that such special meeting will be held and inform them of its dates and hour. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

5. For public or executive sessions, one Member of the Subcommittee shall constitute a quorum for the administering of oaths and the taking of testimony in any given case or subject matter.

Five (5) Members of the Subcommittee shall constitute a quorum for the transaction of Subcommittee business other than the administering of oaths and the taking of testimony.

6. All witnesses at public or executive hearings who testify to matters of fact shall be sworn.

7. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing, the Chairman or presiding Member of the Subcommittee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

8. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing, and to advise such witness while he is testifying, of his legal rights. Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Subcommittee Chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during interrogation by staff or during testimony before the Subcommittee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

9. Depositions.

9.1 Notice. Notices for the taking of depositions in an investigation authorized by the Subcommittee shall be authorized and issued by the Chairman. The Chairman of the full Committee and the ranking minority Member of the Subcommittee shall be kept fully apprised of the authorization for the taking of depositions. Such notices shall specify a time and place of examination, and the name of the Subcommittee Member or Members or staff officer or officers who will take the deposition. The deposition shall be in private. The Subcommittee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear unless the deposition notice was accompanied by a Subcommittee subpoena.

9. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Rule 8.

9.3 Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths.

Questions shall be propounded orally by Subcommittee Members or staff. Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Subcommittee Members or staff may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or such Subcommittee Member as designated by him. If the Chairman or designated Member overrules the objection, he may refer the matter to the Subcommittee or he may order and direct the witness to answer the question, but the Subcommittee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Subcommittee.

9.4 Filing. The Subcommittee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review pursuant to the provisions of Rule 12. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the Subcommittee clerk. Subcommittee staff may stipulate with the witness to changes in this procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

10. Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Chief Counsel or Chairman of the Subcommittee 48 hours in advance of the hearings at which the statement is to be presented unless the Chairman and the ranking minority Member waive this requirement. The Subcommittee shall determine whether such statement may be read or placed in the record of the hearing.

11. A witness may request, on grounds of distraction, harassment, personal safety, or physical discomfort, that during the testimony, television, motion picture, and other cameras and lights shall not be directed at him. Such requests shall be ruled on by the Subcommittee Members present at the hearing.

12. An accurate stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of his own testimony whether in public or executive session shall be made available for inspection by witness or his counsel under Subcommittee supervision; a copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness at his expense if he so requests.

13. Interrogation of witnesses at Subcommittee hearings shall be conducted on behalf of the Subcommittee by Members and authorized Subcommittee staff personnel only.

14. Any person who is the subject of an investigation in public hearings may submit to the Chairman of the Subcommittee questions in writing for the cross-examination of other witnesses called by the Subcommittee. With the consent of a majority of the Members of the Subcommittee present and voting, these questions, or paraphrased versions of them, shall be put to the witness by the Chairman, by a Member of the Subcommittee or by counsel of the Subcommittee.

15. Any person whose name is mentioned or who is specifically identified, and who believes that testimony or other evidence presented at a public hearing, or comment made by a Subcommittee Member or counsel, tends to defame him or otherwise adversely affect his reputation, may (a) request to appear personally before the Subcommittee to testify in his own behalf, or, in the alternative, (b) file a sworn statement of facts relevant to the testimony or other evidence or comment complained of. Such request and such statement shall be submitted to the Subcommittee for its consideration and action.

If a person requests to appear personally before the Subcommittee pursuant to alternative (a) referred to herein, said request shall be considered untimely if it is not received by the Chairman of the Subcommittee or its counsel in writing on or before thirty (30) days subsequent to the day on which said person's name was mentioned or otherwise specifically identified during a public hearing held before the Subcommittee, unless the Chairman and the ranking minority Member waive this requirement.

If a person requests the filing of his sworn statement pursuant to alternative (b) referred to herein, the Subcommittee may condition the filing of said sworn statement upon said person agreeing to appear personally before the Subcommittee and to testify concerning the matters contained in his sworn statement, as well as any other matters related to the subject of the investigation before the Subcommittee.

16. All testimony taken in executive session shall be kept secret and will not be released for public information without the approval of a majority of the Subcommittee.

17. No Subcommittee report shall be released to the public unless approved by a majority of the Subcommittee and after no less than 10 days' notice and opportunity for comment by the Members of the Subcommittee unless the need for such notice and opportunity to comment has been waived in writing by a majority of the minority Members.

18. The ranking minority Member may select for appointment to the Subcommittee staff a Chief Counsel for the minority and such other professional staff members and clerical assistants as he deems advisable. The total compensation allocated to such minority staff members shall be not less than one-third the total amount allocated for all Subcommittee staff salaries during any given year. The minority staff members shall work under the direction and supervision of the ranking minority Member. The Chief Counsel for the minority shall be kept fully informed as to preliminary inquiries, investigations, and hearings, and shall have access to all material in the files of the Subcommittee.

19. When it is determined by the Chairman and ranking minority Member, or by a majority of the Subcommittee, that there is reasonable cause to believe that a violation of law may have occurred, the Chairman and ranking minority Member by letter, or the Subcommittee by resolution, are authorized to report such violation to the proper State, local and/or Federal authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.●

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

USE OF THE ROTUNDA OF THE CAPITOL FOR A CONGRESSIONAL CEREMONY HONORING MOTHER TERESA

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 26, which was submitted earlier today by Senator BROWNBACK.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 26) to permit the use of the rotunda of the Capitol for a congressional ceremony honoring Mother Teresa.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 26) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 26

Whereas Mother Teresa of Calcutta has greatly enhanced the lives of people in all walks of life in every corner of the world through her faith, her love, and her selfless dedication to humanity and charitable works for nearly 70 years;

Whereas Mother Teresa founded the Missionaries of Charity, which includes more than 3,000 members in 25 countries who devote their lives to serving the poor, without accepting any material reward in return;

Whereas Mother Teresa has been recognized as an outstanding humanitarian around the world and has been honored by: the first Pope John XXIII Peace Prize (1971); the Jawaharal Nehru Award for International Understanding (1972); the Nobel Peace Prize (1979); and the Presidential Medal of Freedom (1985).

Whereas Mother Teresa has forever enhanced the culture and history of the world; and

Whereas Mother Teresa truly leads by example and shows the people of the world the way to live by love for all humanity: Now, thereore, be it

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on June 5, 1997, for a congressional ceremony honoring Mother Teresa. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

ORDERS FOR FRIDAY, MAY 9, 1997

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m., on Friday, May 9. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until 12:30 p.m., with Senators to speak for up to 10 minutes each, with the following exception: Senator D'AMATO for up to 30 minutes from 9:15 to 9:45.

I further ask unanimous consent that the time in morning business from 9:45 to 12:30 be equally divide between the majority leader or his designee and the Democratic leader or his designee for opening remarks relating to the flex time/comp time legislation known as the Family Friendly Workplace Act.

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

PROGRAM

Mr. ASHCROFT. Mr. President, for the information of all Senators, tomorrow Senators will speak on the subject of the flex time/comp time bill, the Family Friendly Workplace Act, until the hour of 12:30. However, no rollcall votes will occur during Friday's session of the Senate.

On Monday the Senate will consider the IDEA legislation and/or the CFE Treaty. If an agreement can be reached for the consideration of the IDEA bill for Monday, then any votes ordered with respect to that bill would be stacked to occur on Tuesday. As always, all Senators will be notified when any votes are ordered.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. ASHCROFT. Mr. President, I understand that S. 672 now is ready to be read for a third time.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

Mr. ASHCROFT. Mr. President, I now ask unanimous consent S. 672 be placed back on the calendar.

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

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Friday, May 9, 1997, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, May 8, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EWING].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 8, 1997.

I hereby designate the Honorable THOMAS W. EWING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At our best moments, O God, when we think we have accomplished so much, we acknowledge our dependence on You. When we stand for our precepts and creeds, we realize we do not stand alone. When we are proud of our ideas or ideals, we admit that there have been those foundations that have girded and guided us throughout the years. We offer this prayer of thanksgiving, gracious God, for those people who, from the beginning of our lives, have encouraged and supported us in good times and bad. Bless them and us and keep us all in Your grace, now and evermore. 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.

Ms. DELAURO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

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

Ms. DELAURO. 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. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BALLENGER led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain seven 1 minutes on each side.

FEDERAL FUNDING OF EDUCATION

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

Mr. BALLENGER. Mr. Speaker, I am a firm believer that when money is allocated for a specific purpose, it should be used for that purpose. This is not the case with Federal dollars allocated to improving our educational system. A recent study has estimated that 15 percent of every Federal dollar earmarked for education is eaten up by the Washington bureaucracy before the funds even reach the local school districts.

To top that off, as a part of a committee project to determine what works and what is wasted in American education, we found that it takes local school districts nearly 480 steps and 26 weeks just to receive a grant from the Federal Government. Local school districts have to put time, money, and staff into obtaining Federal money earmarked for education and then watch as 15 percent of every dollar is spent before the funds even reach the school. After you factor in local costs, imagine how much more Federal money does not get to our children.

If the Federal Government is going to be about providing funds for education, let us ensure that the dollars get down to the local school districts and free school districts from costly paperwork tied to Federal funds.

CHOOSE FOR CHILDREN

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

Mr. ALLEN. Mr. Speaker, I appeal this morning to my Republican colleagues to choose for children. I urge them to restore the $38 million their leaders cut from the President's supplemental appropriation request for the Women, Infants and Children Program and, as we move forward in the budget process, to support full funding for WIC.

WIC pays for milk, cereal, and formula, basics that we know reduce low birth weight, infant mortality, and child anemia. The GAO says that every dollar invested in WIC's prenatal program saves $3.50 in Medicaid spending. That is why AT&T's CEO Robert Allen calls WIC "the health care equivalent of a Triple-A investment."

Mr. Speaker, when it comes to the budget, our job is to make choices. Republican leaders have chosen to cut 180,000 mothers and children from the WIC Program. I urge the Republican rank-and-file to join the Democrats. Choose for children, invest in the mothers and their children who benefit from the WIC Program. It is the right choice for children. It is the right choice for families. It is the right choice for America.

NUCLEAR WASTE

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

Mr. GIBBONS. Mr. Speaker, legislation is pending that will cause great economic and environmental harm to communities all across this country. It will require that toxic nuclear waste be shipped near homes, playgrounds, churches, schools, et cetera, on its way to a central storage facility in Nevada.

If an accident were to occur, disaster would be imminent as dangerous radioactive materials could be released into the environment. Studies estimate that even minor damage in an accident would be sufficient to contaminate an area half the size of the city of Las Vegas. Cleanup efforts would take well over a year in a rural setting and even longer in an urban area.

Before we place the property, health, safety, and welfare of American citizens in jeopardy, much more detailed scientific studies are necessary to safeguard against such accidents. I urge my colleagues on both sides of the aisle to oppose storing nuclear waste at Yucca Mountain.

KEEP WIC AFLOAT

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

Mr. PALLONE. Mr. Speaker, how can the Republicans deny milk, cereal, and formula, I have some dry milk up here, that is provided by the WIC Program to young children, to infants? I cannot imagine how they do not see this as a priority. That is what the Federal Government should be trying to do, to protect people who fall through the cracks. I have two young children myself, and I just cannot imagine the situation where I would not be able to provide them with the basic necessities of life.

I know that the Republicans are saying that they do not need this money, that there is already carryover money from last year to pay for this WIC Program, but that is simply not true. What the Republicans fail to understand is that the 1996 funds have already been calculated into determining what funding is necessary to keep the WIC Program afloat. We need the supplemental appropriation to make sure that the kids get food in the morning.

Republicans have to listen to their own Governors. It is the Republican Governors in California and Louisiana who are saying that this program has been cut and that they already have had to start denying children milk and cereal. Let us get together on this one. Let us make sure that we are not denying these kids the basic necessities of life.

A REPUBLICAN RESPONDS TO CUTS IN WIC PROGRAM

(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 know the term "confused Democrat" is a little bit redundant, but here we go again with WIC, demagoguing it. From the crowd that told our seniors that a $190 billion base in Medicare increased to $270 billion was a cut. From the group that said moving from $26 billion to $41 billion on student loans was a cut. From the group that said a 4½-percent increase in the School Lunch Program was a cut. They are now saying that full funding of WIC is a cut. We have in the WIC escrow account $100 million that is unused right now. In the supplemental appropriations bill, we have increased WIC funding $38 million.

What is the problem in this House? Is integrity such a scarcity that we cannot have an honest dialog without calling everything a cut, without saying we are going to starve children? Let us have a little bit of truth and respect in this body, Mr. Speaker.

WIC DEBATE CONTINUES

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

Mr. HINCHEY. Mr. Speaker, 2 weeks ago the Committee on Appropriations rejected the President's request for full funding of WIC through the end of this fiscal year. Once again, the majority party here and its leadership is asking us to literally take the food out of children's mouths. First it was the school lunch cuts in 1995, then the $23 billion in cuts to food stamps in the 1996 welfare bill, and now in 1997 as many as 180,000 pregnant women, nursing mothers, and children under age 5 will be denied basic nutrition.

WIC is not Government waste. In fact, it is one of the most highly regarded Government programs. Extensive research shows that WIC has proven to reduce the incidence of low birth weights, infant mortality, and child anemia. And it is cost effective. According to the GAO, each $1 spent on prenatal WIC services saves the Government $3.50 in Medicaid and other costs. We need this program. Let us fund it fully and appropriately for the benefit and welfare of young families in America.

THE FEDERAL EDUCATION DOLLAR

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

Mr. CHABOT. Mr. Speaker, in recognition of National Teacher Appreciation Week, I want to mention an issue I believe all teachers support, getting more of our Federal education dollars into the classroom. When we vote here in Congress to spend money on education, how much actually reaches our children? As I am sure most teachers can attest, too little.

An Ohio study determined a local school may have to submit as many as 170 Federal reports totaling more than 700 pages during a single year. Ohio gets 6 percent of its money on education from Washington, yet over 50 percent of the time it spends filling out forms come from right here in Washington. These unnecessary bureaucratic procedures consume vital resources while doing nothing to improve the quality of education that our children receive.

As my colleague, the gentleman from Michigan [Mr. HOEKSTRA], has found through the Crossroads Project, there are approximately 760 Federal education programs covering 39 Federal agencies. I say we need to put an end to the wasteful bureaucracy from here in Washington that siphons off our precious education dollars. Let us spend the dollars where they ought to be spent, in the classroom. Let parents, teachers, and local schools decide where the money should be spent.

NO SUNSHINE AT FEDERAL RESERVE BOARD

(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, school boards, council meetings, all public meetings in America are subject to the sunshine law, except the Federal Reserve Board. The Fed says what America does not know is good for America. If that is not enough to starch your leotards, check this out:

The Federal Reserve Bank of Kansas City allowed 28 officials from China, Japan, and Europe to attend one of their meetings where they discussed monetary policy. Unbelievable. The American people are shut out, even Congress is shut out, but the Chinese, the Japanese, and the Europeans are allowed in.

Beam me up, Mr. Speaker. It is time for Congress to audit and investigate these bunch of internationalists setting our monetary policy that allow the Chinese and the Japanese in.

American sunshine, no way. Rising sun, welcome. The last I heard, Uncle Sam controlled the Fed, not Uncle Sucker. Let us get our job done.

AMENDMENT TO PREVENT GOVERNMENT SHUTDOWNS

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

Mr. GEKAS. Mr. Speaker, the support for the Gekas shutdown prevention amendment is growing every minute. It is a simple proposition, one that says that if at the end of a budget period no budget has been negotiated, then there will be an instant replay of last year's budget. Thus we would prevent Government shutdowns that caused so much havoc in the last several years. The most recent level of support has come from the Citizens Against Government Waste who sent me a letter just yesterday which says, among other things, "For too long Americans have watched the Congress and the President wrangle over the annual appropriations process to keep the Government running. Your Government shutdown prevention amendment would eliminate the absurd politics that lead to temporary shutdowns of the Federal Government."

Mr. Speaker, we have had 53 continuing resolutions, temporary funding measures, in the last 15 years. We have had eight Government shutdowns, the worst of which were the last two. Let us prevent it this time by adopting the Gekas amendment to the supplemental appropriations.

□ 1015

GETTING TOUGH ON JUVENILE CRIME

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

Mr. BLAGOJEVICH. In America, Mr. Speaker, more violent crime is committed by juveniles ages 15 to 19 than in any other age group. If present trends continue, juvenile arrests for violent crime will more than double by the year 2010. Under the juvenile crime control bill, which creates a $1.5 billion grant, only 12 States would qualify to receive the Federal funds necessary to fight juvenile crime.

In the United States of America, Mr. Speaker, four cities, in four cities one-third of all juvenile crimes occur: in Los Angeles, New York, Chicago, and in Detroit. Yet under this juvenile crime bill, Mr. Speaker, grant money would not find its way into the neighborhoods of Chicago, the barrios of Los Angeles, or in downtown Detroit. It could, however, find its way in Jackson Hole, WY, and in Stowe, VT.

Mr. Speaker, major cities in fact will lose money under this legislation. The local law enforcement block grant which provided $18 million to the city of Chicago could be lost under this legislation. The city credits this program for a 18-percent decrease in homicides, a 19 percent decrease in robberies, and a 24-percent decrease in narcotics.

Mr. Speaker, we need the resources to fight crime at the local level. Those resources ought to be in those areas where crimes occur.

WHAT AMERICANS WANT CONGRESS TO DO ABOUT EDUCATION

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

Mr. BARTLETT of Maryland. Mr. Speaker, what do the American people want Congress to do about education?

Let me quote from a letter from Mrs. Jan Horan of Westminster, MD. And I quote:

> Enough is enough, and the American people have had enough. When is the Congress of this country going to realize that the government is the problem and not the solution?
>
> For years, the Congress has continued to throw money at what they perceive to be the 'problem' . . . the government at all levels is throwing money at education, and our educational system continues to deteriorate.
>
> The government to the rescue . . . while creating all of these safety nets . . . a tax burden for the middle class has been created that is to the point of enslavement.
>
> I want my children and grandchildren to have a future free of this tax burden, to be able to live in a country that does not have a substandard public education system
>
> When are you, the elected officials, going to come out of your glass bubble and see what you are doing to this Nation?
>
> Common sense is what it takes from the elected officials. Let's try using it.

Mrs. Horan, I could not agree more. I hope everyone in Congress is listening and will follow that advice.

RESTORE FUNDS TO THE WIC PROGRAM

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

Mr. ROEMER. Mr. Speaker, in this body we all talk about putting our families first and about balancing the budget. But I find it very difficult to understand how Republicans have cut $38 million from the WIC Program when the WIC Program is the single best bipartisan program to help us put our families and our children first and take care of women that are pregnant, to deliver healthy children, and, and to save us money; because for every dollar we invest in WIC we save $3.50. So cutting $38 million is probably going to end up costing us over $120 million in added benefits down the line.

I encourage my Republican colleagues to act in a bipartisan way to restore these very, very important funds to a program that has always had wide bipartisan support.

THE DECLINING INFRASTRUCTURE IN AMERICA'S SCHOOLS

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, let me begin today by expressing my appreciation to members of the Committee on Education and the Workforce for their efforts in trying to strengthen the Nation's school system. As a former educator, I am interested in the Clinton administration's attention to the declining infrastructure in American schools.

It is clear that the direct assistance is going to be certainly advantageous to the schools, but we cannot overlook some of the costs that are out there, and electricity is one of those expenditures, and the utility companies are the largest nonlabor expense for schools. Under the current system, everything, everything is a negotiable expense for schools except electricity, and in the case of electricity there is no mechanism at all out there that schools have an opportunity to shop around for. Direct savings on electric bills are estimated to range from 25 to 40 percent for inner city schools, districts and States with high electric costs. Such savings, freed up for use in upgrading infrastructure and teacher salaries, are certainly there.

In Dade County in Miami, FL, spent $30 million; in Chicago, $40 million; in Fairfax County right across the river here, $30 million.

We cannot prepare our students for the future without saving some electricity costs. I urge my colleagues to look closely at the restructuring bill that we are coming up with in Congress.

THE FACTS ABOUT THE WIC PROGRAM

(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, my colleague from Georgia said earlier let us talk about the facts of WIC. Here are the facts about the Women, Infant and Children Program.

It feeds women, infants, and children. It provides necessary and critical prenatal services to pregnant women in our country. Fact: It works. It has in the past been a bipartisan effort, and the General Accounting Office of this Government has said for every $1 invested in the WIC Program we save $3½ in other kinds of expenses. Fact: There is a $76 million shortfall in the program, meaning that we will not be able to provide for 360,000 women, infants, and children. Fact: The congressional majority, the Republicans in this body, voted to cut, voted only to provide $38 million for this program, thereby leaving it $38 million short. Fact is that 180,000 women and children will be removed from the WIC Program if this current bill passes.

This is about our values and our priorities in this country. We should not be passing legislation that denies food, breakfast cereal, formula, to women, infants, and children in this country. That is not what this great Nation is about. The fact is we ought to make sure that we have $76 million to continue this working program.

THE JOURNAL

The SPEAKER pro tempore (Mr. EWING). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 350, nays 56, not voting 27, as follows:

[Roll No. 110]

YEAS—350

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meek
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Waters
Watkins
Waxman
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—56

Abercrombie
Berry
Borski
Clyburn
Collins
Costello
Cubin
DeFazio
English
Ensign
Forbes
Fox
Gephardt
Gibbons
Green
Gutierrez
Gutknecht
Hansen
Hefley
Hill
Hilleary
Hilliard
Hulshof
Jackson-Lee (TX)
Johnson, E. B.
Kennedy (RI)
Kucinich
LaFalce
Lewis (CA)
Lewis (GA)
LoBiondo
McDermott
McNulty
Menendez
Nussle
Oberstar
Pallone
Pascrell
Pickett
Poshard
Pryce (OH)
Ramstad
Sabo
Salmon
Slaughter
Stupak
Taylor (MS)
Thompson
Thune
Velázquez
Visclosky
Wamp
Watt (NC)
Watts (OK)
Weller
Wicker

NOT VOTING—27

Andrews
Blunt
Brown (CA)
Chambliss
Clay
Cox
Davis (FL)
Dixon
Doolittle
Doyle
Engel
Filner
Granger
Hefner
Herger
Jenkins
Kasich
Livingston
McKinney
Porter
Riggs
Schiff
Sessions
Souder
Wexler
White
Wolf

□ 1044

Mr. WAMP changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, I missed the Journal vote this morning due to constituent meetings. Had I been present, I would have voted "yes."

□ 1045

JUVENILE CRIME CONTROL ACT OF 1997

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 143 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of an amendment under the 5-minute rule, and shall be considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3

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 "Juvenile Crime Control Act of 1997".

TITLE I—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 101. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

"§5032. Delinquency proceedings or criminal prosecutions in district courts

"(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

"(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

"(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

"(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, and

"(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other good cause is

shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

"(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

"(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of public safety are best served by proceeding against the juvenile as a juvenile.

"(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

"(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

"(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

"(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

"(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

"(C) a violation of section 922(o) that is an offense under section 924(a)(2);

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

"(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

"(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

"(f) The Attorney General shall annually report to Congress—

"(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

"(2) the race, ethnicity, and gender of those juveniles;

"(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

"(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

"(g) As used in this section—

"(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

"(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).".

SEC. 102. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

"§5033. Custody prior to appearance before judicial officer

"(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

"(b) The juvenile shall be taken before a judicial officer without unreasonable delay.".

SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking "The" each place it appears at the beginning of a paragraph and inserting "the";

(2) by striking "If" at the beginning of the 3rd paragraph and inserting "if";

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

"In a proceeding under section 5032(a)—".

SEC. 104. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

"§5035. Detention prior to disposition or sentencing

"(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

"(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(b) A juvenile proceeded against under section 5032 shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.".

SEC. 105. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking "If an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(a)";

(2) striking "thirty" and inserting "45"; and

(3) striking "the court," and all that follows through the end of the section and inserting "the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.".

SEC. 106. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

"§5037. Disposition

"(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term

that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

"(2) Such list shall—

"(A) be comprehensive in nature and encompass punishments of varying levels of severity;

"(B) include terms of confinement; and

"(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.".

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).".

SEC. 107. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

"§5038. Juvenile records and fingerprinting

"(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

"(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

"(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

"(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

"(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

"(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 108. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

*(1) in the heading of such section, by striking "**magistrate**" and inserting "**judicial officer**"; and*

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 109. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

"CHAPTER 403—JUVENILE DELINQUENCY

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings or criminal prosecutions in district courts.
"5033. Custody prior to appearance before judicial officer.
"5034. Duties of judicial officer.
"5035. Detention prior to disposition or sentencing.
"5036. Speedy trial.
"5037. Disposition.
"5038. Juvenile records and fingerprinting.
"5039. Commitment.
"5040. Support.
"5041. Repealed.
"5042. Revocation of probation.".

TITLE II—APPREHENDING ARMED VIOLENT YOUTH

SEC. 201. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term "armed violent youth" means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE III—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Juvenile Accountability Block Grants Act of 1997".

SEC. 302. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Director of the Bureau of Justice Assistance is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

"(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

"(1) building, expanding or operating temporary or permanent juvenile correction or detention facilities;

"(2) developing and administering accountability-based sanctions for juvenile offenders;

"(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

"(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

"(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts; and

"(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

"SEC. 1802. GRANT ELIGIBILITY.

"(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Director an application at such time, in such form, and containing such assurances and information as the Director may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

"(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

"(A) restitution;

"(B) community service;

"(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

"(D) fines; and

"(E) short-term confinement;

"(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

"(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

"(b) LOCAL ELIGIBILITY.—

"(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

"(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

"(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

"(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Director under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Director.

"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE ALLOCATION.—

"(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Director shall allocate—

"(A) 0.25 percent for each State; and

"(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

"(2) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Director shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

"(3) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Director or by the State involved for any program other than a program contained in an approved application.

"(b) LOCAL DISTRIBUTION.—

"(1) IN GENERAL.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

"(A) the sum of—

"(i) the product of—

"(I) two-thirds; multiplied by

"(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of—

"(I) one-third; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

"(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

"(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

"(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Director, the Director shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to eligible units which meet the requirements for funding under subsection (b).

"(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Director may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

"SEC. 1804. REGULATIONS.

"The Director shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Director regarding the proposed use of funds made available under this part.

"SEC. 1805. PAYMENT REQUIREMENTS.

"(a) TIMING OF PAYMENTS.—The Director shall pay each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Director with the assurances required by subsection (c),

whichever is later.

"(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is not expended by the State within 2 years after receipt of such funds from the Director.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(c) ADMINISTRATIVE COSTS.—A State, unit of local government or eligible unit that receives funds under this part may use not more than one percent of such funds to pay for administrative costs.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States, units of local government, or eligible units shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

"(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—A State that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part; and

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) designate an official of the State to submit reports as the Director reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) TITLE I PROVISIONS.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(7) The term 'Director' means the Director of the Bureau of Justice Assistance.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1998;

"(2) $500,000,000 for fiscal year 1999; and

"(3) $500,000,000 for fiscal year 2000.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1998 through 2000 shall be available to the Director for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Director shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"Sec. 1801. Program authorized.
"Sec. 1802. Grant eligibility.
"Sec. 1803. Allocation and distribution of funds.
"Sec. 1804. Regulations.
"Sec. 1805. Payment requirements.
"Sec. 1806. Utilization of private sector.
"Sec. 1807. Administrative provisions.
"Sec. 1808. Definitions.
"Sec. 1809. Authorization of appropriations.".

The CHAIRMAN. No amendment shall be in order except those printed in House Report 105–89, which may be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debated for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 105–89.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer amendment No. 1 in the nature of a substitute.

The CHAIRMAN. Is the gentleman from Michigan [Mr. STUPAK] the designee of the minority leader?

Mr. STUPAK. Yes, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment No. 1 in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Families First Juvenile Offender Control and Prevention Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

Sec. 101. Short title.
Sec. 102. Grant program.

TITLE II—VIOLENT JUVENILE OFFENDERS

Sec. 201. Time limit on transfer decision.
Sec. 202. Increased detention, mandatory restitution, and additional sentencing options for youth offenders.

Sec. 203. Juvenile handgun possession.
Sec. 204. Access of victims and public to records of crimes committed by juvenile delinquents.
TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION
Sec. 301. Study by national academy of science.

TITLE I—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Juvenile Offender Control and Prevention Grant Act of 1997".

SEC. 102. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

"SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

"(a) PAYMENT AND USES.—

"(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

"(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

"(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

"(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

"(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

"(A) Preventing juveniles from becoming involved in crime or gangs by—

"(i) operating after-school programs for at-risk juveniles;

"(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

"(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

"(iv) establishing peer medication programs in schools;

"(v) establishing big brother programs and big sister programs;

"(vi) establishing anti-truancy programs;

"(vii) establishing and operating programs to strengthen the family unit;

"(viii) establishing and operating drug prevention, treatment and education programs; or

"(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

"(B) Establishing and operating early intervention programs for at-risk juveniles.

"(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

"(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

"(E) Implementing graduated sanctions for juvenile offenders.

"(F) Establishing initiatives that reduce the access of juveniles to fire arms.

"(G) Improving State juvenile justice systems by—

"(i) developing and administering accountability-based sanctions for juvenile offenders;

"(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

"(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable.

"(H) Providing funding to enable prosecutors—

"(i) to address drug, gang, and violence problems involving juveniles more effectively;

"(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

"(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders.

"(I) Hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency.

"(J) Providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

"(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.— The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

"(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

"(1) tanks or armored personnel carriers;

"(2) fixed wing aircraft;

"(3) limousines;

"(4) real estate;

"(5) yachts;

"(6) consultants; or

"(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

"(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

"(A) paid to the unit from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Director.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources.

"(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1998;

"(2) $500,000,000 for fiscal year 1999; and

"(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 1803. QUALIFICATION FOR PAYMENT.

"(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

"(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

"(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

"(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

"(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

"(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

"(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

"(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

"(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

"(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2); and

"(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference.

"(d) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

"(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

"(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.".

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

"PART R—JUVENILE CRIME CONTROL GRANTS

"Sec. 1801. Payments to local governments.

"Sec. 1802. Authorization of appropriations.

"Sec. 1803. Qualification for payment.".

TITLE II—VIOLENT JUVENILE OFFENDERS

SEC. 201. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting "The transfer decision shall be made not later than 90 days after the first day of the hearing." after the first sentence of the 4th paragraph.

SEC. 202. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) IN GENERAL.—

"(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

"(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

"(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

"(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) TERM OF OFFICIAL DETENTION.—

"(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile achieves the age of 26.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

"(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

"(e) CUSTODY OF ATTORNEY GENERAL.—

"(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

"(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

"(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

"(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

"(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

"(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

"(2) As used in this subsection, the term 'substantially segregated'—

"(A) means complete sight and sound separation in residential confinement; but

"(B) is not inconsistent with—

"(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift; and

"(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles."

SEC. 203. JUVENILE HANDGUN POSSESSION.

Section 924(a)(6) of title 18, United States Code, is amended—

(1) by striking all that precedes subparagraph (B) and inserting the following:

"(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than 1 year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title), shall be fined under this title, imprisoned not more than 5 years, or both.";

(2) in subparagraph (B)(i), by striking "one year" and inserting "5 years"; and

(3) in subparagraph (B)(ii), by striking "not more than 10 years" and inserting "not less than 3 nor more than 10 years".

SEC. 204. ACCESS OF VICTIMS AND PUBLIC TO RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "Throughout and upon" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding pursuant to 5032(a), the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a)(3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (c), inserting before the comma and after "relating to the proceeding" the phrase "other than necessary docketing data"; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting "pursuant to section 5032 (b) or (c)" after "adult" in subsection (d) as so redesignated, and by adding at the end new subsections (e) and (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 924(a)(6), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication. The fingerprints, photograph, and other records and information relating to a juvenile described in this subsection, or to a juvenile who is prosecuted as an adult pursuant to sections 5032 (b) or (c), shall be made available in the manner applicable to adult defendants.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a). If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan [Mr. STUPAK] and a Member opposed will each control 30 minutes.

Is the gentleman from Florida [Mr. MCCOLLUM] opposed to the amendment in the nature of a substitute?

Mr. MCCOLLUM. I am opposed, Mr. Chairman, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Stupak-Stenholm-Lofgren-Scott substitute takes the approach that juvenile crime can best be battled at the local level. In our bill we set aside the same $1.5 billion over 3 years for local initiatives. Our Crime Task Force went to the communities around this Nation and they asked us, give us the flexibility and give us local control. We need help from the Federal Government. We do not need mandates.

Unfortunately, the majority legislation here, the majority bill, puts down four mandates that each State must follow. In those mandates, if we do not follow those mandates, our State is denied any access to the $1.5 billion. In the most recent list that has been compiled, in reviewing the majority's bill, only six States may be eligible. Forty-four other States would be denied access to any funds in fighting juvenile crime.

Mr. Chairman, the Democratic substitute is a balanced approach to the problem of juvenile crime. It is an approach that includes enforcement, intervention, prevention, and we reform the juvenile justice system to target violent kids, and they would be locked up underneath our bill.

We allow the local community approach and not the federalism approach. The National Conference of State Legislators has written to each Member of Congress and they asked us not to pass this bill, not to pass the majority bill, adopt the Democratic substitute. Why do they not want the Republican bill? Because there are mandates there. It is a continuation of federalism, with four different mandates that most States cannot comply with.

Since when has the Federal Government, who does not have juvenile courts, who does not have juvenile probation officers, since when have we become the experts, and we are telling the rest of the country how to fight juvenile crime? The Democratic substitute is a smart bill, a fair bill, a tough bill, and everyone gets to join in, and we work with our local officials.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the substitute.

Mr. Chairman, let me begin by expressing my sincere appreciation to my chairman for his leadership in this process. I want to talk about this amendment, though, for a second, if I could, and my biggest concern with this is that this amendment is a very, very serious matter in terms of the fact that it completely changes the bill that we are dealing with here today, both for what it does and what it fails to do.

First, I want to make it clear what this amendment would do. It would mandate that the States and localities spend at least 60 percent of their juvenile crime funds on prevention programs. It is a prevention mandate. Such a mandate is exactly the wrong approach to take in this bill, for four reasons.

First, the Committee on Education and the Workforce will be reporting out a justice and delinquency prevention program within 6 weeks which has prevention as its primary focus. Chairman RIGGS has been working with the gentleman from Virginia [Mr. SCOTT] on this bipartisan bill, which is primarily prevention oriented, and which focuses resources on at-risk youth.

Second, this bill focuses on the problems of a broken juvenile justice system, that is what the underlying bill is all about, which chronically fails to hold juvenile offenders accountable. It does so by providing assistance to the

States and localities to reform their juvenile justice systems by embracing accountability-based reforms.

The minority substitute mandated prevention spending would divert desperately needed resources from the juvenile justice system. It would divert resources from the prosecutors, the courts, the probation officers who represent the means of ensuring meaningful accountability for juvenile offenders.

The third reason why this amendment is a bad idea, and it is a bad idea to mandate that 60 percent of the funds be spent on prevention, is because of the extensive prevention resources already provided for in prevention programs of the Federal Government.

According to the General Accounting Office, the Federal Government programs already funded for at-risk and delinquent youth number as follows: 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs. Yet, there is currently not even one Federal program to support States in their efforts to reform their juvenile justice systems and embrace accountability-based reforms.

That is what this bill, the underlying bill, is all about. The amendment would gut that, change that, turn this into a prevention grant program, adding to all the others that are out there, and not helping the States do what they need to do to hire the probation officers, juvenile judges, build the detention facilities, and so forth to make their juvenile justice system work.

The fourth reason I oppose the prevention mandate is because of the recent data which calls into question the effectiveness of many of the government prevention programs. While locally developed, community-based prevention programs are often extremely effective, there is a growing body of research that suggests that Government-sponsored prevention programs are of limited benefit. According to a comprehensive Justice Department Commission study published last month, "Recreational enrichment and leisure activities such as after-school programs are unlikely to reduce delinquency."

The study went on and stated, "Midnight basketball programs are not likely to reduce crime." With a crisis of violent youth crime and the broken juvenile justice system demanding action, there is no time to be spreading out limited Federal resources among hundreds of Government programs that have not been shown to work.

The minority substitute also requires that not less than 10 percent of funds be spent on building or expanding secure juvenile correction or detention facilities for violent juvenile offenders, and that not less than 20 percent of the funds be spent on graduated sanctions and hiring prosecutors.

In other words, the substitute amendment establishes categorical spending requirements that all States and localities must adhere to, whether or not these spending categories reflect their own priorities.

In other words, they are setting out a math deal, that 10 percent of the funds can be spent on building or expanding secure juvenile corrections, 20 percent on graduated sanctions and hiring prosecutors. Suppose a community thinks they need to spend 50 percent or a State needs to certainly spend 50 percent or better of its money on juvenile detention facility construction in order to be able to detain those violent youthful offenders in segregated cells, instead of mixing with adults, that all of us want in the bill and the underlying bill mandates.

They could not do it because they could only spend 10 percent of their funds on building a secure juvenile center, or the same could be true about spending funds on graduated sanctions or hiring prosecutors. One community needs a lot of prosecutors and another community needs a lot of juvenile judges. It is just nonsensical to give them the kind of straitjackets this amendment would do.

In other words, the substitute amendment establishes the spending requirements they have to adhere to, whether they believe it or not. When you do the math, you realize 90 percent of the funds must be spent under this amendment according to the categorical requirement, leaving locals only 10 percent of the funds in this bill to allocate according to their own priorities. This is, in my judgment, a level of micromanagement that must be avoided.

The second reason I oppose the substitute amendment is because of what it fails to do. As a substitute, it fails to turn the already existing Federal juvenile justice system into a model. I am of the view that the first step to encouraging the States to put accountability back into their juvenile systems is to do in our own juvenile system what we think needs to be done.

Right now the Federal juvenile justice is as bad or worse than that of any State. Now it is true that the Federal juvenile justice deals with fewer than 500 juveniles a year, some say as few as 300, but somewhere in that neighborhood. But I still believe it is our responsibility to make sure that that system is as effective as possible, and the minority substitute guts the sensible and overdue reforms that H.R. 3 makes to the Federal juvenile justice system.

Consider the following. It maintains, under the amendment that is being offered as a substitute, it maintains the status quo of current law, which gives judges the unfettered authority to decide when a violent juvenile can be prosecuted as an adult. Second, it rejects the smart and tough provisions which put the safety of the public first through the establishment of a presumption in favor of adult prosecution of a juvenile when the crime committed is a serious violent felony or a serious drug crime, an extremely violent and serious type of crime.

It rejects the provision which would allow, not mandate, prosecutors to prosecute juveniles who commit serious violent felonies or serious drug crimes as adults, and leaves us with the anomaly of current law.

Under current law prosecutors have the discretion to prosecute 13-year-old juveniles for only certain serious crimes and lack the discretion for numerous other more serious crimes. And it rejects, the amendment does, some of the key sentencing provisions of H.R. 3 which provide judges a greater range of sanctions, including allowing judges to issue orders to the juveniles' parents, guardian or custodian regarding their conduct with respect to the juvenile.

For all of these reasons, I must strongly oppose the amendment that the minority is offering as a substitute. I would point out again that the underlying premise of this bill, which this amendment guts, is that we need to provide a change, a repair, in a broken juvenile justice system in this Nation.

We have 1 out of every 5 violent crimes in America being committed by those under 18 years of age, and of those who are under 18 that are adjudicated for a violent crime, or convicted, if you will, we are finding that only 1 out of 10 of those ever serve any time in a secure detention facility of any sort.

□ 1100

We are finding that based on statistics and demographics, there is a huge population of teenagers ready to come upon us that causes the FBI to predict that by the year 2010 we will more than double the number of violent youth crimes if we keep up this trend.

The only way we can solve this problem is if we, first of all, correct the broken juvenile justice systems that are primarily in the States. The premise of the bill is to provide a core grant program, an incentive grant program to the States that says, here is $500 million a year, $1.5 billion for 3 years, if you will make four key changes that will repair your juvenile justice systems. You do not have to do that. You do not have to accept the money. But if you do, you are going to have to assure the Federal Government that you are going to provide a sanction for the very first delinquent act, such as throwing a rock through a window or ripping off a hubcap or spray painting a building.

That is not happening in virtually any community in this country today,

and it should be. We need to do that if we are going to put consequences back into the juvenile justice system and assure that young people understand if they commit an early offense, there really are consequences to it so that later they will not evolve to the point when they pick up a gun some day as an older teenager that they think pulling the trigger means they will not get any consequences.

Second, it requires that the States assure the Federal Government to get the money that their prosecutors have the flexibility if they choose to try as adults 15 years old and older juveniles who commit serious violent crimes, murders, rapes, and robberies and that if there has been a felony committed by a juvenile and that is the second or greater number of juvenile offenses that youngster has committed, that the records will be maintained and made available to all involved just as they would be if they were adults.

We are destroying records now. We are closing cases and not preserving records after 18 and the States need to do that to fix the juvenile justice system.

And last but not least, it does say that judges need to have no impediments that would keep them as juvenile judges from being able to hold a parent accountable, not for the juvenile delinquent's act, but for those things that the juvenile judge charges them with the responsibility of doing to oversee the child.

Those are the things that are needed to be done to fix basically the States critical juvenile justice systems. States may not choose to take this money. They may not want it, but the whole reason for this bill is to correct that system and to provide a Federal model for the limited number of Federal juvenile justice system cases that are tried here in the Federal system every year.

It is not to provide prevention, though I must say I believe we should have precontact with the juvenile authorities prevention programs. They are important. But there is going to be another bill out here another day for us to debate the prevention and provide the prevention moneys. It is not in this bill. It is not this bill's purpose to do that.

The substitute amendment guts the underlying purpose of this bill, destroys the incentive grant program, removes it altogether from this bill, destroys the Federal model, reforms and substitutes in its stead basically a prevention program which, as I said, is coming, a bill like that is coming out of the Committee on Education and the Workforce in a couple of weeks. I urge defeat of this amendment.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I think we will use our own time to go through, I think there are some inaccuracies in the gentleman's representation about the amendment, but I do want to address this issue which is the quote the gentleman read about the study of what works.

I think it is important to read the whole sentence, which reads, "Simply spending time in these activities is unlikely to reduce delinquency," which the gentleman read. The rest of the sentence says, "Unless they provide direct supervision when it would otherwise be lacking." That goes to the 22 percent of violent juvenile crime that occurs between the hours of 2 p.m. and 6 p.m. I just wanted to correct that.

Mr. MCCOLLUM. Mr. Chairman, reclaiming my time, there are lots of things that go on between 3:00 in the afternoon and 6:00, 9:00 at night. That is generally when juveniles commit most juvenile offenses, when they are not supervised. There are all kinds of problems we need to deal with. This bill simply is not focusing on all of that.

We have other legislation we are trying to do to help the States come along. This bill is to correct, to provide the incentives and to provide the money to correct a failed, broken juvenile justice system. That is the focus of the bill.

Let us not destroy the focus of this bill in the name of doing something else. Apples and oranges. Let us take care of the apples today. Let us take care of the oranges in a future bill.

Do not take away any of the resources we need for the apples to give to the oranges. Let us give to the oranges as well, but let us do that on another day, another time, another bill, not gut the underlying bill with this substitute amendment.

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

Mr. STUPAK. Mr. Chairman, I yield myself 15 seconds.

In response to the gentleman from Florida, we are going to go back and forth here all day. Let me remind my colleague what Mr. Ralph Martin, a Republican district attorney in Boston stated. It is in today's Washington Post. As to my colleague's bill, he says, and I quote, "There is a lot of concern among a lot of State prosecutors because we do not want to see overfederalization of juvenile crime."

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from New Jersey [Mr. PASCRELL].

Mr. PASCRELL. Mr. Chairman, I thank the gentleman from Michigan [Mr. STUPAK] for leading the effort to bring a commonsense approach to this issue. First of all, there is purposeful misconstruing of our bill. Our bill does provide for States to apply for dollars right in the bill itself to local communities to hire law enforcement officers or officers of the corps, that may include police officers, juvenile judges, and probation officers.

Mr. Chairman, there has been an attempt by some on the other side of the aisle to paint this as being soft on crime. It is not soft on crime. Nothing could be further from the truth. Our bill expedites the time that a judge has to decide whether to transfer a juvenile to adult court, increases the penalties for juveniles who possess a handgun and expands the use of the juvenile records for Federal law enforcement purposes.

However, in addition to that, we must focus on the majority of our young people, who follow the law. They need opportunity so that they do not cross that line. If we focus solely on the few who are convicted with juvenile crimes, we are surely going to lose the war on youth violence in America. Our bill is balanced. There is nothing wrong with funding boys and girls clubs. In fact, unlike the provisions of the McCollum bill, funding prevention has proven to work.

Mr. Chairman, this is a critical issue for the country. I ask us to have an open mind of how we are really going to help our young people instead of pounding our chests and having poor results.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I thank my colleague, the gentleman from Michigan [Mr. STUPAK] for leading this effort.

Mr. Chairman, I rise in strong opposition to H.R. 3, the so-called Juvenile Crime Control Act, and in support of the Democratic substitute. We might as well call the Republican version the throw away the key act. Instead of providing education for children, the Republicans offer them prison with adults. Instead of offering programs to inspire and challenge children in poor communities, the Republicans offer them prison with adults. Instead of properly protecting children from firearms and drugs, the Republicans offer them prison with adults.

Mr. Chairman, the Republicans think that this is the way to solve crime. How naive. My colleagues across the aisle do not seem to want to save these precious lives. They want to take these kids, put them in prison and throw away the key. Mr. Chairman, this is mean, shortsighted legislation. Vote no for H.R. 3 and yes to the Democratic substitute.

Mr. MCCOLLUM. Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the Committee on the Judiciary.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me.

The American people across the Nation are constantly shocked by the brutality and viciousness of some of the

crimes that are being committed by 13 and 14 and 15 year olds. And they are equally shocked, the American people are, when they see a system that treats these juveniles as something less than the predators that they seem to be even at that early age. And what happens? They produce this juvenile system which, as we know it today, produces a cycle of recidivism among the juveniles that commit these vicious crimes.

If we adopt the Gephardt or minority substitute, as it is now known, we are going to remove the emphasis on trying to treat these special brutal types of crimes that are committed by juveniles to give additional discretion to prosecutors to treat them as adults for the purpose of prosecution and revert back to the coddling type of, we want to be fair. So, adoption of the minority substitute eviscerates the efforts that are being made to treat the juvenile violent offenders when they do adult crimes as adults. That is one thing.

The second thing is, again, the minority is throwing money at a problem when they want to have 60 percent of the resources thrown into prevention. We have, I say to the gentleman from New Jersey, for the youths that are trying to obey the law, job training, counseling, street gang prevention types of things, substance abuse programs, hundreds of programs at which we have thrown millions of dollars. Yet the only answer that we come up with in this substitute is to throw money again into more kinds of programs that will join a passel of programs that have failed in the past. It is time now to move into a new cycle to treat the accountability of the juvenile, No. 1.

Mr. STUPAK. Mr. Chairman, for the last speaker, I hope he understands that his State of Pennsylvania does not qualify for any fund or help underneath the majority bill, but underneath the minority bill they could, with local initiatives.

Mr. Chairman, I yield 15 seconds to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Chairman, I just want to be very clear that the statements that were made by the preceding speaker relative to juvenile murders, murderers, not currently being treated as adults by the State juvenile courts and by the State courts in this Nation is absolutely incorrect. I would suggest that the gentleman take a review and get his facts straight.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TURNER], a valuable member of our task force and former State senator.

Mr. TURNER. Mr. Chairman, I come forward today as a former member of the State senate in Texas where we passed one of the toughest juvenile justice laws in the country just last session, a bipartisan bill supported by a Republican Governor and our then-Democratic State legislature.

I think it is hypocritical to suggest that this Congress, by mandating requirements on the States, is somehow going to provide leadership on juvenile justice. Our States are responding. And I think it is hypocritical for this Congress to pass a bill and suggest that we are going to mandate our States to be even tougher than they already are.

This bill says Washington knows best, and that is why we support this substitute that we are offering today. I think it is time to get fiscally conservative in fighting juvenile crime. Our substitute devotes 60 percent of that $1.5 billion to prevention programs. I suggest to my colleagues this morning that any elementary school in the classroom today can identify the at-risk children who are going to be in the juvenile justice system 5 and 10 years from now. We need to follow that commonsense approach and invest 60 percent of the $1.5 billion in prevention activities.

Our substitute is tough on crime. It is smart on crime. It is fiscally responsible. It is a balanced budget and provides the seed money that our communities need to mobilize hundreds of volunteers that must be a part of the solution to juvenile crime. Communities will solve the problem of juvenile crime, not this Congress by mandating that our States enact certain laws simply to make the Congress look like we are tough on crime when our States already are.

Mr. STUPAK. Mr. Chairman, I yield 90 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time and applaud his leadership on this very important issue.

□ 1115

Mr. Chairman, I think the big differences between H.R. 3 and our Democratic substitute are that, for one, H.R. 3 says that Washington knows best. We are going to tell the States how to run their programs and if they do not do it our way they do not get any money.

Our bill says we rely on local prosecutors and police and parents to submit the grants and then they get the grants to their local community from Washington, DC.

The second big difference: Under H.R. 3, 12 States are eligible for all these moneys, $1.5 billion. Under our bill, every single State can qualify.

The third big difference, Mr. Chairman, is that our bill builds prisons and it builds hope, because it invests in making sure that our children have alternatives to prison. Sure, we expand. We are tough on crime. We target juvenile offenders, seven new ways we put them in jail when they commit the crime, but we also say to the hundreds of thousands of good kids, we want to give you a place to go after school that is safe, where you can play at a computer to get prepared for school the next day, and we do not assume that you are a criminal tomorrow.

We just had a tragic situation in South Bend where two people shot a woman up in Michigan that are juveniles. This would put them in jail, but we also want to make sure that the thousands of children that are not doing that get hope in their future.

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR], our delegate to the Summit on Volunteerism and Hope for America.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in strong opposition to the bill that is on the floor and in strong support for the substitute that we are debating at this time.

I was a former local elected official as a county supervisor in California and after that a member of the State legislature. We learned from our local and State practices, and frankly, if we look at it, almost all laws are prosecuted in State courts under State laws using the State criminal justice system and juvenile justice system, and what we have learned is that no one sock or one shoe fits everybody. Each community, based on the resources and based on the attitude of the community, whether it is small or large, has a different approach to it.

H.R. 3, as it has come to the floor, I think is very poorly drafted. I think it is contrary to the entire spirit of Philadelphia. Philadelphia and the Presidents all said that no one is broken so far that they cannot be fixed. This bill, as it goes before us, just says the solution is to lock everybody up and not to educate them, not to try to prevent crime.

Frankly, I feel that Presidents Reagan, Bush, and Ford, none of them would support H.R. 3 as it comes on the floor. I urge all my colleagues to support the substitute. The substitute is a bill that is well thought out and looks at the way communities can do it. It does not have a Washington approach to everything, it has community-based support. Community action works. Please support the substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Texas [Mr. SANDLIN], a great addition to our caucus.

Mr. SANDLIN. Mr. Chairman, in this country today, obviously, we have a problem with juvenile crime. It seems to me that we must decide what to do about that problem and who should do it. The Democratic alternative addresses those issues.

As a former judge, I have heard thousands of juvenile cases. Many times we must deal seriously with juveniles. Some must be incarcerated. However,

as the father of four children, as a former youth baseball, basketball, and softball coach, as someone active in the Boy Scouts of America, I can tell my colleagues that the children of America are worth saving.

Just like they must be responsible for their acts, we must be responsible, the U.S. Congress, for providing opportunities for children to stay out of the system. We know what does not work. We know that.

We know that spending more and more tax dollars to build more and more facilities to lock up more and more children without hope is not the answer, but we have to provide alternatives. We need to incarcerate some juveniles, but we need to provide for education. We need to provide for intervention. We need to provide for community support, and the Democratic alternative does that.

Who knows best how to handle these problems? Who knows best how to handle things in Texas, in New York, in California, in Mississippi, in Iowa, in Illinois, in Massachusetts? People in those communities do, that is who does, not Washington. Under the substitute legislation, local communities receive local grants to solve local problems. Let us let local teachers, local preachers, local parents, local friends handle local problems in our States.

One point I have not heard discussed is the fact our friends on the other side of the aisle are attempting to model the juvenile system after the adult system. Like it is some model. Is that not dandy? The adult system has not worked either. Treating juveniles and modeling the juvenile system after a failed adult system is certainly ridiculous.

It is time for a new approach. Our States do not need to change, our local communities do not need to change, Washington needs to change.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the subcommittee.

Mr. HUTCHINSON. Mr. Chairman, I rise in opposition to the substitute bill and in strong support of H.R. 3.

One thing is clear in the debate today and what is going on in our country, and that is there is a serious growing threat of youth violence. Both the President in the State of the Union Address and Members of Congress agree that there is this problem in America, a growing threat of youth violence. The question is what do we do about it?

Does the substitute bill address the problem in the right way or does H.R. 3? It is my belief that the substitute amendment should be opposed not only for what it does but, more importantly, for what it does not do. Let me focus on what it does first.

The substitute requires that the States and localities spend at least 60 percent of their juvenile crime grant funds on prevention programs. While this is laudatory to a certain extent, this requirement comes despite the fact that there are billions of dollars that are currently being spent each year on prevention programs, and this bill addresses a different side of it, which is the enforcement.

Agencies as diverse as the Department of Agriculture, the Department of Defense, the Appalachian Regional Commission run programs for at-risk youth. That is already being met. The General Accounting Office compiled a list of all Federal programs targeted at juveniles to assist them. The GAO found that the taxpayers already support 21 gang intervention programs, 35 mentoring programs, 42 job training programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

We spent $44 billion in programs in fiscal year 1995, and so there is not a lack of funds for prevention programs, but there is not one grant program, not one, that addresses the need for supporting the States in their reform of the juvenile justice system, and that is what this bill does.

Certainly we need prevention programs. We support those. There are programs for that. But we need assistance, as the prosecutors from my State have argued, we need assistance for our States in developing and strengthening our juvenile system programs. So that is why I support this.

In addition to the negative aspects of the substitute, the Democrat alternative falls short for what it does not do. The substitute bill does not establish a model system for our States to look at when reforming their own juvenile procedures. H.R. 3 does that. It does not mandate changes in the laws, but it does provide a model system for the States to follow, to borrow from, if they choose.

The substitute does not provide the flexibility that the principal bill does, H.R. 3, and flexibility is critically important to our States and localities.

In Arkansas we want to provide them with flexibility. I have examined the law in our State. And, true, we might not comply specifically, but it would be very simple to bring it into compliance, to make the improvements if they decide to do so. They might decide not to do so. But these funds are available for them if they wish, and we provide that model for our States.

Second, the substitute does not encourage the States to provide graduated sanctions. Although some States do that in a model fashion, other States do not. This encourages them to have graduated sanctions for every act of wrongdoing, starting with the first offense and increasing in severity with each subsequent offense. I believe this is important.

The substitute maintains the current impediments to prosecuting violent juveniles as adults. We have to give more latitude and encourage, when necessary, the prosecution of violent juveniles. Not all juveniles, but violent juveniles. That small percentage of juveniles that cross the line, we need to prosecute those as adults.

And so the main bill is a good bill that gives flexibility to the States, provides a model for them to follow, provides funding for the important programs of building their juvenile systems rather than simply focusing on what we are already providing $4 billion for, and that is the prevention programs. For that reason I encourage my colleagues to reject the substitute.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to the last gentleman that spoke from Arkansas [Mr. HUTCHINSON], he said his prosecutors have asked for help from the Federal Government. I am pleased to see that he acknowledged that they would not get any help underneath the majority bill without changing the law in Arkansas to reflect this poorly drafted bill called H.R. 3. That is why the gentleman should support the Democratic substitute because we do at least give them some help in Arkansas.

Mr. Chairman, I yield 1 minute and 45 seconds to the gentleman from Iowa [Mr. BOSWELL], another new member of our caucus.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to compliment the people from the majority for at least addressing this bill. I thank them for taking it on. We need to do that. But times have changed. Single parents, both parents working, somewhat different than my time.

When I got home after school, I knew what I was going to be doing for the next 2 or 3 or 4 hours, whatever it took, as we went home to the farm. But times have changed. We have got to have balance and we have got to realize that is going to take the whole community, the whole block, whatever we are talking about, to reach out to these kids.

I believe that any debate regarding juvenile crime must also take into account prevention measures. We simply cannot write off a generation of young people, still in their teens, without making an investment in their future productivity to our society.

We can agree that young people who commit violent crime must be held accountable and punished accordingly. I understand there are certain incorrigible young people who must and should be incarcerated. But let us be smart about juvenile crime. We need a balanced approach. Locking them up and throwing away the key is not always the solution. That approach is

just closing the barn door after the horses are out, as we say down on the farm.

I do not believe that we should abandon our attempts to put in place programs designed to prevent wayward youths from pursuing a path of crime and despair. We all have responsibility to see that our kids are provided with the guidance, opportunity and support for becoming successful and productive adults.

Today's youth will serve as the backbone of tomorrow's workforce. They are our future leaders, workers and parents. To only look toward the criminal justice system as the key to combating juvenile crime is shortsighted. More prisons at a cost of $25,000 to $30,000 per bed annually is not the single solution.

I would just like to leave this thought with my colleagues: They are our kids. They are not the next town over. They are our kids. They are our future. To educate and early intervene is something we can surely do better so that they do not move into that population of 14 or 15, and we have to go ahead and do the things suggested. Let us give it careful thought. Let us do it for the future of our kids.

Mr. STUPAK. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from Oregon [Ms. HOOLEY].

Ms. HOOLEY of Oregon. Mr. Chairman, I agree with my colleagues that our juvenile justice system is in desperate need of attention. There is no question that juvenile crime is on the rise. We must stop this violence.

Now the question is: Are we going to sit here in Washington, DC, 3,000 miles away from our communities, and try to solve our juvenile crime problem, or are we going to trust our local communities and give them the resources they need to stop juvenile violence? Are we going to keep coming up with piecemeal quick-fixes, or are we going to look at a comprehensive program to stop juvenile crime?

I have made a point to meet with the people of my district, people who really understand juvenile justice. I have talked with our sheriffs and our law enforcement officials, our judges and our prosecutors. They all agree that this proposal, which focuses on prevention, intervention and sanctions, is the only way to stop juvenile crime.

We also need to look at programs that have worked. I can guarantee we will get more accountability from proven programs than we will from plans that we draw up in Washington. This proposal asks our community members to work together to share methods of decreasing crime in their neighborhoods. When people work together on a plan, I will guarantee that they will take a lot more interest and it will be much more successful than a plan that we dictate from thousands of miles away.

Our proposal gives communities the tools they need to work together to support our kids before they become juvenile delinquents. Our proposal also has a strong intervention component for those juveniles who can be steered away from the path of crime.

We can also stop our juvenile delinquents from committing more crimes if we make sure they have immediate consequences to their problems no matter how minor the infraction. They need to know they will be punished if they break the law. We must also get tough on kids that commit violent crimes and prosecute those kids to the fullest extend of our laws.

This is a comprehensive juvenile justice plan that stops teenage violence by giving incentives to communities that work together and come up with a plan that works in their communities. We will measure the results and hold them accountable for decreasing juvenile crime.

My question is, are we going to dictate solutions to juvenile crime from D.C. or are we going to trust our communities, invest in our future, and vote for a bill that will reduce juvenile violence?

□ 1130

Mr. STUPAK. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, the substitute addresses the real concerns of my constituents. On Tuesday in Warren, the third largest city in the State, concerned officials and residents held the first meeting of the city's new antigang task force to discuss their concerns about increased gang activity and juvenile crime in their neighborhoods. Concerned residents spoke about the need for measures that get violent juvenile offenders off the streets and in prevention programs. Police officials asked for more support to help hire more backup personnel to free up front-line officers to patrol the streets. And police officials and educators both called for more money to help fund after and in-school prevention programs. This substitute legislation does what residents in Warren and other communities are asking for.

Mr. Chairman, we need to pass a bill that gets at the real problems. Most juvenile crime is State and local. What we need is a bill that gives local communities and States flexibility to handle these problems, not a bill that forces States to accept a one-size-fits-all fix.

Mr. Chairman, I urge a "yes" vote on the community-based Democratic substitute.

Mr. McCOLLUM. Mr. Chairman, I yield 4½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, this is a good bill. It is a good bill not because it is a great, learned, eloquent exposition of great enlightened theories of criminal justice. It is a good bill because it is practical and it is mainstream, and it is based not on listening to a bunch of folks in ivory towers but listening to prosecutors, juvenile justice administrators in our court systems, parole officers, jailers and local law enforcement officials all across America.

They need practical help. They do not need treatises on enlightened theories of criminal justice. They need practical help, and this bill will give it to them. It will give it to them because it gives them flexibility and it removes barriers that we have allowed to build up, like scales in pipes, year after year after year, that have tied the hands of our local prosecutors and our Federal prosecutors.

This bill is practical because it removes Federal restrictions on how juveniles can be dealt with. It is practical because it allows citizens in our communities to understand the most violent juveniles who may be among them, a right that is now denied our citizens and our schools.

To say that this bill removes flexibility is absolutely laughable. This bill provides the maximum flexibility and options and practical alternatives to our local prosecutors and our Federal prosecutors that are possible and necessary. This bill does not mandate one single thing. It does just the opposite.

It allows State prosecutors who wish to see their cases that are denied to them to be prosecuted as adults, our most violent offenders, to get into the Federal system. It does indeed set a model and a standard through reforms of our Federal system. And through its block grant approach with incentive grants, it provides an incentive, not a mandate, to our State governments.

It also avoids the trap into which this Congress fell back in 1994, to add yet more specific programs with mandates and with paperwork and with cost. It does not add to the currently 131 different programs already administered federally by 16 different departments and other agencies to benefit at-risk or delinquent youth.

A vote for this bill and a vote against the substitute amendment says we want our States to have maximum flexibility, we want our prosecutors to have the tools and to have their hands untied by the shackles of bureaucratic regulations and red tape that now prevent them from removing from America's streets the most dangerous, violent youth among us. That has been the one thing that they have told us that they need.

Yes, they need prevention moneys. Yes, it is important to solve the long-term problem of juvenile crime in America, to focus a great deal of energy and resources on prevention. But we are doing that. This bill adds to that.

This bill, in allowing our prosecutors to take the most violent juvenile offenders off the streets, prosecute them, treat them as adults, reflecting the seriousness of the crimes with which they are charged and eventually convicted, disperse them through the Federal system across the country, we deny them the ability to maintain their tentacles in communities in America, and that after all is the very best prevention on which we could be expending our money and devoting our resources. I urge support for the bill and rejection of this amendment.

Mr. STUPAK. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, as to the gentleman from Georgia, his State will not even qualify. The police unions, the International Union of Police Associations, the International Brotherhood of Police Officers, all support our legislation.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from Michigan for yielding me this time and also for his leadership on this bill.

Mr. Chairman, I rise today in strong support of the Democratic alternative and in strong opposition to H.R. 3. The Democratic alternative is both tough and smart. It strikes the proper balance between toughness and also prevention. On the other hand, H.R. 3 is dumb and dumber.

Let me be clear. I support charging violent juveniles as adults. The problem is we can already do it. In each and every State, the prosecutor can petition and the judge has the discretion, local judges that are elected or that are appointed locally have the discretion to charge juveniles as adults. So do not believe that this is a legitimate issue before the Congress today. We can address this problem.

Prosecutors, police, the people on the front lines, however, will tell my colleagues that prosecution is not the answer. The issue is prevention. That is why this amendment is smart, because it puts most of the money into prevention programs that really matter, gang prevention, safe havens, programs that help divert young people from a life of crime.

I said H.R. 3 was dumb and dumber. Here is why. Under their bill, only 12 States would qualify to get the money. They come up and tell Members how critical fighting juvenile crime is, but they introduce before this body a piece of legislation under which only 12 States could qualify; 38 States cannot qualify. Even the sponsors of this legislation could not get money into their own States. That is dumb. We need a balanced bill. The Democratic alternative meets that criterion.

Mr. STUPAK. Mr. Chairman, I yield 1¾ minutes to my good friend, the gentlewoman from Michigan [Ms. KILPATRICK], former member of the Michigan legislature, head of the appropriations and especially appropriations on prisons.

Ms. KILPATRICK. Let me thank my good friend from Michigan for yielding me this time and also for his leadership.

Mr. Chairman, let us be clear. America's greatest problem today is what we will do with our young people as we move to the new millennium, how we will educate them, how we will treat them and how we will offer them the opportunity they need to become productive citizens in this world.

Let us be clear. H.R. 3, $1.5 billion, only addresses 12 States. Thirty-eight States cannot even get in the front door of H.R. 3 in its present form.

Let us talk about what our children need. They need opportunity. They need hope. Over 300,000 of them find themselves in the juvenile system. They need hope. They want us to work with them. We want to put the toughest in prison. We think violent offenders must be incarcerated. Over 98 percent of the bill before us, H.R. 3, only talks about enforcement. Nothing about hope. All studies show that children need to be educated, disciplined, counseled and loved. H.R. 3 in its present form does not do that. The Democratic substitute does offer hope.

I want to talk a bit about HIDTA, high intensity drug trafficking areas, that is now part of the Federal budget and goes out to many communities across America. Again, enforcement dollars. It is okay to have enforcement, as the previous speaker mentioned. We want the most violent juvenile offenders to be locked up.

Judges. We elect judges. Local communities ought to be able to decide what to do with their juvenile offenders. We should not be dictating in Washington. $1.5 billion. Do we want to build 25 new prisons with that money? Or do we want to put it into alternatives to incarceration, save our children and give hope to America's future?

This bill will not solve the problem of juveniles and crime. As a matter of fact, only 6 percent of juvenile arrests in 1992 were for violent crimes. With one exception, the level of juvenile crime has declined over the past 20 years. There are only 197 juveniles currently serving Federal sentences. Juvenile crime is almost exclusively a State and local issue.

This bill is a waste of taxpayers dollars. In the Wall Street Journal of March 21, 1996 high risk youths who are kept out of trouble through intervention programs could save society as much as $2 million per youth over a lifetime. This bill puts more money into police and prisons, tactics that simply do not work without adequate prevention programs. The $1.5 billion in funding in the bill is conditioned on the willingness of States to try youths as adults. Even at that caveat, only 12 States would be eligible for this funding.

Most police chiefs believe that prevention programs are the most effective crime reduction strategy versus hiring additional police officers.

H.R. 3 takes an extreme approach to juvenile justice, without any evidence that these approaches actually work. Under H.R. 3, 13-year-old children could be tried as adults; provides no funding for prevention programs, and is not supported by a single major social service organization.

Who opposes H.R. 3? Among other organizations, the YMCA, the American Psychological Society, the National Recreation and Park Association, the National League of Cities, the National Association of Child Advocates, the Chief Welfare League of America, among many others.

We need to put our scarce resources into programs and projects that work. The Democratic alternative to H.R. 3 gives us that chance. It is a balanced approach to fighting juvenile crime that includes enforcement, intervention, and prevention. These funds go directly to local communities to implement a variety of comprehensive prevention initiatives—initiatives that work.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CUMMINGS]. He has been a valuable member of our task force who helped put this bill together, along with the gentleman from Virginia [Mr. SCOTT], the gentlewoman from California [Ms. LOFGREN] and the gentleman from Texas [Mr. STENHOLM]. The gentleman was a great addition to our team.

Mr. CUMMINGS. Mr. Chairman, the folks who support H.R. 3 just do not get it. They just do not get it.

Our children need help. They need a lot of help. They do not need a kick in the behind. A young man who was placed in a Maryland prison, 15 years old, killed himself. But just before he killed himself, he wrote a poem that is embedded in the DNA of every cell of my brain. It is entitled, "All Cried Out."

I'm all cried out from the pain and sorrow, Wondering if I'll live to see tomorrow. I'm tired of my feelings getting hurt. It feels like the stuff of life getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt. This is my fight with life and I'm at the end of my bout.

I'm a victim of society and a victim of circumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody. I've been put down, put out and even cursed out but somehow I still rise to the top.

I'm tired of crying my pain away because even after the tears are gone, I still feel the pain each and every day.

This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Mr. Chairman, last week, I hosted two town-hall meetings in my district of Baltimore and the overwhelming message that I received from my constituents is their overpowering fear of crime.

My constituents told me that they are afraid to walk to the bus stop to get to work—they are frightened that their homes will be burglarized. I, myself, had a shotgun pinned to the

back of my head—splayed out on the sidewalk right outside my home.

And more and more, these are young people committing these crimes.

I am angry. I am angry because I feel so helpless. I didn't have an answer last weekend and I don't have one now * * * but I do know one thing—the bill we are considering today is not the answer.

I commend the authors of this bill because I recognize that juvenile crime is among the most pressing crime problems facing the Nation, and that Federal legislation addressing this problem is warranted.

However, this bill in its present form has serious and fundamental flaws.

One of my primary concerns with this bill is that it allows juveniles to be housed with adults. And even more disturbing, children that have been charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Children as young as 13 to 15 years old can be placed with adult offenders if juvenile facilities are not readily available. Children 16 years and older can be detained and mixed with adults regardless of the availability of juvenile facilities.

I know there are some in this body that are not sympathetic to this notion. They will say—if you're old enough to do the crime, you are old enough to do the time.

According to the American Psychological Association, children confined in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children detained in juvenile facilities.

The youthful offenders that we are treating like adults are the same kids that we saw playing hopscotch, jumping rope, and playing tag. What happened to them? Whose fault is it that they fell from grace? Who is responsible for their failures?

I understand the need to make a statement to the citizens back home and to all that are watching us today on C–SPAN across the country. I understand how polls work and the need to communicate to one's constituency about "going to Washington and doing something about crime." Yes, I am cynical and this bill is not the solution.

We are ignoring prevention and early intervention programs, which are the most effective means of reducing crime. We are ignoring rehabilitation methods such as getting to these kids while they are still impressionable, allowing them to reverse the path and mistakes that they have made. Are we as a collective body going to throw away kids that are 13 or 14 or 15 years old?

I'M ALL CRIED OUT

That is the title of a poem that a young man from Maryland wrote before he killed himself.

This young man was only 15 years old. The local law enforcement authorities placed him in an adult prison for a petty offense and he wrote this poem, which was found on a scrap of paper at his feet:

ALL CRIED OUT

I'm all cried out from the pain and sorrow,
Wondering if I'll live to see tomorrow.
I'm tired of my feelings getting hurt.
It feels like the stuff of life keeps getting pulled over my eyes and I'm constantly in the dark. I'm all cried out and this is without a doubt.
This is my fight with life and I'm at the end of my bout.
I'm a victim of society and a victim of cricumstance, hoping that I'll get a second chance to prove that I am somebody instead of nobody.
I've been put down, put out and even cursed out but somehow I still rise to the top.
I'm tired of crying my pain away because even after the tears are gone,
I still feel the pain each and every day.
This poem is just telling people what I'm really about, but it's really to let them know that I'm all cried out.

Another area in which this bill fails is that it fails to deal with the problem of disproportionate minority confinement.

Although African-American juveniles age 10 to 17 constitute 15 percent of the total population of the United States, they constitute 26 percent of junvenile arrests, 32 percent of delinquency referrals to juvenile court, 41 percent of the juveniles detained in delinquency cases, 46 percent of the juveniles in correctional institutions, and 52 percent of the juveniles transferred to adult criminal court after judicial hearings.

We are doing nothing to address this serious issue. Under this legislation, we can expect to see a significant increase in the number of African-American juveniles receiving mandatory minimum sentences.

Further, this bill does not address fundamental law enforcement issues including juvenile gun use, drug use, or gang activity and prevention.

Localities and urban areas across the country are looking for guidance from the Federal Government and we are dropping the ball.

I go home every night to Baltimore and I hear it when I walk up the steps to my home, I hear it when I fill my car with gas, I hear it in the supermarket—our young people need somewhere to go and something to do.

We need to provide local governments with money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place.

We need to focus on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes—before the juvenile becomes involved with the criminal justice system.

I'm not ready to throw these kids away and I'm not willing to vote for a bill that emanates political grandstanding without real solutions.

I urge my colleagues to vote against this bill in its present form and support the Democratic substitute.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

□ 1145

Mr. KENNEDY of Rhode Island. Mr. Chairman, the base bill, the McCollum bill, is a joke. Anybody in juvenile corrections knows it is a joke. It ignores the facts. The facts are these:

When we put kids in adult prison, guess what? They do not serve as much time because the judges do not have the heart to sentence a kid for as long as an adult. Second, if the kid is in jail, we are lucky they do not end up murdered or committing suicide, as my former colleague just said. Third, if they stay there long enough, they come out meaner and harder than you sent them in to begin with.

Now this bill is a joke because it ignores these facts, and what is more, it ignores the fundamental truth that prevention works. And if my colleagues need to talk to States attorneys and local people, probation officers, and the like, they will tell them prevention works.

Now are my colleagues serious about reducing crime or do my colleagues just want to play politics with this issue? It seems to me they just want to play politics because only 12 States will receive money on their side of the bill whereas all the States will be eligible for money with the Democratic substitute.

Vote for the Democratic substitute for real solutions to this problem.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. WEYGAND].

Mr. WEYGAND. Mr. Chairman, I am particularly troubled by the provisions of H.R. 3, and my colleagues should be too. What this is strong on is political rhetoric. What it is weak on is substance.

Early intervention, childhood development, and prevention we know are the keys to making sure that we keep kids out of prisons and making sure that we make a better society. But what does this bill do? This bill gives bragging rights to people who can say, "I'm putting people in prison." Is that really what we want to do?

The other day Jimmy Carter quoted. What he said was an uneasy feeling he had about the trend in prisons. Twenty-two years ago when he was Governor of Georgia the bragging rights of Governors were alternative sentencing program, keeping people out of prisons. Now Governors go around the country saying how many prison cells they are building, how many people they are putting behind bars.

Let us not forsake our children for the bragging rights of just building prisons. Let us be strong on crime but even stronger on crime prevention.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. BLAGOJEVICH] a new Member.

Mr. BLAGOJEVICH. Mr. Chairman, I want to thank the gentleman from Michigan for yielding this time to me. One needs about a minute to say my name. It is "Bla-goy-a-vich."

Mr. Chairman, I just want to comment briefly about H.R. 3 and the funding situation. It seems odd to me that 12 States will qualify for funding and 38 States will not, and when we break it down in reality, the fact of the matter is that when we consider that one-third of all murders happen in four cities, Los Angeles, New York, Chicago, and

Detroit, three of those cities, none of the Federal funds would arrive, not in the northwest side of Chicago, not in the barrios of Los Angeles, nor a dime to the downtown section of Detroit. Yet under this bill, among those 12 States, it is conceivable Federal funds to fight juvenile crime could trickle down to Jackson Hole, Wyoming, and Stowe, VT.

Now, I am aware that there are juvenile problems on the ski slopes in Jackson Hole, where they like to snowboard and get in the way of skiers, but in our communities in big cities kids have assault weapons and they have handguns and they are very serious. It seems to me if this bill is going to address crime nationally, we ought to have funding available to all 50 States, particularly those communities where crimes occur.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Chairman, I express my absolute opposition to H.R. 3.

Mr. Chairman, I rise in opposition to H.R. 3 and in support of the substitute before us now. The Juvenile Crime Control Act is just focused in the wrong direction. There are only 197 juveniles currently serving Federal sentences. Yet this legislation focuses on the punishment of this tiny segment of juvenile offenders, while ignoring the far greater numbers who are handled at the State and local level.

If you want to reach out to troubled youth, you have to have proven intervention strategies to stop offenders before they are entrenched in criminal activities. If you want to have a broad impact on American society, you have to work to prevent juvenile crime before it starts. Fortunately, we have experience doing these things; we know what works. But you would never know that to look at this bill.

Look instead at the substitute amendment now being offered. It targets a much larger population than H.R. 3. It is tough on violent juvenile offenders. It contains early intervention programs, and it provides local authorities with the flexibility to initiate prevention programs that work in their communities.

I urge my colleagues to support the substitute and oppose H.R. 3. Let's focus on real solutions—not rhetorical ones.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. ETHERIDGE], another new Member.

Mr. ETHERIDGE. Mr. Chairman, I rise to support the Stenholm-Stupak substitute.

Over the past several weeks I have had the opportunity to ride with extensive law enforcement officers in my district. I have ridden with police chiefs, I have ridden with sheriffs who on a daily basis put their lives on the line protecting property and protecting lives. The challenges facing these brave men and women are daunting. Each day they confront the ugly face of drugs, violence, and crime that is more serious than ever and is being committed by younger and younger individuals.

Mr. Chairman, local police officers need our help in fighting juvenile crime. They have asked me to tell Congress that they need the tools and the flexibility to respond effectively to this growing threat. This substitute is tough, but it is smart. My mother taught me a long time ago that an ounce of prevention is worth a pound of cure. I am all for locking up violent criminals, but we must also be smart enough to invest an ounce of prevention to save the costs of the heavy cure.

Mr. STUPAK. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin [Mr. KIND].

Mr. KIND. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

As my colleagues know, as a former prosecutor in the State of Wisconsin I am just trying to find some philosophical consistency with this bill. On the one hand, we are talking about it should be a State and local responsibility to teach our children, and there is very little disagreement about that. But when it comes time to punishing violent juveniles, we are saying with this bill being proposed today that Washington knows best, and perhaps one of the most troubling aspects of this entire bill is the lack of any type of oversight or review regarding prosecutorial discretion.

I am telling my colleagues as long as the criminal justice system is made up of human beings errors will be made. I wish I believed in the infallibility of prosecutors when it came to making these very important and very crucial decisions on whether or not to prosecute a child as an adult. We need some type of review process in place in order to protect against errors that are going to be made.

I do not think this bill addresses that concern. I think the substitute that is being offered does provide the tools and the resources and especially the prevention that communities need to combat juvenile crime.

I urge my colleagues today to support the substitute, to think about what we are trying to do, what we are trying to mandate on the States from Washington. Let us give the States some credit. They are doing a good job.

Mr. STUPAK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise to state my objection to H.R. 3 and my support for the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. BOYD].

Mr. BOYD. Mr. Chairman, I listened to the debate last night and listened with interest, and so this morning I went back to my office, and I called our State capital and talked to the secretary about the Department of Juvenile Justice, and I want to tell my colleagues what he says about H.R. 3.

Our State statute mandates already that adult filings, regardless of age in serious offenses, carjackings, death, rape, any kinds of issues like that. However, our statute also gives broad discretion to prosecutors to enter those juveniles into the juvenile system if they choose to based on the crime itself.

Now we went through this about 4 years ago in Florida because we had a very serious problem, and we did a major reform. We committed a quarter of a billion dollars in Florida to this reform in which we created some hard beds that we locked up violent juvenile offenders, and we also created some prevention and some rehab beds so that we could turn those young people around who were not yet hardened, and I want to tell my colleagues that this H.R. 3 undoes some of that, and Florida will not qualify under this proposal.

Mr. Chairman, I support the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I reserve the balance of my time as we have one more speaker left to close.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I rise in strong support for H.R. 3. As a former mayor of a large city, I have been for years deeply involved in trying to solve the problems, not only of juvenile crime, but of crime in general, and also from the standpoint of looking at prevention programs as well as justice solutions. Unfortunately, our area is growing very fast, and with that comes increased juvenile crime, like the rest of the country is experiencing.

I am very sad to say as mayor I attended more funerals of 13-, 14-, and 15-year-old children than I care to remember, senseless murders and young people who did these things that I would talk to afterward who would have absolutely no remorse for their actions. This bill helps our system deal with these problems.

I also have a son who is a law enforcement officer. I spent many hours on the streets with the police and the sheriff and other people. So I come to this having had some experience with the issue.

I would like to say that the majority is not ignoring prevention. We recognize the need for prevention. However, accountability is prevention. We have got to teach children that their actions hold consequences, and many youthful offenders that face those consequences of their actions stop their criminal careers before they start a life of crime.

H.R. 3 is only a part of our effort to combat juvenile crime. The Committee on Education and the Workforce is currently working on a bill aimed directly

at prevention, and it should be coming to the floor in the upcoming weeks.

I would also like to remind my colleagues that that bill is part of more than $4 billion this Federal Government is spending on at-risk and delinquent youths this year.

I also support the bill because it is not a mandate to the States, and as a former and local official I am very sensitive to that issue.

The States are not mandated to do anything by H.R. 3. They are given the incentive to reform their juvenile justice system, which is not unlike the truth in sentencing incentive grant program that provided certain grant programs for things like more prisons. That program has been successful, and so will H.R. 3.

H.R. 3 provides funds to the States who access those incentives to be used for a wide variety of juvenile crime fighting activities, building and expanding juvenile detention centers, establishing drug courts, hiring prosecutors, establishing accountability programs that work, the juvenile offenders who are referred by law enforcement agencies.

So I urge support of H.R. 3 and urge rejection of the substitute.

Mr. STUPAK. Mr. Chairman, I yield 15 seconds to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to make sure that my colleague from North Carolina understood that while this bill does not mandate taking any money North Carolina would have to make substantial changes. We do not meet 3 out of the 4 criteria that this bill sets up, and right now North Carolina, which has one of the most aggressive juvenile justice programs, would not qualify.

Mr. STUPAK. Mr. Chairman, I yield the remaining time to the gentleman from Texas [Mr. STENHOLM], who helped draft this proposal and is one of the chief sponsors, along with the gentlewoman from California [Ms. LOFGREN], the gentleman from Virginia [Mr. SCOTT], and myself.

Mr. STENHOLM. Mr. Chairman, this has been a good debate and a true competition of ideas. Today I find myself in the past agreeing quite often with the chairman from Florida, but today I respectfully differ with the bill that he brings to the floor and enthusiastically support the substitute.

When I first became involved in the issue of juvenile justice, I contacted judges, police chiefs, sheriffs, prosecutors, educators and other folks in my district who deal with this problem on a daily basis to ask for their input. The input I received was very useful to me in helping my colleagues craft this substitute. The folks in my district told me that we do need to get tough with juvenile offenders from the first offense, but we also need to focus on prevention efforts to deal with at risk kids before serious problems occurred. They told me that in order to truly address the problems of juvenile crime we need to focus on parents as well as kids. Most importantly, local officials that deal with juvenile crime in my district ask that they be able to develop the programs in their own communities without mandates in micro-management from the Federal or the State government.

The substitute will provide funding and technical assistance directly to local communities. Local educators who contacted my office warned me that we will never stop the cycle of juvenile delinquency without dealing with the problems of the family unit. The substitute give priorities to programs that focus on strengthening the family. The substitute will provide States with additional funds to establish detention centers for juvenile offenders that provide discipline, education, and training.

The substitute allows States, and this is the fundamental difference, the substitute allows States to use these funds for punishment programs that are already working in their States.

By contrast, H.R. 3 requires that States comply with several Federal mandates in order to receive any Federal assistance. My State of Texas would be required to rewrite the juvenile justice legislation that Governor Bush passed with bipartisan support in the last session of the Texas Legislature in order to receive additional funds.

□ 1200

Texas has a successful program of determinant sentencing. I do not know where we get the idea that Congress knows how to deal best with juvenile crime, better than State and local officials. If my colleagues agree with me, I ask my colleagues to support the substitute.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have heard a lot of discussion from the other side about what is wrong with the underlying bill and how the substitute they are offering today would be far preferable. I think the arguments come down to really two or three things.

First of all, the other side in their substitute is arguing the emphasis should be on prevention, that this bill we bring out today should have pretime before one ever gets into any effective contact with the juvenile justice system, any delinquent act or whatever, prevention moneys, moneys for programs I presume that could go for purposes that do not have anything to do with the system.

I would suggest, as the gentlewoman from North Carolina said just a moment ago, we are going to have legislation on the floor out here in just a couple of weeks that deals with that from the Committee on Economic and Educational Opportunities. It is like apples and oranges. Nobody disagrees. We need to do both things. We need to deal with correcting a broken juvenile justice system, that this bill deals with, and we need to deal with the prevention programs. That is not, however, what this bill does. The objective is not to do prevention out here today, and therefore the underlying amendment that basically destroys the incentive grant program in this bill is a very flawed substitute.

The incentive grant program, I would remind my colleagues, is not a mandate program, it is patterned precisely after the program that has been very successful, that we passed a few years ago here in this body to provide incentive grants to States to change their laws to require those who are going through the revolving door, those violent felons, to serve at least 85 percent of their sentence.

At the time that we passed that grant program, States like Illinois that was cited earlier, did not qualify. There were only six States that qualified for money under that program. I do not think there were any more than 6 States, although I heard the number 12 mentioned, who qualified for the money, but there may be more that qualify for the money in this bill than they did for that program.

But now, today, more than half the States are receiving money, qualified, changed their laws and are receiving money under that truth-in-sentencing program because they are requiring the violent felons in that State to serve at least 85 percent of their sentences.

The fact that we do not have a bunch of States qualifying, North Carolina or Florida or whatever, is no reason to vote against this bill, no reason to vote for the substitute. In fact, it is the essence of this bill. It is the essence, that we want these States to correct a broken juvenile justice system.

I challenge anybody; there are a lot of Members out here saying today that their States have wonderful juvenile justice systems. I went all over the country, had six regional hearings, had every State represented, every State represented over the last 2 years, and that is not what I heard. I heard every State juvenile justice authority telling me that they had huge problems with their system, and this is the kind of stuff in the underlying bill that we need to correct.

Last but not least, why my colleagues should vote against this substitute that guts the underlying incentive grant program in this bill is that it also guts the Federal reform, the program reforms for those juvenile cases we want to bring.

It is weaker on a very critical item, and that is gang warfare. The Justice Department has asked, and we put in this bill, provisions that would allow

more flexibility in cases where we have major gang problems in cities for the Federal prosecutors to get in there and prosecute, help the local authorities prosecute in the Federal system juveniles where we need to have them prosecuted in that system, and then spread them all around across the country.

That flexibility, that opportunity, that ability to get at the gangs in that way in the Federal system on a limited basis would be taken out by the substitute amendment. I do not know if the authors of it realized they were doing that or not, but they did. As a result of that, it has weakened considerably the tough provisions in this bill that would let us get at the truly violent juveniles.

Let me tell my colleagues, there are violent juveniles. Fortunately there are very few. Most kids are good kids. The essence of what we are doing today is to try to fix the juvenile justice system so that the very bad are removed from society because they commit the most heinous of crimes that we have here. We need to be tough with them, but we allow that choice at the State level to be made, we do not dictate, prosecute if they want at that level. But we also get at the young, first-time offender that really is not getting any sanction today and is not being held accountable and does not realize the consequences.

Vote "no" on the substitute and sustain the underlying bill that puts consequence back into the juvenile justice systems of the Nation

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. STUPAK].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 224, answered "present" 1, not voting 8, as follows:

[Roll No. 111]

AYES—200

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
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)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—224

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

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—8

Clay
Costello
Filner
Hefner
Lewis (CA)
McKinney
Pickering
Schiff

□ 1227

Mr. CRAMER changed his vote from "aye" to "no."

Mr. HALL of Texas changed his vote from "no" to "aye."

Ms. WATERS changed her vote from "present" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–89.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. WATERS:

Page 4, beginning in line 15, strike "that felony" and all that follows through line 18 and insert "a serious violent felony.".

Page 6, beginning in line 15 strike "or a conspiracy" and all that follows through "846" in line 18.

Page 6, beginning in line 23, strike "or a conspiracy" and all that follows through line 2 on page 7 and insert a period.

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. WATERS] and a Member opposed, the gentleman from Florida [Mr. MCCOLLUM] will each control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. WATERS].

□ 1230

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would delete in H.R. 3 the provision that requires the prosecution as adults of juveniles who are charged with conspiracy to commit drug crimes under the Controlled Substance Act and the Controlled Substance Import and Export Act. H.R. 3 would for the first time allow juveniles to be prosecuted for conspiracy and result in another attempt to ensnare our youth into the criminal justice system.

For those who consider ourselves pro-youth or supportive of families, this huge new prosecutorial device should cause great alarm. Young people often do not have the ability to protect themselves from those situations which lead to conspiracies in criminal activity. Juveniles are not wise enough to pick up and understand that they may be used. The application of conspiracy laws to young people who may not have the common sense, experience, or awareness to know that they are in danger is a terrible idea. Sophisticated criminals are experts in manipulating inexperienced and naive people in general and youth in particular. Our goal should be to protect our young people from these older and sophisticated criminals, not punish them for finding themselves at the wrong place at the wrong time.

The fact is that many of our young people live in communities where drugs and gangs are indeed prevalent. Conspiracy as defined in this legislation would put many young people at risk for prosecution by simply visiting their next-door neighbor in a particular apartment building or housing project or by visiting a popular hangout that may be frequented by people who are doing wrong. College students living in a dormitory would be subject to conspiracy charges defined in this bill. Many of our youth live in surroundings that put them at risk every day. Instead of creating more elaborate ways to prosecute these young people, we should be exploring ways to give them the resources and the skills to create better opportunities for their lives.

This bill would expand the concept of guilt by association of many of our youth.

I urge Members' support for this most important amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS], ranking member of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

The amendment that the gentlewoman offers would strike the language in this bill which allows juveniles to be prosecuted as adults for the purposes of a conspiracy to commit a drug offense. I would suggest that a 16-year-old who is sitting in the back of a room planning an operation of major drug trafficking proportions is in more need of being prosecuted and tried for that than perhaps the street runners that he is directing. The conspiracy is what he is involved with though he may never touch physically a single quantity of drugs but he plans it. He is the mastermind. Sadly, that is what often does happen. Gangs are conspiracies. We all know the trade of gangs are drugs. Prosecuting gang members for conspiracy to commit drug crimes is at the heart of what it takes to undo the viselike grip gangs have on all too many of our Nation's children.

A conspiracy charge is a critical tool for prosecutors. Without it we will never be able to attack gangs themselves. The Waters amendment simply serves to further protect gang members from Federal prosecution, which is one of the primary thrusts of this bill, is to open up the opportunity on limited occasions for the Federal prosecutors to tackle gangs. A conspiracy requires an agreement. It is not something ominous; it has been around Federal law forever and State law. It is a traditional part of all criminal law. A conspiracy requires an agreement to commit a crime and an act in furtherance of the conspiracy. This is the law in every Federal courtroom in America.

It is also true that every conspirator must knowingly engage in the conspiracy. Answering a phone call or simply being in the same house as the conspirators is not good enough. Ironically, the effect of this amendment that the gentlewoman from California [Ms. WATERS] offers will be to hamper Federal prosecution of those juveniles who are actively organizing and running the sale of drugs but who are also crafty enough to avoid any actual distribution of the drugs.

The Waters amendment will simply insulate any juvenile leaders and planners of the drug rings from prosecution. The Supreme Court has recognized the vital significance of the conspiracy tool. Justice Felix Frankfurter wrote in Callanan versus the United States:

> Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Combination in crime also makes more likely the commission of crimes unrelated to the original purpose for which the group was formed. In sum, the danger which a conspiracy generates is not confined to the substantive offense which is the immediate aim of the enterprise.

I urge a "no" vote on the amendment.

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

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. CONYERS] controls the time in support of the amendment.

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman for yielding to me.

Now we have it, folks, now we have it. Remember we were just hearing a few moments ago about these particularly heinous crimes that we needed to lock these kids up for good, wave them into the adult system because the system needed to be corrected. Remember all that rhetoric.

Now we are talking about what they are really after: putting conspirators, kids, 14 years old, 8th grade, in Federal court. I mean, just now, can we understand where they are going? They are playing politics with kids. It is wrong. We need to pass this amendment.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

This amendment is probably fundamental to the whole juvenile justice bill because now we are going to take the last resort of prosecutors: When there is nothing left, you cannot get any substantive case, you can always tack on a conspiracy charge, always. Now we are going to go to 13-year-olds and 14-year-olds to nail them.

Well, one picks up his big brother's phone, and it is a drug something going on, and the kid picks up the phone. The phone is tapped. He is brought in with his brother. He says: Well, I do not even know what you are talking about. They say: Well, kid, you were not in on the drug deal but you were in on the planning of it because we have got your voice on the phone.

Get him out of that, Mr. Chairman. We cannot get him out of that because the prosecutor does not have anything else to get him on.

Now we are stooping to the lowest statutory tactic that prosecutors frequently, not all of them, but frequently use.

How could we not support the amendment of the gentlewoman from California?

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

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 2½ minutes remaining.

Mr. MCCOLLUM. Mr. Chairman, I believe I have the right to close, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Under the legislation, if a 14-year-old commits conspiracy, they can be tried as an adult. That is the other part of this. Not only do we nail a kid on conspiracy, but under the McCollum bill, the base bill, he will be tried as an adult. Guess what kind of sentences we are talking about when an adult gets nailed for conspiracy? Mandatory minimums kick in. Nice going, nice going.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

What we have been listening to is a discussion by those who I understand

do not agree with the conspiracy as a part of criminal law particularly as it pertains to younger people for reasons that they have, and I guess I respect that. But I just do not agree with it. The bottom line is that the Justice Department has asked us to have the type of revisions that are in our bill. They support keeping the conspiracy in for a 14-year-old who is committing the kind of crime that we are trying to get at here, a drug-related crime, which this is; 15-year-old, 16-year-old, if that person is sitting in the back of the room is the organizer and director of a major criminal enterprise, drug trafficking enterprise in large quantities of drugs, which is frequently the case, he or she is actually the one we really want to get at, even though they may not actually put their hands on the drugs at all. In order to get at them, we have to have the conspiracy law. It is a traditional law.

The word "conspiracy" conjures up all kinds of images and so on, but this has been in common law from the days of England. It has been in our criminal statutes in the States and Federal system forever and ever. It is a fundamental part of criminal law that allows prosecutors in their discretion to be able to get at those like gang members who are involved in plotting the process, directing the process, even though they themselves may not go out and carry out the ultimate crime of moving the drugs themselves directly.

Mr. Chairman, I think that we would be very wrong if we took this out and prohibited Federal prosecutors from doing what they should be able to do at any age group where we are involved with this. This, by the way only applies, this amendment and the underlying bill, to the reforms and the things and changes we are making in the Federal juvenile justice proceedings. This has nothing to do with the States. The amendment does not and this portion of the debate does not.

So everybody is clear about it, we are talking about restricting by the Waters amendment, restricting Federal prosecutors from being able to go after gang leaders in gangs in the cities when they are dealing in drugs, which mostly is what the gangs do. That is wrong. It is wrong. They should be able to prosecute them, and they should be able to prosecute them as adults; and the conspiracy theory is the only way they can get at them.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, would the gentleman agree first of all that this is not limited to drugs, this is limited to all of the crimes that is identified trying juveniles as adults? And would the gentleman agree that, if a 14-year-old sits around a table with five or six other people and talks about——

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, the amendment applies to all drug cases. My colleague's amendment only applies to them, not anything else. It is a conspiracy, and it will undermine the right for gang's prosecution. I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote and, pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. WATERS] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 105–89.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CONYERS:

Page 4, beginning in line 24, strike "if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General." and insert ", upon approval of the Attorney General, if the juvenile is alleged to have committed, after the juvenile has attained the age of 13 years and before the juvenile has attained the age of 14 years, an act which if committed by an adult would be an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a), or 2241(c) of this title.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Michigan [Mr. CONYERS] and a Member opposed will each control 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I claim the 5 minutes in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

What we do here is try to deal with the problem of 13-year-olds in this juvenile justice bill. This is really a crime bill. The only reason this is called the juvenile bill is because we are dealing with kids. But the whole idea is to bring them into the criminal justice process.

In a word, what we try to stop the McCollum base bill from achieving is to allow the prosecutors to determine which 13-year-olds will be prosecuted for any felony, any felony.

I stand here as one that says there are some crimes that 13-year-olds should be prosecuted for, but not any felony.

□ 1245

And therein lies the difference. And certainly not to let the prosecutor unilaterally determine who is going to be tried. Where is the judge?

And so for that reason, I merely strike the provisions in H.R. 3 that would allow 13-year-olds to be tried as adults at the discretion of the prosecutor for any felony.

For goodness sakes, what is going on here? Why do we need this? Judges and prosecutors can try 13-year-olds now under the Federal law, under the Federal crime bill of 1994. The gentleman from Florida passed it. It was his bill, so he knows what is in it.

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

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose the Conyers amendment because it weakens H.R. 3 and takes us back to current law with respect to juvenile offenders who are 13 or older and commit extremely violent and serious crimes.

Current law provides that a juvenile 13 years of age or older may be prosecuted as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed, on Federal property, murder, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm is alleged to have committed a robbery, bank robbery or aggravated sexual abuse. That is current law.

As such, the current law creates the anomaly of being able to prosecute such a juvenile as an adult when he has committed a robbery on Federal lands with a firearm, but not a rape committed at knife point on Federal lands. In other words, current law fails to include several extremely violent crimes.

The underlying bill that the gentleman from Michigan would strike the provision from provides that a juvenile 13 years of age or older may be prosecuted, it is permissible but not mandatory, as an adult at the discretion of the prosecutor if the juvenile is alleged to have committed a serious violent felony or a serious drug offense.

These terms include such heinous crimes as murder, manslaughter, assault with intent to commit murder or rape; aggravated sexual abuse, abusive sexual contact; kidnapping; robbery, carjacking; arson; or any attempt, conspiracy, or solicitation to commit one of these offenses; any crime punishable by imprisonment for a maximum of 10 years or more that involves the use or threatened use of physical force against another; the manufacturing, distributing or dispensing of 1 kilogram or more of heroin, 5 kilograms or

more of cocaine, 50 grams or more of crack, 100 grams or more of PCP, 1,000 kilograms of marijuana, or 100 grams of methamphetamine, which are huge quantities of these; and the drug kingpin offense under section 848 of title 18.

The President's bill recommended these crimes be listed and be made available for prosecution for 13-year-olds. So I think if my colleagues think as I do, that prosecutors should have the discretion to prosecute 13-year-olds for manslaughter, all rape offenses, arson, carjacking, then Members should vote no on the Conyers amendment.

If my colleagues strongly oppose, as I do, the Conyers amendment, I hope they will vote "no."

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

If my colleagues think as I do, we will leave the Federal law alone, which already allows the enumerated crimes in the Federal crime bill of 1994 that now gives the prosecutor the option on major crimes, murder, attempted murder, possessing firearms during an offense, aggravated sexual abuse, robbery, and bank robbery. We already have those crimes.

Now, what is the point? Is giving 13-year-olds adult sentences at the discretion of the prosecutor going to reduce juvenile crime in the United States? Well, I guess if 13-year-olds are reading the Federal criminal statute and realize what the McCollum provision will do, quite likely some of them will not do it.

Please, why are we going to this clinical obsession with getting kids? For what purpose? For what satisfaction? For what national Federal objective? For what purpose? To reduce crime in America? Well, of course, there is not any.

By what authority do we even dare bring this provision up? Any quotes, any reports, any studies, any Department of Justice? None. It is just that the chairman of the Subcommittee on Crime feels this would be a good way to get more 13-year-olds. Try them as adults. A questionable theory in and of itself.

And that way, then give the prosecutor. What about the judge? Federal judges, what do they know? Give it to the U.S. prosecutor and let him build his rep and in that way we will fight juvenile crime in the United States. I think that is not sick, but not healthy either.

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

Mr. McCOLLUM. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 2½ minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

I think something needs to be clearly explained in this process and that is simply that the law today reads that assault with intent to commit murder and some other things are clearly something that the prosecutors have the discretion to prosecute, and that the issue here is what are we going to give them in addition to that.

As I said earlier, there is a hole in the law. The fact of the matter is, assault with intent to commit murder, assault with intent to commit a felony, or while in the possession of a firearm, et cetera, to commit robbery, bank robbery, or aggravated sexual abuse, the Federal prosecutors already have the right to prosecute a juvenile if they want to for those things, 13 years of age or older.

We are simply spelling out some of the loopholes they have in here so that for kidnapping and carjacking and arson, and some other very, very bad crimes, that the prosecutors have that discretion to do it.

I am opposed very strongly to the Conyers amendment, and I would urge my colleagues to oppose that amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Michigan [Mr. CONYERS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], and amendment No. 3 offered by the gentleman from Michigan [Mr. CONYERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. WATERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentlewoman from California [Ms. WATERS], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 320, not voting 13, as follows:

[Roll No. 112]

AYES—100

Abercrombie
Allen
Baldacci
Barrett (WI)
Becerra
Bishop
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Capps
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kennedy (RI)
Kennelly
Kilpatrick
Lantos
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Rahall
Rangel
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Scott
Serrano
Slaughter
Stabenow
Stark
Stokes
Thompson
Thurman
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOES—320

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)

King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Bliley
Clay
Costello
Diaz-Balart
Filner
Hefner
McKinney
Peterson (PA)
Pickering
Sanchez
Scarborough
Schiff
Watts (OK)

□ 1314

The Clerk announced the following pairs:

On this vote:

Mr. Filner for, Mr. Diaz-Balart against.

Ms. McKinney for, Mr. Scarborough against.

Messrs. HEFLEY, McNULTY, TORRES, STUPAK, TAUZIN, TIERNEY, STRICKLAND, NEAL of Massachusetts, and Mrs. CUBIN changed their vote from "aye" to "no."

Mr. MINGE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Pennsylvania. Mr. Chairman, on rollcall No. 112, I was inadvertently detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 129, noes 288, not voting 16, as follows:

[Roll No. 113]

AYES—129

Abercrombie
Ackerman
Allen
Barrett (WI)
Becerra
Berman
Berry
Bishop
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Doggett
Duncan
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Franks (NJ)
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
LaFalce
Lampson
Lantos
Lewis (GA)
Lofgren
Maloney (NY)
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Petri
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOES—288

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Barr
Bliley
Clay
Costello
DeLay
Diaz-Balart
Filner
Frank (MA)
Hansen
Hefner
McKinney
Nadler
Pickering
Sanchez
Scarborough
Schiff

□ 1323

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Mr. GORDON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. Hansen. Mr. Chairman, on rollcall No. 113, I was inadvertently detained. Had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–89.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SCOTT:
Page 22, strike lines 14 through 16.

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Virginia [Mr. SCOTT] and a Member opposed will each control 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I request the 5 minutes in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, the bill, underlying bill, authorizes $500 million a year in spending. This amendment strikes prison construction as allowable use of the money.

Mr. Chairman, this is for two reasons. First, $500 million nationally in prison construction cannot have any effect on crime. For example, Virginia is in the process of spending almost $1 billion a year on new prisons over the next 10 years. If all of Virginia shared this money, that is, if we qualified, which we do not, but if all the money were used in prisons, instead of $1 billion a year we would be spending $1.01 billion a year on prisons, obviously not enough to cause a difference in crime that anybody would notice.

The second reason, Mr. Chairman, is that if we used up the money on prisons, there would not be anything left over for the other worthwhile uses of the money.

Mr. Chairman, we already lock up more people than anywhere else on Earth. Some communities have more young men in jail than in college, and several States already spend more money for prisons than higher education. So States do not need the encouragement to build prisons, they need encouragement to spend money on other initiatives where little money can actually make a difference in public safety.

So, Mr. Chairman, I hope this House will adopt the amendment.

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

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment of the gentleman from Virginia [Mr. SCOTT] would strike the provision which allows States and localities to use the block grant funds in the bill for building, operating, and expanding juvenile correction and detention facilities. These are not prisons, these are juvenile correction and detention facilities, and we are really short on those in many of the States.

We went around the country, had several big meetings with juvenile authorities all over the country over the past couple of years, and what they want are more tools, they want more probation officers; in some cases, more judges, more social workers, and, yes, more juvenile detention facilities because we want these juveniles to be housed separately from adults. But when they commit serious offenses, then we need to detain them.

So it is not practical to strike this from the bill. It is part of the discretion. We take away some discretion, the States would not have any money to be able to build any more detention facilities when we want them to do that, and it is an essential part of correcting the broken juvenile justice system. There is some price to house the juveniles separate and apart from prisons where only adult prisoners are housed.

So I urge a no vote "on" this.

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

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana [Ms. CARSON].

Ms. CARSON. Mr. Chairman, I rise to support enthusiastically the amendment of the gentleman from Virginia [Mr. SCOTT]. As he has indicated, building prisons is the fastest growing business in the United States. We are very willing and generously spending money to build new jails and prisons, and we are annihilating any possibility for potential criminals to have an opportunity to be educated.

It is my express opinion based on the facts of this bill that we should be earmarking money for prevention and for allowing people access to education. We spend $40,000 a year for one individual in institutionalizing them instead of giving them an educational opportunity.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CUNNINGHAM].

□ 1330

Mr. CUNNINGHAM. Mr. Chairman, I laud the gentleman from Virginia [Mr. SCOTT]. He and I have worked on the Committee on Education and the Workforce, and if the gentleman from Virginia [Mr. SCOTT] could listen for a moment, I do not have time to yield, but I would like the gentleman to really listen to what I have to say, because I have worked with the gentleman on the committee.

Let me tell my colleagues what some of our frustrations are. The amendments and the substitute focus on programs that are working from my colleagues' side. We find ourselves in a very critical situation today, and we find that in many cases it is not working.

Many of us, and I have had Members from the other side come across, a lot of us have personal problems with our own children that we are looking at. Do we want our children in prison systems? No. We want them in a boot camp where they can be taken care of where there are counselors, and not even juveniles, but maybe a first-time offender that we can reach out to.

However, we have been stymied, and I would like to go over a few of those frustrations. I have just met with the police chief in the District of Columbia, and yet there has been very little activity between law enforcement and the schools and the education systems. New York came and testified before the Subcommittee on the District of Columbia, but yet the school systems are a disaster in New York; but they have cleaned up the law enforcement. We need the gentleman from Virginia's help on that, because these are all pieces of the puzzle that we are trying to work on.

In education, the comment is we are trying to take the Federal Government out of it and let it do it on a State level, but yet every day we fight the same battle from our side trying to take the power out of Washington and back down. In education, a classic example, we get less across the country than about 50 cents on a dollar down to our education programs, and that is a key part of law enforcement and especially juvenile justice, but yet we cannot break that.

When we talk about jails, in California, I would tell the gentleman from Virginia [Mr. SCOTT], we have 18,000 to 22,000 illegal felons, illegals, just in our prison system. We would not have to build any more prisons if we could get help on the illegal immigration.

When we talk about the State level, Proposition 187, which about two-thirds of the Californians voted for, would have taken care of that; yet a single Federal judge overruled the wishes of two-thirds of the Californians.

We have in the State of California over 400,000 illegals in our education system. At $5,000 a year, that is $2 billion a year. All of these are symptomatic of problems that we have. These

are the kinds of things and the pieces of the puzzle, not just this particular bill, that my colleagues' side of the aisle is very concerned about, and so are we. But understand the frustrations that we have, and we are trying to fight for these things, knowing that they are a piece of that puzzle and we cannot get support for it.

The welfare bill, 16 years average, and those children having two and three babies. What happens to those children? They are the ones we are talking about, because they end up in the gangs and having the problems. We need help on that, and that is why it is so important to us. I think we can work together a lot better than we have on these things; and I do oppose the gentleman's bill, but I would like to work with him.

Mr. SCOTT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD], the youngest Member of the U.S. House, to speak on the juvenile justice bill.

Mr. FORD. Mr. Chairman, I thank the gentleman. Let me say that this piece of legislation sends a perverse message, Mr. Chairman, to young people in our gallery and young people throughout this Nation.

As we talk about, as the gentleman from Florida [Mr. MCCOLLUM] did in this morning's newspaper, national leadership on the issue of juvenile crime, if we cannot provide national leadership in our educational system, why is it that we ought to be providing and usurping local control in the juvenile justice arena?

The crisis we face in our juvenile justice system, Mr. Chairman, is no less than dire, no less than catastrophic. If we are serious about preparing this next generation of Americans for the challenges of the new marketplace in the 21st century, then let us get serious about a national role in education as we are about a national role in juvenile justice.

I would submit to this body and submit even to the President of the United States, if we talk about arresting 13-year-olds and not about intervention and rehabilitation and prevention, we will be debating 2 years from now how we arrest 5-year-olds, 8-year-olds, and 11-year-olds.

Mr. Chairman, I plead to my friends on the other side of the aisle and even Democrats, do the right thing for young people, do the right thing for our future, provide us some real meaningful opportunities and chances, and all of us will benefit from it.

Mr. SCOTT. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding me this time.

One important point is to listen to those who are in the war. The chiefs of police of the United States of America say, nearly four times in their ranking, increasing investment in programs that help all children and youth get a good start is better and more effective than trying more juveniles as adults and hiring additional police officers. Listen to the experts. Prevention and intervention is what this bill should have, and it does not. Vote down H.R. 3.

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Rhode Island [Mr. KENNEDY], the second youngest Member of the House.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from Virginia for his leadership on this issue.

I have to say at the outset how dismayed I have been with the votes that we have just had. I would say to the gentleman from Florida [Mr. MCCOLLUM] that we might as well scrap the whole juvenile justice system, we might as well do that, because picking away at this a little bit at a time really makes no sense at all.

If the gentleman thinks that kids should not be distinguished from adults with respect to their crimes, just be honest with everybody and tell them what the gentleman is really doing, and that is just scrapping the whole juvenile justice system. This stuff about 13-year-olds and 14-year-olds is just out of hand.

I think the Scott amendment is just the way we need to go. We know the facts are that prevention works. I will give my colleagues a few statistics that I wish that the gentleman's bill had recognized.

In Salt Lake City a gang prevention program led to a 30 percent reduction in gang related crimes. In Washington State, gang prevention programs reduced violence, reduced violence, that is less victims, less victims by 80 percent. The gentleman's bill puts $102,000 per cell, it costs to construct those cells, $102,000. Imagine how far that could go in putting that money behind prevention programs that work.

Mr. MCCOLLUM. Mr. Chairman, I yield the final 1 minute to the gentleman from Texas [Mr. BRADY] for purposes of closing debate.

Mr. BRADY. Mr. Chairman, over the past year I served on the juvenile justice committee for the Texas Legislature. We rewrote our juvenile justice laws in trying to curb gang violence, and we found a number of things. One is that we met and saw a 12-year-old from Dallas who raped and bludgeoned a classmate and threw her body on the top of a local convenience store to hide her body. We learned that juveniles today are more violent and more mean and more mentally unstable than ever before in committing crimes. We find ourselves in a position of having to choose between building beds to house the most violent juveniles and choosing between a sanction process that we knew could make a difference.

Had we had this bill, had we had this incentive, we would have been able to do both and put them in place immediately to make a difference.

Finally, I would say the reason juvenile beds are so expensive is that we are trying to find out if there are kids who are rehabilitatable. For that reason we have to build additional classrooms, we have to build additional amenities. We are trying to allow, we want to give them a chance to come back to society if possible. We need these dollars, and I oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCOTT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 105–89.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. LOFGREN:

Page 24, after the line 9, insert the following:

"(12) preventing young Americans from becoming involved in crime or gangs by—

"(A) operating after school programs for at-risk youth;

"(B) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

"(C) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

"(D) establishing peer mediation programs in schools;

"(E) establishing big brother/big sister programs;

"(F) establishing anti-truancy programs;

"(G) establishing community based juvenile crime prevention programs that include a family strengthening component;

"(H) establishing community based juvenile crime prevention programs that identify and intervene with at-risk youth on a case-by-case basis;

"(I) establishing drug prevention, drug treatment, or drug education programs;

"(J) establishing intensive delinquency supervision programs;

"(K) implementing a structured system of wide ranging and graduated diversions, placements, and dispositions that combines accountability and sanctions with increasingly intensive treatment and rehabilitation

services in order to induce law-abiding behavior and prevent a juvenile's further involvement with the juvenile justice system; that integrates the family and community with the sanctions, treatment, and rehabilitation; and is balanced and humane; and

"(L) establishing activities substantially similar to programs described in subparagraphs (A) through (K).

"(c) REQUIRED USE.—A unit of local government which receives funds under this part shall use not less than 50 percent of the amount received to carry out the purposes described in subsection (b)(12).".

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from California [Ms. LOFGREN] and a Member opposed will each control 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] will control 5 minutes.

The Chair recognizes the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

I would like to offer this amendment to the body, although it is not as strong as the substitute that was just narrowly defeated. It certainly does commit some of our taxpayers' funds to not just prevention, but intensive supervision, early intervention and rehabilitation for young people who are at risk of becoming involved in crime or who are already starting down the path in this behavior.

I am pleased that I have just received a letter from the Department of Justice indicating that they support this amendment and urge its adoption, and I would urge my colleagues to do so.

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

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose strongly this amendment by the gentlewoman, even though I understand that what she is trying to do is with honorable intention. She believes deeply that we should have prevention moneys in this bill. But what she is doing is forgetting a couple of things. One is that we have another bill coming along that is designed to do that out of the Committee on Education and the Workforce. This bill is not designed for that.

The gentlewoman is going to take 50 percent of the money in this bill and divert it to prevention programs when we need every penny in this bill to go for what its intended purpose is, and that is for probation officers and juvenile judges and juvenile detention facilities and those things which are important to the juvenile justice system itself, not simply to prevent juvenile crime, which is a separate bill.

I wish they both were out here today. In fact, I had wanted in my manager's amendment to be able to offer, if the Committee on Rules allowed me, a great big $500 billion a year crime block grant program that would have allowed any amount of money that the local community wanted to spend on prevention to be used for that purpose, but that did not happen and we are not out here with it today.

But the fact is that, if we designate 50 cents and tell the States and the local communities, that is what the gentlewoman is doing with her amendment, that they must spend 50 cents of every dollar they get on prevention, then they are not going to have the flexibility. They are being mandated by the gentlewoman's amendment to spend 50 cents on every dollar on prevention when a local community may very well need to have more money than they are getting even for probation officers, for judges and so on, if we are going to begin to do what we need to do. And that is sanction every juvenile for the very early delinquent acts that they are committing and they are not being sanctioned for with community service or whatever when they vandalize a store or home or spray paint a building or whatever.

The only way they can do that is if they get more resources, more social workers, caseworkers, more probation officers, more juvenile judges, more detention space. That is what this bill is all about. Therefore, the gentlewoman's amendment really guts this bill, and we ought to wait until the Committee on Education and the Workforce bill comes along for the other type of prevention programs. It is apples and oranges, and I urge a no vote on the amendment.

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

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

One of the problems with the amendment is that it does nothing about the preconditions for the allocation of funds. Currently we believe only six States qualify.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to amend the amendment in the following way: To amend section 1802, the applicability section, to provide that the requirements of that section shall not apply to the provision of these funds, that would be the prevention intervention funds, that has been suggested by the Justice Department.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 5 offered by Ms. LOFGREN:

Page 2, after line 25 of amendment No. 5 insert "(D) Section 1802 Applicability.

The requirements of Section 1802 shall not apply to the funds available under this section."

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

□ 1345

Mr. McCOLLUM. Mr. Chairman, reserving the right to object, I do not understand what this amendment does. I heard the gentlewoman, but could she explain it again?

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, as the gentleman knows, as the author of the bill, in order for States to qualify for the funding in the final section of the gentleman's bill, four conditions must be met by State law.

The Justice Department has suggested, and I concur, that as to the 50 percent of the funds that would be dedicated under this amendment to prevention, intervention, rehabilitation, and the like, as outlined in the amendment, those preconditions would not apply for these prevention, intervention, rehab funds to flow to States.

Mr. McCOLLUM. Mr. Chairman, unfortunately, at this point I must object, I am sorry, to the unanimous consent request.

The CHAIRMAN. Objection is heard.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER], my colleague on the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, I want to rise in support of the Lofgren prevention amendment. This amendment is not about prevention versus punishment. It has always been my belief we can do both. We have to do both.

I am speaking as someone who believes in tough punishment. I wrote a whole series of tough punishment laws. But punishment is only half of the solution. We have to make sure that today's second- and third-graders do not become the violent gang members of tomorrow. That is every bit as important in fighting crime as punishing those who, unfortunately, have become violent.

The overwhelming majority of kids, and I emphasize this is true in every neighborhood in this country, want to lead honest, decent lives. We know. We have had hard evidence from communities across the country. What this amendment does is it provides for kids growing up in desperate circumstances a place to go after school, volunteering as a Big Brother. These little things which we might take for granted can help kids go into the mainstream of society.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to my colleague, the gentlewoman from California, Mrs. ELLEN TAUSCHER.

Ms. TAUSCHER. Mr. Chairman, I rise today in support of my fellow Californian and the amendment of the gentlewoman from California [Ms. LOFGREN] to H.R. 3, the Juvenile Crime Control Act. Juvenile crime has become an epidemic in our country. We are losing

our children to crime at a more rapid rate and at an earlier age than ever before. Tougher laws for juvenile criminals are essential to solving the problem. However, it is only part of the answer to preventing our children from falling into a life of crime.

After-school programs, drug prevention programs, community youth organizations offer our children alternatives to criminal activity. Effective community-based programs can and will keep our kids off the streets and out of trouble. Federal funding for proven, effective prevention programs is one of the most powerful commitments we can make to ending juvenile crime in this country. Early intervention through juvenile crime prevention programs helps put our kids back on the right track.

The amendment of the gentlewoman from California would permit grant funds under H.R. 3 to be used for proven and effective juvenile crime prevention programs. I support this bill and its tough approach to juvenile crime. I believe it will be a better bill with this amendment.

Mr. McCOLLUM. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. BARR], a member of the subcommittee.

Mr. BARR of Georgia. Mr. Chairman, I think what we are debating here today really needs to be put in the context of what the Government is currently doing and what remains undone, which is what this bill, H.R. 3, aims to do.

Mr. Chairman, lest anybody be left with the impression that the Federal Government is not expending tremendous sums of taxpayer money on prevention, at-risk, and delinquent youth programs, I have here two charts that list in summary form various of the 131 current programs administered by 16 different departments and other agencies totaling $4 billion, that is $4 billion, that are currently being used of Federal taxpayer money in communities all across America for prevention programs involving the youth of our country.

Mr. Chairman, I would like to see those on the other side that believe so strongly in prevention work with us to determine if any of these programs are not working, so that we can reconfigure the Federal moneys, change these programs, perhaps consolidate some of them, perhaps so they work better, because they are not working comprehensively now.

A case in point, and this is the chink in the armor that H.R. 3 must fill, just a couple of months ago in Atlanta, GA, in my home State, a 13-year-old youth, a drug gang wanna-be, was walking down the streets of Atlanta in broad daylight, and shot to death a father walking with his two children. That murder took place by a 13-year-old, who apparently feels no remorse, from the stories I have read, for what he did because it was part of a gang initiation.

All of these prevention moneys, $4 billion worth, did not prevent that. What we are trying to do, what the people of this country are demanding that we do as reflected in H.R. 3, is to develop programs that provide the States and the Federal Government the flexibility to stop that type of violent crime.

All the prevention moneys in the world are not working. There is a place for prevention. There is a place for this $4 billion, and perhaps more. But let us not lose sight of the forest for the trees. There is a serious problem on the streets of America with violent youth, and we must stop it. H.R. 3 will do that. The amendment will gut the ability of this bill to be effective in meeting those needs. I urge the defeat of the amendment and support of H.R. 3.

Ms. LOFGREN. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, let me briefly say to my colleague, the gentleman from Georgia, what the American people are demanding we do on this issue of crime is to prevent crime, not lock up kids after they have committed the crimes.

Mr. Chairman, and Chairman McCOLLUM, I applaud the gentleman for his leadership and interest and certainly his convictions on this issue, but let us give these kids a chance. Let us prevent this crime, provide them with meaningful opportunities, show some national leadership on that front, instead of building cell after cell after cell. Tell these young people in this Chamber and in Florida and Tennessee and throughout this Nation that we care. Show them we care about doing the right thing. Support the Lofgren amendment.

Ms. LOFGREN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think it is important to comment on the frequently repeated claim that we are already spending $4 billion on prevention programs. The YMCA, the Young Men's Christian Association, did a good analysis of that assertion, and concluded that it is actually about $70 million, based on the GAO report. There are a number of other initiatives that actually have very little to do with prevention, and even though the $70 million is really for postcrime intervention, the programs have very little to do with preventing kids from getting into trouble.

I think it is important that we stand up for our future. We all know that there are young people who have done awful things. They need to be held to account for their crimes. Some of them need to be tried as adults. We acknowledge that. But if we do only that, if we do only that, we will never get ahead of the problem of youth violence and crime that besets our communities.

I have heard much about the amendment that will reach us or the prevention bill from the Committee on Education and the Workforce. The authorization available to that committee is $70 million for the entire United States. We are talking here about $1.5 billion. Our priorities are all wrong if we look at only reacting to problems, and never to taking the longer view and preventing problems from occurring.

Mr. Chairman, I recently read a statement from Mark Klaas, whose daughter Polly Klaas was brutally murdered, and I am glad that her murderer received the death penalty which he so richly deserved, but that will not bring back Polly. Mr. Klaas said that building prisons prevents crime about as much as building cemeteries prevents disease.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I must oppose the amendment, again. As the gentlewoman knows, there is a bill coming out of the Committee on the Judiciary that is going to provide at least $150 million a year for prevention. There are many other programs we heard demonstrated out here for prevention, and we may have a $500 million a year general block grant program, as we had last year, that could be used for that purpose.

But by the gentlewoman's amendment, she guts the underlying effort of this bill to address an equally important problem, and that is what do we do about the violent youth of this Nation. We have to have the money for juvenile justice and probation officers and detention facilities for them. That is what this bill would provide.

She would require 45 cents on every dollar from this bill to go to something else. We need every penny in this bill for the purpose of juvenile justice, and I urge a no vote on her amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentlewoman from California [Ms. LOFGREN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Chairman, on that I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from California [Ms. LOFGREN] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 143, proceedings will now resume on those amendments on which further proceedings were postponed in

the following order: amendment No. 4 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 321, not voting 11, as follows:

[Roll No. 114]

AYES—101

Ackerman
Barrett (WI)
Becerra
Berry
Bishop
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Ehlers
Ensign
Eshoo
Evans
Farr
Fattah
Flake
Foglietta
Ford
Furse
Gejdenson
Gephardt
Goodling
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (RI)
Kennelly
Kilpatrick
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meek
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scott
Serrano
Skaggs
Slaughter
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Waxman
Woolsey
Wynn
Yates

NOES—321

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kennedy (MA)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Clay
Costello
Diaz-Balart
Filner
Hefner
Johnson, Sam
Kaptur
McKinney
Northup
Pickering
Schiff

□ 1416

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

Ms. DELAURO, Mrs. TAUSCHER, and Messrs. DAVIS of Florida, PALLONE, NADLER, MATSUI, FAZIO of California, HOYER, WEXLER, and WEYGAND changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Chairman, on rollcall No. 114, I was inadvertently detained. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentlewoman from California [Ms. LOFGREN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 227, not voting 15, as follows:

[Roll No. 115]

AYES—191

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goodling
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
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)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—227

Abercrombie
Aderholt
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
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)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Archer
Blagojevich
Boucher
Buyer
Clay
Costello
Cox
Diaz-Balart
Filner
Hefner
Hooley
Johnson (CT)
McKinney
Pickering
Schiff

□ 1424

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Diaz-Balart against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 115, the Lofgren amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Chairman, during the vote on the Lofgren amendment to H.R. 3, rollcall vote No. 115, I was unavoidably detained in a meeting. Had I been present for the vote, I would have voted "aye."

ANNOUNCEMENT REGARDING AMENDMENTS TO FOREIGN POLICY REFORM ACT

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

Mr. SOLOMON. Mr. Chairman, the Committee on Rules will be meeting early next week to grant a rule which may limit the amendments to be offered to H.R. 1486, the Foreign Policy Reform Act. Among other things, this bill contains authorizations for the State Department and various foreign aid programs.

Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Tuesday, May 13, to the Committee on Rules, at room H-312 in the Capitol.

Amendments should be drafted to the text of a bill as reported by the Committee on International Relations. The bill and report are to be filed tomorrow, and until such time as the text is available in the document room, it will be available in the Committee on International Relations, if Members want to get the bill there.

Just summarizing, Mr. Chairman, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 105-89.

AMENDMENT NO. 6 OFFERED BY MR. MEEHAN

Mr. MEEHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MEEHAN: Add at the end the following:

TITLE —SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. . SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Massachusetts [Mr. MEEHAN] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment states that once the Director of the Bureau of Justice Assistance decides to make Byrne discretionary grants available on a competitive basis to public agencies for antigang law enforcement initiatives, she must give special priority to those agencies that have proposed, in their applications already implemented, strategies tracing the sources of those guns provided to juveniles.

We all know too well the problem of juvenile gun violence. Specifically, virtually all of the striking increase in the juvenile homicide rate between 1987 and 1994 was associated with guns. A 1993 survey of male students in 10 inner city public schools revealed that 65 percent of those surveyed thought it would be no trouble at all to get their hands on a gun. An ex-gang member from Minnesota recently stated that for teenagers, acquiring guns is as easy as ordering pizza.

The evidence is clear, thanks to both big-time interstate gun runners and small-time black market dealers, juveniles have easy access to guns and are using them to kill one another. Over

the past few years, the city of Boston has shown us a way to make a serious dent in the illicit gun sales to juveniles and thus cut down on deadly youth violence.

The Boston gun project began with a simple idea: If we want to stop kids from shooting each other, we have to get the guns out of their hands.

□ 1430

This meant that when police recovered guns from juveniles during or after the commission of a crime, they could no longer afford to lock these guns away as evidence and forget about them. Instead, the police were called upon to work with State and Federal law enforcement agencies to trace the source of these guns. This commonsense policy yielded striking results.

For example, in their gun tracing efforts, police found guns being used by gang members in one Boston neighborhood all originated from Mississippi. They were purchased there by one neighborhood student who transported those guns to Boston for illegal sales in the neighborhood. When that student was arrested, the shootings in the neighborhood declined from 91 in 5 months to the arrest of 20 in the following 5-month period. Indeed, the Boston gun project was a critical component that has achieved once unthinkable results.

Mr. Chairman, my amendment seeks to encourage the widespread adoption of a law enforcement strategy that clearly works. My amendment requires that when the BJA decides on its own to do this, it should give special priority to the applicants, the public agencies, where they have implemented these proposals pursuant to a crime gun tracing in cooperation with State and Federal law enforcement officials.

Mr. Chairman, crime gun tracing will keep guns out of the hands of our children. If we want to stop kids from shooting one another, we have to attack the supply of the gun market. I urge my colleagues from both sides of the aisle to assist in this amendment.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I want to support the gentleman's amendment, and I want to make sure that I am right about a couple of things so my colleagues understand it.

I am correct, am I not, that this amendment does not criminalize any activity nor does it propose to create any new crimes; is that correct?

Mr. MEEHAN. The gentleman is correct.

Mr. McCOLLUM. Also, my understanding is all the gentleman is really doing, and I think it is a very important thing, is instructing the Bureau of Justice Assistance to give priority for Byrne discretionary grants to those public agencies which propose cooperative strategies to disrupt the illegal sale of firearms to juveniles; is that correct.

Mr. MEEHAN. The gentleman is correct.

Mr. McCOLLUM. That is what it does. It is a very simple measure, but I think it is a very important one. The purpose is good. We ought to have a bipartisan, cooperative, a full "aye" vote for the Meehan amendment. I strongly support it. I thank the gentleman for yielding.

Mr. MEEHAN. I thank the gentleman from Florida for his cooperation on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MEEHAN].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 105–89.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

Ms. DUNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. DUNN:
Add at the end the following new title:

Title —GRANT REDUCTION

SEC. 01. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(g) INFORMATION ACCESS.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

"(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1997, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

"(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

"(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 143, the gentlewoman from Washington [Ms. DUNN] and the gentleman from Virginia [Mr. SCOTT] will each control 5 minutes.

The Chair recognizes the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I and my colleagues from New Jersey and California offer the Dunn-Pappas-Cunningham amendment to the Juvenile Crime Control Act of 1997. This week as the trial of Megan Kanka's accused killer begins, we are reminded how important it is to have a process in place that will ensure that communities will be notified when a violent sexual predator is released.

We offer today, Mr. Chairman, an amendment to take Megan's Law one prudent step further. Our amendment will require States to submit a plan to the U.S. Attorney General describing a process by which parents will be notified when a juvenile sex offender is released and readmitted into a school system.

Some of our colleagues may wonder why notification under Megan's Law is not enough. Mr. Chairman, sometimes our schools include students from a variety of communities. Community notification, therefore, will not reach some of the parents of these children. Without this knowledge, parents would not be able to take the necessary precautions to protect their children from being victims of a possible reoffense.

It would be wrong and very possibly tragic, Mr. Chairman, to put juvenile sex offenders back into the school system without notifying the parents of the other students. We offer this amendment to H.R. 3 to complement Megan's Law and empower parents whose children attend schools outside their communities, as well as those whose children go to neighborhood schools.

We simply cannot let what happened to Megan Kanka happen again, not in any community and especially not on a playground during recess.

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

Mr. SCOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to read portions of a letter from the National Center for Missing and Exploited Children. They indicate in their letter, as Congress is well aware, juvenile offenses are increasing and the current means of addressing these offenders is inadequate for public safety purposes.

However, it is also consistently demonstrated by treatment clinicians and research academics that juvenile offenders, if given the proper treatment and supervision, are the most amenable to long-term rehabilitation efforts. NCMEC has always supported the efforts of the treatment community to identify and contain these individuals at an early age, in an effort to assist these young offenders to turn their lives around and become positive, participating members of society.

This legislation fails to recognize that not all offenders are the same. A violent 17-year-old serial rapist is a different character from a confused, perhaps abused 10-year-old involved in weekly therapy sessions. I might point

out, Mr. Chairman, that 17-year-old serial rapists are already treated as adults in every State, and they would be covered by Megan's Law.

This proposal would no doubt interfere with the treatment of these young and most amenable offenders. The more violent repetitive offenders must be addressed, but not at the cost of the less dangerous youths.

Mr. Chairman, they go on to say that this proposed legislation would make no distinction between violent, repetitive youthful offenders and first-time, confused, treatable offenders, and raises constitutional considerations.

They also say that it would make school situations more difficult for victims of abuse. Since most juvenile offenders offend against members of their own nuclear or extended family, the schoolhouse spotlight would further implicate the victims as questions are raised and accusations are made. Furthermore, many families would not report offenses committed by children they knew or were part of their family if it meant automatic notification of the entire student body.

For these reasons, Mr. Chairman, I think we should oppose this amendment.

Ms. DUNN. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield to the gentlewoman from Washington.

Ms. DUNN. I do want to answer the gentleman's question, Mr. Chairman, and be very clear that this amendment neither sets the scope of notification nor the degree of risk that would necessitate notification. What we request is a report to the U.S. Attorney General on how the State intends to notify. It would give the States the flexibility to determine that process, which students would be potential threats as they return into the school system and how to notify parents of that threat.

Mr. SCOTT. Mr. Chairman, reclaiming my time, I would point out that those who are serious offenders are routinely treated as adults in every State. If it is a juvenile conviction, Mr. Chairman, we have no idea what they may have been convicted for, even a 10-year-old kissing a classmate. Those are the kinds of things that would get wrapped up in it.

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

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM] who has been very involved in the community notification for sexual predators beginning with our successful effort to get Megan's law into the crime bill of 1994.

Mr. CUNNINGHAM. Mr. Chairman, one minute on a subject like this that is so critical, I think, to the future is by far not enough and we spend two days on an open rule on housing and in something like this that affects our children.

I would like to thank the gentlewoman from Washington. We have just seen two little girls, sisters, that were dumped in a river. We just saw a little girl last month that was found under a pile of rocks. And Megan in New Jersey, and in California. The highest recidivism rate they have, whether it is a juvenile or a senior, is in the sexual abuse area.

I have two daughters. I do not care if it is a date rape, if they are on a college level or if it happens, God forbid, what happened to these little girls. It is about time, Mr. Chairman, that we support the victims instead of quit trying to protect the guilty and the lawbreakers.

Ms. DUNN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAPPAS] who represents the county in which Mr. and Mrs. Kanka, parents of Megan Kanka, live and who has contributed a great deal to this debate.

Mr. PAPPAS. I thank the gentlewoman for yielding me this time.

Mr. Chairman, New Jersey has been witness to the tragic results of a judicial system that failed to adequately protect its citizens. The tragedies of Megan Kanka and Amanda Weingart are daily reminders that no community is safe from the scourge of sex offenders.

Amanda Weingart was killed by a convicted juvenile sex offender who was her neighbor. She was left alone with this man because no one was aware of his juvenile sex offense record, a record that was kept private, part of a system that is more concerned about protecting criminals' rights than children's rights. The entire State of New Jersey was devastated by this murder and the tragic murder of Megan Kanka a few months later.

I wholeheartedly support the gentlewoman from Washington [Ms. DUNN] and her continued leadership on tough crime legislation that cracks down on sex offenders. This amendment puts children first. Parents have the right to know how best to protect their children. We need to pass this amendment so that no family has to endure the tragedies that have been suffered by the Kankas and the Weingarts.

Mr. SCOTT. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I must say I am a little puzzled about this amendment, because I support notification when sex offenders are released. I was the original cosponsor of Megan's law in Colorado.

My concern, though, is when we have a requirement that the parents be notified directly in this situation rather than the school officials. I am concerned about innocent people mistakenly being identified and neighbors or parents having some kind of vigilantism.

So I guess I would have a question for the sponsor: If States promulgated laws which notified school officials and then they could decide how to notify the parents, would that be acceptable and make the States eligible for the Byrne grant funding under this amendment?

If so, I will support the amendment. If not, I think it could encourage vigilantism which could even be worse for students, innocent students, if the parents were directly notified and a student had erroneously been identified as a sex offender.

Ms. DUNN. Mr. Chairman, will the gentlewoman yield?

Ms. DEGETTE. I yield to the gentlewoman from Washington.

Ms. DUNN. Mr. Chairman, we believe, to answer the gentlewoman's question, that juvenile sex offenders present a unique danger to other youth. First of all, in a school, juvenile offenders are in constant contact with other children who are potential victims on a daily basis. In a community, individuals and families can avoid all contact.

Second, a system to prevent sexual crimes against children must be developed immediately. As I have said previously to the gentleman from Virginia, this notification is up to the freedom of the State. All they have to do is submit the plan and let the U.S. Attorney General know.

□ 1445

Ms. DUNN. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MCCOLLUM], the subcommittee chairman, who has been a great supporter.

Mr. MCCOLLUM. Mr. Chairman, I want to say I strongly support the gentlewoman's amendment, and I applaud her efforts to assure the communities are notified when convicted sexual predators move into neighborhoods. She has done it with Jacob Wetterly, she has done it with the Megan's Law, she is doing it here again today.

I do have some reservations of a technical nature which I think we can correct in conference, which the gentlewoman and I have discussed. The amendment is a good amendment though. It should be supported today. It further improves the laws on notification, and I do not think the objections I have heard deserve a no vote. I think she deserves a yes vote, and I encourage it.

Ms. DUNN. I yield myself the balance of the time, Mr. Chairman. How much time do I have remaining?

The CHAIRMAN. The gentlewoman from Washington [Ms. DUNN] has 1 minute remaining, and the gentleman from Virginia [Mr. SCOTT] has 30 seconds remaining.

Ms. DUNN. Mr. Chairman, I yield myself the balance of the time.

A few additional facts:

According to the Department of Justice, the total number of arrests of juvenile offenders in 1995 was over 16,000

in this Nation, and I believe we are compelled to put a system in place that will prevent possible reoffense.

Let me offer some facts from a study that was published by the Washington State Institute for Public Policy. It is very deeply disturbing.

Juveniles who recommitted sexual offenses continue to offend against children. The sexual recidivists were arrested for new offenses very soon after they had been let out of institutions. In Washington State alone 716 juveniles are registered as sex offenders and are under State or county supervision. These juveniles either attend school or work. This number, moreover, does not reflect the number of juveniles who are no longer under supervision. These two studies and the statistics alone give us reason enough to implement immediately a process of parental notification.

Mr. Chairman, the whole intention behind all our work on Megan's Law was to protect innocent women and children from sexual predators. All this amendment does is require each State to submit the method by which it will notify parents, a simple refinement of the work we have done.

I encourage Congress to pass this amendment.

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

Mr. SCOTT. Mr. Chairman, I yield the balance of the time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana is recognized for 30 seconds.

Mr. BUYER. Mr. Chairman, I thank the gentleman from Virginia [Mr. SCOTT] for yielding this time to me.

I have grave reservations about this. I applaud the gentlewoman for all of her work on child notification, but I find myself involved in investigation of sexual misconduct in the military and now sexual misconduct, fraternization and sexual harassment in the VA. The victims are very real here.

Let us not get lost in the high weeds. The juvenile justice system is about rehabilitation, also. So when my colleagues talk about the exploration of sex and first-time experiences, let us not forget about victims of potential sexual offenses while they are also juveniles and the further exploitation and the fear of these now children victims in being able to come forward.

So I have some very strong concerns, and I think the letter that was referred to from the National Center for Missing and Exploited Children in not supporting the legislation as written should be taken with great notice and this should be corrected in conference.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Washington [Ms. DUNN].

The question was taken; and the chairman announced that the ayes appeared to have it.

Ms. DUNN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 143, further proceedings on the amendment offered by the gentlewoman from Washington [Ms. DUNN] will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 105–89.

AMENDMENT NO. 8 OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCCOLLUM:

Page 4, line 21, strike "public safety" and insert "justice".

Page 22, beginning in line 4, strike "Director of Bureau of Justice Assistance" and insert "Attorney General".

Page 24, beginning in line 12, strike "Director" and insert "Attorney General".

Page 24, line 14, strike "Director" and insert "Attorney General".

Page 27, lines 10, 12, and 16, strike "Director" and insert "Attorney General".

Page 28, beginning in line 7, and in line 19, strike "Director" and insert "Attorney General".

Page 31, lines 5, 12, 16, 19, 22, strike "Director" each place it appears and insert "Attorney General".

Page 32, lines 4, 10, 11, 13, beginning in line 15, and on line 19, strike "Director" and insert "Attorney General".

Page 34, line 2, strike "Director" and insert "Attorney General".

Page 36, strike lines 3 through 4 and insert the following:

"'(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

Page 36, lines 15 and 19, strike "Director" and insert "Attorney General".

Page 22, line 14, after "expanding" insert ", renovating,".

Page 22, line 16, before the semicolon insert ", including training of correctional personnel".

Page 32, line 1, strike "90" and insert "180".

Page 32, line 24, strike "one" and insert "10".

The CHAIRMAN. Pursuant to House Resolution 143, the gentleman from Florida [Mr. MCCOLLUM] and a Member opposed will each control 5 minutes.

Mr. SCOTT. Mr. Chairman, as a Member of the committee I will ask for the time in opposition, although I am not in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 5 minutes.

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

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

This manager's amendment contains small but helpful changes to H.R. 3. Most of them have been requested by the administration.

The first change, requested by the Justice Department, modifies the basis for a Federal prosecutor's determination not to prosecute a violent juvenile as an adult in the Federal system. Currently, Title I of H.R. 3, which strengthens the Federal juvenile justice system, provides that a juvenile alleged to have committed a serious violent felony or a serious drug offense does not have to be prosecuted as an adult if the prosecutor certifies to the court that the interests to public safety are best served by proceeding against the juvenile as a juvenile. This is why those who say that H.R. 3 mandates prosecution of 14-year-olds for certain crimes are mistaken.

This amendment would change the basis for such a determination from the interests of public safety to the interests of justice. This change will provide the prosecutor with even more flexibility in making this important determination while ensuring that considerations of public safety are still included.

The second change that this amendment would make to H.R. 3 has also been requested by the Department of Justice. It would assign responsibility for administering the accountability incentive grant program to the Attorney General rather than to the Director of the Bureau of Justice Assistance. This change would provide the Attorney General greater flexibility in determining which office within the department should administer the program. This change would enable the department to insure that the program is expeditiously implemented and efficiently managed.

The third change made by this amendment is to define the term "serious violent crime" as it appears in title III of the bill. One of the requirements of the accountability incentive grant program of title III is that States allow prosecutors to make the decision of whether to prosecute a juvenile who has committed a serious violent crime as an adult. This amendment would define the term "serious violent crime" narrowly so as to include only murder, aggravated sexual assault and assault with a firearm. By explicitly limiting the term to these serious offenses, the likelihood of any problem associated with different State definitions is kept to a minimum.

This amendment also includes a provision that my friend from Indiana and a member of the committee, the gentleman from Indiana [Mr. PEASE], has worked on. This provision would explicitly provide that grant funds received under title III could be used not merely to build, expand or operate juvenile correction detention facilities, but also to renovate such facilities and to train correctional personnel to operate such facilities. This provides additional flexibility to States and localities seeking to increase and make better use of their juvenile facilities.

Finally, the amendment increases the period of time provided for the Department of Justice to make grant

awards from 90 to 180 days as requested by the Department. This establishes a more realistic timeframe for grants, for getting the grant funds out to the States and localities.

In my view, Mr. Chairman, this amendment is noncontroversial and makes a better bill, and I urge my colleagues to support it.

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

Mr. SCOTT. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding this time to me and appreciate the vigorous debate that we have had and his leadership on these issues.

I simply want to acknowledge that this manager's amendment is one that obviously, with the corrections that are being made, those of us who attempted first to have a bipartisan bill in H.R. 3 are glad for these particular technical corrections, and I thank the gentleman from Florida [Mr. MCCOLLUM] for them.

If he would allow me, I do want to acknowledge before asking to enter into a colloquy with him, and if he would suffer my disagreement on some aspects, if he would, that I was hoping that we might have been able to add a very important provision dealing with requirement on trigger locks. This I know the gentleman from Florida does not agree with, and I am not certainly asking him to respond to this. This would have been an appropriate place to add the Federal requirement that federally licensed firearm dealers provide a child safety lock with each firearm sold. I say that because 80 percent of Americans have agreed with that policy. It is only the National Rifle Association that disagrees.

Having said that, let me thank the gentleman from Florida [Mr. MCCOLLUM], as I said, for these manager corrections and particularly thank him for working with me on protecting those youth who may be housed in an institution that may have adults. We have discussed the fact that this bill in fact does not change current law, which does allow children and adults be housed together. Amendments that were proposed and were not accepted would have eliminated that danger. But I do appreciate the gentleman's interest in an amendment that I offered that had to do with the penalty for an adult that rapes a juvenile who may be incarcerated in the vicinity or in the facility of that adult.

I would like to engage the gentleman from Florida [Mr. MCCOLLUM] in a colloquy on two points, and that is the penalty for rape of juveniles in prison, and I would ask the gentleman the ability to work together with him to ensure that this provision might work its way into this legislation.

Mr. MCCOLLUM. Mr. Chairman, would the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, the gentlewoman knows I tried to put this in the manager amendment. I think having this penalty for rape by a corrections guard in a prison is a very important amendment, and enhances the penalties for that, but unfortunately the Committee on Rules determined that that would open the scope of the whole bill if it were adopted to a lot more amendments than would otherwise be permitted on a variety of subject matters.

So I will work with the gentlewoman in conference. Hopefully, we can get this into this bill and maybe into an other piece of legislation, but I strongly support that provision, and I hope we can get it through, and we will work for it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Florida, and let me just quickly say that, unfortunately, we had a situation where a young person was put in for a truancy offense. This goes to my housing juveniles with adults, existing law that I would like to change, and this bill does not, and that individual ultimately committed suicide. I hope that we prospectively can look at those issues, but moving from that let me also raise with my colleague very quickly:

As the gentleman well knows I filed the Hillory J. Farias Date Rape Prevention Act. I appreciate the discussion we had in the committee. We were not able to get this legislation in this particular bill. In fact, I think that is good, because it is important to have this issue aired. This young lady would have graduated this year. She is now dead for the DHB drug. We have determined that there is no medically redeeming quality to this drug and DEA has confided, or at least affirmed that is the case. I would like to engage the gentleman in a very brief colloquy about the opportunity to have hearings and to see the devastating impact of the DHB so that this can pass.

Mr. MCCOLLUM. Mr. Chairman, if the gentlewoman would yield, I fully intend to hold hearings on this and a number of other Members' bills. It is my intent as the chairman of the subcommittee to hold a number of our bills before hearings that Members have, including the one the gentlewoman has proferred here tonight that she is talking about, and that will occur over the next few months as we get to Members' individual bills.

So I look forward to the hearing on it. I do not know my position on the bill yet, but I will certainly anticipate holding a hearing on it and giving the gentlewoman every opportunity to convince me and others that this is the measure we should adopt. I understand it is a serious problem, and we certainly should look at the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think the Hillory J. Farias bill will get the gentleman's attention, and I thank him very much as chairman.

Mr. SCOTT. Mr. Chairman I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Virginia is recognized for 30 seconds.

Mr. SCOTT. Mr. Chairman, as the gentlewoman from Texas has indicated, we would have liked other amendments, but these amendments are clearly technical and clarifying, and I would ask the House to support this manager's amendment.

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

Mr. MCCOLLUM. Mr. Chairman, may I inquire what amount of time I have left?

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 2 minutes remaining, and the gentleman from Virginia [Mr. SCOTT] is out of time.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of the time, and I appreciate very much, I want to take this opportunity to say this, I appreciate very much the opportunity to work with the gentleman from Virginia [Mr. SCOTT] as well as the gentleman from New York [Mr. SCHUMER] and all of the members of the subcommittee on both sides of the aisle.

In crafting the bill that is before us today, the manager's amendment I know is not controversial. I do not expect a recorded vote on it. We have outlined it already. But I would like to take the remaining few seconds to finally express and summarize what is in this bill, and I know the bill does not contain everything everybody wants. There are a lot of other things we need to do to fight juvenile crime that are not in this bill, and it has been understood from the beginning by me and by those of us who support it. But the bill is a solid good product and it deserves my colleagues' support.

It is a bill that will go a long way to correcting a collapsing, failing juvenile justice system in this Nation. Unfortunately, one out of every five violent crimes in the country are committed by those under 18, and we only put in detention or any kind of incarceration 1 out of every 10 juveniles who are adjudicated or convicted of violent crimes.

Now we have an overwhelming number coming aboard as the demographics change. The FBI estimates doubling the number of teenage violent crimes if we do not do something about them in the next few years. Most of this is State. We are dealing with both Federal and State in this bill, and we are encouraging through an incentive grant program States to take those

steps, including sanctions from the very early, very first delinquent act, that are necessary to try to keep some of these kids through the juvenile justice system from progressing further and committing these violent crimes ultimately.

We want them to understand there are consequences to their acts and, even when they throw a brick through a window, run over a parking meter or spray paint a building, they should get at least community service or some kind of sanction. It is terribly important. That is what this bill would encourage States to do and provide a pot of money for the States to improve their juvenile justice systems by hiring more probation officers, juvenile judges, building more detention facilities and the like.

It is not a comprehensive juvenile crime bill. There are other pieces of this to come later, but it is a very comprehensive approach to correcting a broken, flawed, failed juvenile justice system throughout the United States, and I urge my colleagues in the strongest of terms to vote for the final passage of H.R. 3.

□ 1500

The CHAIRMAN. All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. DUNN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Washington [Ms. DUNN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 398, noes 21, not voting 14, as follows:

[Roll No. 116]

AYES—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—21

Becerra
Buyer
Campbell
Conyers
Dingell
Fattah
Foglietta
Gilman
Greenwood
Hastings (FL)
Hinchey
McDermott
Rangel
Sabo
Scott
Stark
Stokes
Towns
Waters
Watt (NC)
Yates

NOT VOTING—14

Boucher
Capps
Clay
Costello
Diaz-Balart
Fawell
Filner
Hefner
Kasich
McKinney
Paxon
Pickering
Schiff
Spratt

□ 1518

Mr. HASTINGS of Florida changed his vote from "aye" to "no."

Messrs. GIBBONS, HOEKSTRA, and McDADE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CAPPS. Mr. Chairman, earlier today the House voted on rollcall No. 116, the Dunn amendment to the Juvenile Justice Act. Because of a voting machine malfunction, my vote was not recorded. I wish the record to reflect that I attempted to vote in favor of this amendment.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. HYDE. Mr. Chairman, I rise in strong support of H.R. 3, the Juvenile Crime Control Act of 1997. H.R. 3 gets tough on the No. 1 public safety problem in America—juvenile crime. It attacks the key problem with the juvenile justice system in America—its failure to hold all juvenile criminals accountable for their offenses.

Our Nation's juvenile justice system is completely dysfunctional and badly in need of reform. Remarkably, most juveniles receive no punishment at all. Nearly 40 percent of violent juvenile offenders who come into contact with the system have their cases dismissed—and only 10 percent of these criminals receive any sort of institutional confinement.

By the time the courts finally lock up an older teen on a violent crime, the offender often has a long rap sheet with arrests starting in the early teens. Juveniles who vandalize stores and homes—or write graffiti on buildings—rarely come before a juvenile court. Kids don't fear the consequences of their actions because they are rarely held accountable.

How did we let this happen? First, there isn't enough detention space for juvenile criminals. Second, there are not enough alternative punishments. And third, there are still too many well intended but mistaken judges who view juvenile criminals as merely children in need of special care.

Now, here's the really bad news. Experts say that juvenile arrests for violent crimes will more than double by 2010. The FBI predicts that juveniles arrested for murder will increase by 145 percent; forcible rape arrests will increase by 66 percent; and aggravated assault arrests will increase by 129 percent. In the remaining years of the decade and throughout the next, America will experience a 31-percent increase in the teenage population—as children of baby boomers come of age. In other words, we are going to have a surge in the population group that poses the biggest threat to public safety.

H.R. 3 would establish a Federal model for holding juvenile criminals accountable through workable procedures, adult punishment for serious violent crimes, and graduated sanctions for every juvenile offense. The bill directs the Attorney General to establish an aggressive program for getting gun-wielding, repeat violent juveniles off the streets.

H.R. 3 also encourages the States, with incentive grants for building and operating juvenile detention facilities, to punish all juvenile criminals appropriately. Punishing juvenile criminals for every offense is crime prevention. When youthful offenders face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages States to provide a sanction for every act of wrong doing—starting with the first offense—and increasing in severity with each subsequent offense, which is the best method for directing youngsters away from a path of crime while they are still amenable to such encouragements.

I should emphasize that H.R. 3 is part of a larger legislative effort to combat juvenile crime. The prevention funding in the administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. It is my hope that a bipartisan agreement will be reached that funds $70 to $80 million in new prevention block grants to the States—these grants will target at-risk and delinquent youth. In addition, that bill will be a small but significant part of the more than $4 billion that the Federal Government will spend this year on at-risk and delinquent.

Accountability and prevention are not mutually exclusive. We need to restore the foundation of our broken juvenile justice system by holding young offenders accountable for their crimes, and we need to invest in prevention programs that work. I believe that this dual approach will put a real dent in juvenile crime across the Nation.

H.R. 3 addresses the crisis of juvenile crime in America today by establishing model procedures for prosecuting juveniles and by giving significant incentives to the States to fix their juvenile justice systems.

I urge you to support this bill and begin the process of repairing America's collapsed juvenile justice system.

Mr. GEPHARDT. Mr. Chairman, I strongly support this Democratic amendment to the Juvenile Crime Control Act because it accomplishes what the Republican bill does not: It heeds the cry of law enforcement officers who are asking for help at the local level, in the precinct and on the beat, and it adheres to the values that make our communities safe and our families strong. It provides the resources to those who are on the front lines of law enforcement, at the local level: the police officer, district judges, and DA's and community leaders who are rallying together to stop the scourge of gang violence and drugs in their streets. It confronts the tragedy of juvenile crime through a balanced approach of tough enforcement and smart intervention and prevention.

The Republican bill is weak on crime because it starts at the jail-house door. The bill that Republicans present to us today fails on several accounts: It is extreme in treating children as adults in the Federal juvenile justice system—it offers no assistance to local law enforcement unless they get in line with the new federalism forced on local jurisdictions as proscribed by Republican criteria—and, finally, it is unbalanced because it ignores what law-enforcement officials have been telling us for years: if you want to curb juvenile crime, you've got to be tough, you've got to be fair, and you've got to be hands-on, child-by-child to intervene before they experiment with drugs and join gangs and prevent them from becoming another fatality of a justice system that has been designed by political sound-byte rather than a smart and effective anticrime strategy.

The first question we have to ask ourselves, as a society, as parents, as human beings, is this: Do we want a system of justice that places the highest premium on warehousing juvenile offenders, in jails which propagate further criminal behavior, or do we want to provide local communities and law enforcement with the ability to put in place the mechanisms to help us as a society, deal with the reasons that lead our kids to use drugs and join gangs, because they have grown up in a situation where they have nowhere else to turn?

It ignores what is going on with our kids. Every day in America, 5,711 juveniles are arrested—more than 300 children are arrested for violent crimes. Every day, more than 13,000 students are suspended from public schools and more than 3,300 high school students drop out altogether. Drug use is on the rise for 13 to 18-year-olds, violent gang-related crimes are being committed by hardened juvenile criminals, and teen pregnancy is still a major problem. But I would argue that these are indirect social costs of something deeper and more pervasive that is going on. When you consider what is happening to our communities and the family, when you consider that there are no safe havens for many kids who are literally growing in communities that are under fire from gang activity and drug trafficking, you come to a different place in this debate.

At a time when child care experts are telling us that the formative years of a child's life determines whether that child will be well-balanced or emotionally challenged for the remainder of his or her life, we need to pay attention to the environment in which our children are growing up in: Kids go to schools shadowed by hunger because they haven't had a proper breakfast, they are sent to second-rate, crumbling schools that are dangerous to their health and contrary to a positive learning environment, they go home each night in many cases without adult supervision are left to fend for themselves. And the younger kids are often left in understaffed day-care facilities that operate like kennels.

Our kids need to learn responsibility and respect. They need to learn how to make smart, good choices in a world full of bad ones. But how can they when all of the odds are stacked against them? We can't afford to play these odds any more—our children, our futures are at stake.

This is not about codding hardened criminals that lack a conscience and who take it out on innocent people who happen to be in the wrong place at the wrong time. This is not about giving a break to children because they are children, when they are killing other children. This is about giving the people who must apprehend, prosecute, and sentence these juveniles—the ability to hold these children accountable for their actions, and giving them a choice in how they will do that. This gives communities the ability to get to these kids before they ruin their lives and the lives of those around them. This gives families the means to prevent their kids from becoming both the victims of as well as the perpetrator of crimes, this gives kids the opportunity to choose another path.

We call for a zero-tolerance policy toward gang activity. We taught juvenile delinquents who commit violent crimes and crimes involving firearms. We provide resources for local communities to hire more police to prevent juvenile crime, more drug intervention efforts to provide drug treatment, education, and enforcement. And we provide resources to localities to set up antigang police units and task forces.

When Democrats first designed this approach in our families first agenda last year, we talked to the people who are most affected by crime: Average working families in neighborhoods all across this great Nation. They told us this is what they wanted to help them deal locally with the threats that face them and their children. Let us give the people what they are asking for today, let us give them a balanced approach to juvenile justice, give us your vote on the Stupak-Stenholm-Lofgren-Scott substitute.

Ms. DEGETTE. Mr. Chairman, I would like to qualify my vote for Representative DUNN's amendment to H.R. 3, the Juvenile Crime Control Act of 1997. Representative DUNN has advised me that it is her intention that her amendment would allow States to develop plans which provide for the notification of school officials of the presence of juvenile sex offenders, and for those officials to appropriately inform parents. States with plans such as this would qualify for the Byrne grant funds.

I support appropriate notification of communities when sex offenders are released but I am also concerned that direct notification of parents could cause vigilantism. The rationale behind notification is to provide for the safest environment to the community. Providing this information, without context or supervision by

school officials, could undermine the intended results.

An example of the unfortunate circumstances that this amendment could lead to happened quite recently. In Manhattan, KS, the completely innocent Lumpkins family was unfairly victimized by their community when a list of sexual offenders in the area included their address. People threw rocks at their home and their daughter was harassed by neighbors. The Kansas Bureau of Investigation admitted it was an easy mistake to make.

In schools, similar vigilante action would be prevented by notification of official and development by the school of guidelines for the method and details of parents suitable to the situation.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act of 1997. Let me state from the beginning that I recognize the challenge we face in curbing crime in our Nation. In fact, I have been a longstanding advocate for strong congressional action to reduce and prevent violence and crime. Nonetheless, I cannot support crime control measures which compromise our commitment to preventative or rehabilitative strategies for our Nation's most valuable resource, our children. Therefore, I must oppose this measure before us today.

Mr. Chairman, the stated objective of the Juvenile Crime Control Act of 1997 is to revise provisions of the Federal criminal code to permit Federal authorities to prosecute juveniles, as young as 13 years of age, as adults. It is my belief that our judicial system's major focus should be to protect its children from harm, not to throw them into our society as hardened criminals without any attempt to reform them.

H.R. 3 would essentially give up on America's juvenile justice system and ultimately give up on America's troubled youth. The bill would allow State and Federal courts to try and imprison children in facilities with adults. Instead of improving the current system of rehabilitating underage offenders, or funding proven and cost-effective prevention programs, this legislation would have the courts give up on at-risk youth.

In addition, H.R. 3 is based on assumptions proven to be ineffective. Studies have shown that children who are housed in juvenile facilities are 29 percent less likely to commit another crime than those jailed with adults. In addition, the danger to children housed with adults is real. In 1994 alone, 45 children died while they were held in State adult prisons or adult detention facilities.

Mr. Chairman, there can be no doubt that the draconian measures mandated by this legislation will have a disproportionally unfair impact on African-American young people. A Washington-based advocacy group, known as the "Sentencing Project," confirmed this fact when it reported that a shocking one-third, or 32.2 percent of young black men in the age group 20–29 is in prison, jail, probation, or on parole. In contrast, white males of the same age group are incarcerated at a rate that is only 6.7 percent.

As the Nation experiences a slight overall decline in the crime rate, 5,300 black men of every 100,000 in the United States are in prison or jail. This compares to an overall rate of 500 per 100,000 for the general population, and is nearly five times the rate which black men were imprisoned in the apartheid era of South Africa. America is now the biggest incarcerator in the world and spends billions of dollars each year to incarcerate young people.

Mr. Chairman, the number of African-American males under criminal justice control is over 827,000. This figure exceeds the number of African-American males enrolled in higher education. The Juvenile Justice Act of 1997 is a step in the wrong direction. We need to do all that we can to promote crime prevention measures to ensure that our children never start a life of crime. Furthermore, we must not give up on our Nation's most valuable resource, our young people. I urge my colleagues to protect our youth, and vote down this unconscionable measure.

Mr. CALVERT. Mr. Chairman, due to previously scheduled commitments in my district, I am unable to make the final two votes on H.R. 3, the Juvenile Crime Control Act. I strongly support the bill, and have voted today for many amendments to strengthen the bill. I oppose the motion to recommit with instructions because such a move would strip the bill of the very provisions which make it good legislation. Thus, I support final passage of the bill. I hope that the Senate will take up this measure quickly and that the President will sign the Juvenile Crime Control Act as soon as possible. Unfortunately, there are cases of juvenile crime where Federal prosecutors need the authority to try juvenile offenders as adults. This legislation would grant that authority and make available block grants to restore the effectiveness of State and local juvenile justice systems. This is good legislation which all Members of the House should support.

Mr. ABERCROMBIE. Mr. Chairman, today I rise in support of H.R. 3, the Juvenile Crime Control Act of 1997. This highly focused bill deals with violent juvenile offenders on the Federal level. H.R. 3 addresses the issue of incarcerating violent juvenile offenders at the Federal level by lowering the age at which a judge may waive a violent juvenile offender into adult court; treats juvenile records the same as adult records; and increases accountability for juveniles adjudicated delinquent and their parents. The measure also encourages placing juveniles younger than 16 in suitable juvenile facility prior to disposition or sentencing. For juveniles 16 and older, it provides for their detention in a suitable place designated by the Attorney General. This by no means requires that juvenile offenders on the Federal level be housed with adults. In addition, H.R. 3 provides that every juvenile detained prior to disposition or sentencing shall be provided with reasonable safety and security.

H.R. 3 provides incentives for States to emulate this new approach. The grant program in H.R. 3 would be authorized at $500 million for 3 years. States must meet certain requirements if they are to obtain money from grants authorized by H.R. 3—e.g., they must try violent juvenile felons as young as 15 as adults; they must treat juvenile records like adult records; and they must permit parent-accountability orders. States which meet all the criteria could use the money for various initiatives such as establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed in cooperation with law enforcement officials, to protect students and school personnel from drugs, gangs, and youth violence.

Although I support H.R. 3, I realize it does not address the issue of nonviolent offenders on the State and Federal level, nor does it provide prevention and rehabilitation programs for juvenile offenders. These issues should be addressed when Congress reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974. That is the appropriate time and the correct venue to aid our communities in developing programs to help youth stay away from crime, gangs, drugs and guns. Juvenile justice officials in Hawaii have asked for help in funding prevention programs, substance abuse programs, support programs for children who have little or no family life, and programs that would give State court judges an alternative program to deal with certain juvenile offenders instead of sending them to correctional facilities. I am sure my colleagues have heard similar requests from juvenile justice officials in their districts.

Sending children to jail and throwing away the key while ignoring prevention and rehabilitation programs will not effectively reduce juvenile crime or be cost-effective. A 1996 study by the RAND Corp. found that early intervention and prevention programs are, indeed, cost-effective solutions for reducing the juvenile crime rate. The study indicates that prevention programs which focus on early intervention in the lives of children who are at greatest risk of eventual delinquent behavior are effective in reducing arrest and rearrest rates.

We need to send a message to juveniles: If you commit a violent offense you will be punished accordingly. However, at the same time we must continue our attempt to reach kids, to get them involved in their communities, and to prevent them from taking part in dangerous activities in the first place. I urge my colleagues to vote for H.R. 3 and to strongly support a debate occurring this year on reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

Ms. BROWN of Florida. Mr. Chairman, I rise to speak in opposition to H.R. 3, the Juvenile Crime Control Act or what I call the Anti-Florida/Anti-Juvenile Justice Act.

Although the author of this bill is from my home State of Florida, this bill does nothing to assist Florida's juvenile justice system.

As a former Florida State representative, with a degree in criminology, and a longstanding member of the State Corrections Committee, I can say that Mr. MCCOLLUM's proposal is anti-Florida and does nothing to address crime prevention.

According to the Florida Department of Juvenile Justice, H.R. 3 should not be mandatory and connected to purse strings. The proposed Federal mandate will eliminate the State's attorney's discretion to prosecute adolescent offenders in juvenile court.

In fact, the bill will have the opposite effect of what it is intended to do. With the discretion of the Florida State's attorney, the majority of 15-year-olds receive tougher sentence in a juvenile correctional facility. If tried as an adult, H.R. 3 will actually give Florida's 15-year-olds

lighter sanctions. I thought Mr. MCCOLLUM wanted to increase juvenile punishments, not reduce them.

Under H.R. 3, 75 percent of the funding formula will be given to county governments. Florida has a State-financed and operated juvenile justice system. Instead of providing money for existing State programs, this bill will create yet another level of bureaucracy. I don't understand why the author of such legislation would want to bypass his own State's juvenile justice system.

Now let's talk about the children. Under H.R. 3, juveniles as young as 13 can be tried and jailed as adults, their records will be opened to public scrutiny, and they will live side by side with society's most violent criminals. To punish these young children as adults is severe, to say the least.

This so-called juvenile justice bill doesn't care much for children. H.R. 3 will put more 15-year-olds in jail with violent adults than ever before. I don't think child abuse, rape, and suicide of jailed children is a justifiable punishment for simple misdemeanors and property crimes.

As leaders of our country, we should give our children opportunities to excel and reasons to turn away from crime and delinquency. It is proven that focus on prevention and early intervention are most effective at deterring juveniles from committing crimes.

H.R. 3 does nothing to prevent crime or offer solutions to juvenile crime. If you're in favor of putting these children with child abusers, rapists, and murderers, vote for H.R. 3. If you want to contribute to the problem of overcrowded correctional facilities, which is our Nation's fastest growing industry, vote for H.R. 3.

Instead of increasing the prison population and encouraging our children to become career criminals, let's spend our time and resources finding ways to contribute to our children's future, not destroying it.

Vote against H.R. 3, the Anti-Florida/Anti-Juvenile Justice Act.

Mr. OXLEY. Mr. Chairman, I rise today to offer my best wishes and support to the Lima-Allen County, OH, branch of the NAACP, as its members make their final preparations for their annual radiothon. The event, planned for May 24 at the Bradfield Community Center in Lima, will join the Lima-Allen County branch with other branches of the NAACP from across the Nation in an effort to attract new members from the Lima-Allen County community, as well as to inspire old members to renew their commitment.

The chapter president, Rev. Robert Curtis, and my friend Malcolm McCoy, deserve special recognition for their work with the organization. I wish them success in their upcoming radiothon and particularly commend their positive influence on the young people of Lima and Allen County.

Mr. SKAGGS. Mr. Chairman, this bill holds out a false hope. It may reduce some juvenile crime by forcing States to impose longer sentences on young offenders. But in return, it will guarantee that many of those young offenders will become career criminals. We should not pay that price. Nor should we force the States to forfeit their freedom and ingenuity in how they handle juvenile offenders as the price for Federal assistance in preventing and punishing juvenile violence.

Very few Federal crimes are committed by juveniles. Rather, almost all juvenile crime—including almost all violent crime—is State crime. So what this bill really intends is to require the States to prosecute more juveniles as adults. In fact, for most heinous crimes, the States already prosecute most juvenile offenders as adults.

I'm somewhat surprised that so many of my colleagues think that we in the House of Representatives know better than the States how to deal with juvenile crime. We've heard for the last several years that State and local officials know best about other problems. What makes this subject so different?

Let the States decide how to handle the complex problems associated with juvenile crime. We have supported the States in their juvenile justice efforts, and we don't need to impose our views about when to prosecute children as adults. Nor do we need to push the States to ease States restrictions on incarcerating juveniles separately from adult offenders.

What happens when you incarcerate children with adult violent offenders? You get eight times as many suicides; you get dramatic increases in acts of sexual assault and brutality against those children; and you increase the likelihood that the children will become career criminals.

Unfortunately, this bill would push the States to mix violent adult offenders not just with violent convicted juveniles but also with nonviolent offenders and even with children awaiting trial who've never been convicted. William R. Woodward, who is the director of the Division of Criminal Justice in the Colorado Department of Public Safety, and Bob Pence, who is chair of the Colorado Juvenile Justice and Delinquency Prevention Council, agree that H.R. 3's provisions on incarcerating children with adults would be counterproductive.

It's tough enough to try to steer juvenile offenders away from a life of crime. H.R. 3 would make it much tougher.

H.R. 3 also unwisely intrudes on State authorities requiring that State judges be stripped of their power to determine whether young people charged with crimes should be tried as adults. How far do the bill's supporters want to meddle in State matters? What does this legislation do to encourage the States to deal with the prevention of Juvenile crime? Nothing. We should be supporting State efforts to prevent young people from getting into criminal behavior, efforts such as mentoring programs and after-school programs. Instead, this bill would direct resources from these efforts.

The Democratic substitute contains the ounce of prevention that deserves our enthusiastic support. H.R. 3 is punitive and misguided, and it should be defeated.

Mr. POMEROY. Mr. Chairman, I rise today in reluctant opposition to the Juvenile Crime Control Act currently before the House. I firmly believe we must be tough on repeat juvenile offenders. Juvenile crime is not only continuing to grow, but it is one of the most troubling issues facing law enforcement officials and the communities they seek to protect. This bill doesn't make productive changes in this area. Rather, it preempts State authority, imposes a one-size-fits-all solution, and has a discriminatory impact on native American youth. I would like to elaborate on my concerns at this time.

First, this bill takes extreme steps to preempt State authority in determining how prosecutors will deal with those who violate State laws. North Dakota communities, including those on our four Indian reservations, need additional resources to build, expand, and operate juvenile correction and detention facilities. But in order to get this help, they must sign off lock-stock-and-barrel on the Federal prescriptions contained in H.R. 3 about the prosecution of State crimes. I have the utmost confidence in the sound judgment of North Dakota prosecutors, judges, parents, and community leaders to determine how best to deal with juvenile crime in our State.

Second, this bill imposes a Washington one-size-fits-all solution to the problem of juvenile crime. North Dakota is not similar to downtown Los Angeles. While the problem of juvenile crime in my State is significant and growing worse, it bares no relationship to what is happening in our Nation's urban centers. North Dakota law enforcement officials take this issue seriously and are taking steps to address the problem.

One example of the overly prescriptive nature of this bill that I would like to cite, is the requirement that each U.S. attorney's office establish a task force to coordinate the apprehension of armed violent youth with State and local law enforcement. This may be an urgent problem in New York or Los Angeles; it is not a problem currently facing our communities. Law enforcement officials need to be given the resources and then be allowed to determine how best to deal with juvenile crime.

Third, I have serious concerns about this bill's impact on native American youth. The only real arena in my State where Federal courts are the primary courts for addressing juvenile crime are crimes that occur on Indian reservations. By modifying Federal law to treat juveniles—as young as 13—as adults, this bill has a discriminatory impact on youth living on our Nation's reservations. I don't believe it is fair for these kids to be singled out for tougher punishment than their classmates who are non-Indians.

As a whole, this bill represents a flawed strategy for dealing with juvenile crime. While I believe incarceration of violent youth offenders should be used as a tool to combat teenage crime, it should not be the only tool. H.R. 3 completely ignores the possibility that these juvenile offenders—as young as 13—can be rehabilitated. Rather than allow some of the funds contained in the bill to be used for programs to turn these kids around, this bill limits the funding strictly to incarceration of these youths. If we have no hope of rehabilitating 13-year-olds, then by passing this bill, we are making a very sad statement about the future of our country.

The substitute I supported, embodied a more balanced approach to this serious problem. It required that 60 percent of the $500 million annual authorization be given to local communities for prevention programs. Funding could also be used to establish comprehensive treatment, education, training, and after-

care programs for juveniles in detention facilities; implementing graduated sanctions for juvenile offenders; and for juvenile courts to implement intensive delinquency supervision efforts.

These concerns were paramount in my consideration of this bill. An additional factor that led me to oppose the bill is the fact that North Dakota does not currently qualify for the 3-year funding included in H.R. 3. Even if my State were to decide to abide by the Federal prescriptions over violations of State laws in order to gain additional resources, our legislature does not meet again until 1999. I am hopeful that when H.R. 3 reaches the Senate, reasonable modifications can be made to make the bill both tough and smart in dealing with juvenile crime.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong opposition to H.R. 3, the Juvenile Crime Control Act. This piece of legislation is too extreme in its treatment of juveniles in the system, both in its insistence on prosecuting more juveniles as adults and in allowing juveniles to be housed with adults, and because it fails to include any measures aimed at preventing juvenile crime. Moreover, as written, the bill fails to include provisions crucial to the fight against crime including real prevention funding, drug control efforts, gun control efforts, and provisions aimed at targeting gang activity.

Mr. Chairman, it is in my opinion that we need to foster a relationship between communities, law enforcement, schools, social services, business communities, and government agencies in order to create partnerships that thwart juvenile violence. Initiatives that target truants, dropouts, children who fear going to school, suspended or expelled students, and youth going back into school settings following release from juvenile correctional facilities, are needed to keep the minds of our youth on the path of righteousness instead of destruction.

Mr. Chairman, another one of my primary concerns with the majority's legislation is that it allows juveniles to be housed with adults. First, the bill allows juveniles and adults to be housed together in pretrial detention. Perhaps most disturbingly, this provision would permit children who have not been accused of violent crimes to be held in adult jails. Children charged with petty offenses like shoplifting or motor vehicle violations could be held with adult inmates.

Mr. Chairman, most significantly, H.R. 3 fails to include a meaningful prevention program. The Federal Government should give local governments money to assist them in finding ways to stop the children in their communities from getting involved in crime in the first place. Money should be available for boys and girls clubs, mentoring programs, after school activities, and other programs that are researched-based and have been proven to work and are cost effective. In the same vein, money should also be spent on early intervention for youth at risk of committing crimes and intervention programs for first offenders at risk of committing more serious crimes.

Mr. Chairman, I would hope that we can work in a more bipartisan manner when it comes to juvenile crime. We all know and understand that crime, on any level, is not partisan—it affects us all—so let us try to bring forth legislation that is both fair and sensible to all.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Gephardt-Stupak-Stenholm substitute to H.R. 3. The substitute places the focus where it belongs—on prevention of youth violence and crime. The majority's attempt to get tough on crime is not tough, it is cruel, and it lacks a basic understanding or caring for youth violence prevention.

Prevention and early intervention are effective solutions to youth violent crime. Yet the block grant provided in H.R. 3 does not provide funds for prevention programs. Mentoring and after school programs can be successful in deterring youth violence. But this bill focuses only on tougher punishment.

Trying young offenders as adults is not proven to deter crime. In fact, the Department of Justice reports that children tried as adults have a higher rate as repeat offenders than children tried as juveniles. Juveniles charged in the Federal adult or juvenile Justice systems should be placed in juvenile facilities, where they can receive counseling and rehabilitation.

What is the purpose of H.R. 3. Will it reduce crime? No. It treats youth as adults in detention, which diminishes the chance for their rehabilitation. This will not deter young people from violence. It will just eliminate the opportunity for first time youth offenders to change their lives for the better.

We can already charge violent juveniles as adults. Our emphasis must be on prevention if we really want to get tough on youth violence and crime. I urge my colleagues to support the Gephardt-Stupak-Stenholm substitute. Our focus and our efforts must be expended on preventing the increase of violent young criminals, not on increasing their hopelessness.

Mr. VENTO. Mr. Chairman, I rise today in strong opposition to H.R. 3, the Juvenile Crime Control Act. The problem of juvenile crime is so intricate that is defies easy solutions. However, in the drive to increase public safety and reduce juvenile crime, the measure reported to the House has lost sight not only of the complexity of the juvenile crime problem but also the success of existing local enforcement agencies and community initiatives in keeping juveniles out of gangs and crime free. There is a richness of policy choices that we could implement to combat juvenile crime and delinquency if Congress chooses to provide funds and help. H.R. 3, however, does not capitalize on the proven success of early intervention and prevention programs, but rather relies on get tough measures that do little to reduce crime or address its root causes. It favors reactionary measures rather than a proactive approach.

Let me be clear that there is a need for swift and effective punishment for incarceration and according adult treatment for the juveniles that commit violent crimes. However, the emphasis to make real progress does not rest solely on providing $30,000.00 per year for each youth held in juvenile detention facilities; rather it is in changing the outcome by earlier intervention.

Given the alarming rate of crime and the disproportionate amount committed by juveniles, punitive provisions and get tough provisions are widely attractive and politically appealing. Yet, such punitive measures repeatedly fail to deliver the results promised by their proponents. Evidence suggests that routinely trying juveniles as adults actually results in increased recidivism. States with higher rates of transferring children to adult court, as a glaring example, do not have lower rates of juvenile homicide. Finally, children in adult institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility. Treating more children as adults in the criminal justice system does not move us any closer to our common goal—it does not create safer communities.

On the other hand, several studies have highlighted the long-term positive impact of prevention programs. Prevention works—it is the most effective and cost-efficient crime deterrent. According to a recent Rand Corp. study, prevention programs stop more serious crimes per dollar spent than incarceration. H.R. 3 ignores these findings and travels down a shortsighted policy path that cuts social spending to fund prison construction suggesting that another measure will address this issue, as if we can afford to spend these funds irrationally and let the prevention matters rest with traditional education and recreation programs.

H.R. 3 poses ineffective gang and gun violence solutions. Because youth gangs and guns play a disproportionate role in ascending juvenile violence, any strategy to reduce youth crime must contain sound provisions that combat the spread and growing violence of gang and gun violence nationwide. Between 1992 to 1996 the number of gang-related crimes has increased a staggering 196 percent. Juvenile gang killings, the fastest growing of all homicide categories, rose by 371 percent from 1980 to 1992. Despite this reality, H.R. 3 contains no provisions to curb gang violence.

This measure reflects a failed policy path, not a break with the past but a radical untested or inappropriate response to the needs of our youth juvenile crime circumstance.

I think that Members on both sides of the aisle should agree with the common facts, that when it comes to addressing the unique public safety concerns of our districts, the programs and responses must be built on the unique situations within the community. Different problems and populations require specific solutions. However, H.R. 3 prescribes inflexible Federal solutions to what is uniquely a problem of State and local jurisdiction. Currently there are only 197 juveniles serving Federal sentences. Local governments, on the other hand, are fighting the crime problem on many fronts, including innovative policing and social programs. By exercising air-tight controls over the grant money that is offered to States and local communities, H.R. 3 denies them the flexibility required to respond to situations on the ground. Local governments need more flexibility, not Federal mandates. Federally imposed strategies which limit the ability of local governments to respond to community needs, ensure that the war on crime is not fought with the efficiency or effectiveness that is necessary to reduce the incidence of crime and attain the safe environment our constituents seek.

Mr. FAZIO of California. I rise today in support of the Juvenile Offender Control and Prevention Act, the Democratic substitute to H.R. 3. This substitute addresses a serious problem that affects all of America. That problem is juvenile crime. House Democrats have worked long and hard during the 105th Congress to develop an approach to juvenile crime that is both tough and smart.

Our proposal includes elements that crack down on violent juvenile offenders and juvenile gangs along with provisions to support prevention and intervention initiatives that keep kids out of trouble. We believe in strengthening the juvenile justice system to reduce crime, while at the same time working to prevent juveniles from becoming delinquents.

No one disputes the fact that we must be tough on youth who commit crimes, particularly those crimes that are violent in nature. However, study after study shows that prevention efforts are the best way to permanently reduce juvenile crime. The RAND Corp., a conservative think tank, concluded in a recent study that cost-effective crime reduction can be achieved through prevention strategies. The study found that incarceration without prevention and intervention does not go far enough in reducing crime. H.R. 3, the McCollum bill, contains not a single provision for prevention efforts. The Democratic substitute is a balanced approach that includes enforcement and prevention. The prevention initiatives that could be funded through our proposal are community-based, research-proven, and cost-effective.

Notice that I said community-based. We believe that local communities know best how to deal with the juvenile crime that affects their neighborhoods. Our proposal would provide funding for prosecutors to develop antigang units and other such mechanisms to address juvenile violence in their communities. The needs of one city or town may be vastly different from the needs of another. The Democratic substitute would allow one town to obtain funding to build a much-needed juvenile detention facility, while a larger city nearby might hire additional juvenile court judges. This flexibility is an essential part of our proposal.

The Republican juvenile crime bill is extreme, and would undoubtedly prove ineffective in reducing and preventing crime. Our substitute combines enforcement with prevention for a tough and smart approach to fighting juvenile crime. I urge your support for the Democratic substitute to H.R. 3.

Mrs. FOWLER. Mr. Chairman, the time has come to address the issue of juvenile crime in our country. Teenagers are committing more crimes than ever. Over one-fifth of all violent crimes committed in America are committed by individuals under the age of 18.

This statistic is alarming, and clearly signals that we need to take action. young people must be held accountable for their actions. Currently, only 10 percent of violent juvenile offenders—those convicted of murder, rape, robbery, or assault—receive any sort of confinement outside the home. What kind of a deterrent is that? And what does it say to these young people about accountability? Not must.

I believe that accountability, combined with stepped-up prevention efforts, is the key to reducing juvenile crime; and the Juvenile Crime Control Act of 1997 is a great start toward reaching that goal. This bill lets young people know that if they are going to behave like adults, they will have to take on personal responsibility of adults—and face the consequences of their actions.

I urge my colleagues to support H.R. 3, the Juvenile Crime Control Act of 1997.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 3, the Juvenile Crime Control Act.

While the overall crime rate in the United States has fallen in recent years, violent juvenile crime has increased drastically. And what is more shocking and more alarming, is that violent crime can be perpetrated by 12-year-olds. Instead of playing baseball or fishing, many of today's juveniles are engaging in mayhem. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds arrested for violent crime rose 297 percent. We are not talking about shoplifting or truancy, or petty thievery. We are talking about violent crime: murder, rape, battery, arson, and robbery.

Older teenagers, ages 17, 18, and 19, are the most violent in America. More murder and robbery are committed by 18-year-old males than any other group.

We have seen this increase in juvenile crime occur at a time when the demographics show a reduced juvenile population overall. Soon we will see the echo boom of the baby boomers' children reaching their teenaged years. If the current trend in juvenile crime is left unchanged, the FBI predicts that juvenile arrests for violent crime will more than double by the year 2010. That results in more murder, more rape, more aggravated assault, and unfortunately, more victims of crime.

I salute the gentleman from Florida [Mr. MCCOLLUM] for his hard work to head off the coming crime wave. H.R. 3 would provide resources to States and local communities to address their juvenile crime needs, to get tough on juvenile offenders, and to provide fairness to the victims of violent juvenile crime.

Individuals must be held accountable for their actions. Juveniles particularly need to get the message that actions have consequences. Unfortunately, today nearly 40 percent of violent juvenile offenders have their cases dismissed. By the time a violent juvenile receives any sort of secure confinement, the offender has a record a mile long. We need to change the message from one of "getting away with it" to one of accountability. States and localities who enforce accountability will be able to get Federal resources to help.

Law-abiding citizens, young and old alike, need assurance that violent criminals, even if they are teenagers, will be held accountable and sanctioned and that the victims will receive justice.

I urge the adoption of H.R. 3.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in defense of our children.

The crime bills under consideration by this Congress all seek to reduce the age and increase the likelihood that children as young as 13 would be tried as adults.

They further lessen restrictions on housing them with generally more hardened adults, and increases mandatory sentencing for this age group.

I strongly object all of these provisions.

First, while children who commit crimes must be punished, they should be treated and sentenced as the children that they are. We must remember that regardless of the crime, they have not yet achieved the degree of insight, judgment, or level of responsibility attributable to adults. They are also open to rehabilitation.

Trying them as adults and housing them with adults have never been shown to reduce crime. Instead we have been shown time and time again that if it does anything at all, it increases criminal behavior rather than reduces it.

We must not forget that young people of 13, 14, 15, and 16 are still children, and understand how they think. Because adolescents are notorious for their feeling of invulnerability, we have to recognize that they will never be motivated or respond to stiffer penalties.

From our own experience as parents, when our small child plays with an electrical outlet, or near a stove, we don't ignore it until he or she burns themselves, but early on we rap them on their hands to send them a clear and strong behavior changing message.

This is what we need to do in the case of our young people, who we must also remember ended up in the courts because we as a society have neglected their needs for generations. We have funded programs that reach them early and deal with them in an immediate and tangible manner that redirects their behavior in a more positive way.

And we must reach them before they get to the despair that juvenile delinquency represents, not only by funding after school activities, but by improving their in-school experience, by reinstating school repair and construction funding in the 1998 budget, by equiping those schools and by providing meaningful opportunities for them when they do apply themselves, and as our President likes to say, play by the rules.

Communities across America have found successful ways of dealing with this issue. Prosecutors, correction facility directors, policemen and women, attorneys, doctors, crime victims, community organizations, and others have come together to ask that we pass meaningful and effective legislation, and they stress that the focus must be on prevention.

We must stop crime, and we must save our children

I ask my colleagues to support the Democratic bill because it employs strategies that have been proven to effectively achieve both of these goals.

Mr. PAUL. Mr. Chairman, I rise today in opposition to the Juvenile Crime Control Act of 1997. This bill, if passed, will further expand the authority of this country's national police force. Despite the Constitutional mandate that jurisdiction over such matters is relegated to the States, the U.S. Congress refuses to acknowledge that the Constitution stands as a limitation on centralized Government power and that the few enumerated Federal powers include no provision for establishment of a Federal juvenile criminal justice system. Lack of Constitutionality is what today's debate should be about. Unfortunately, it is not. At a

time when this Congress needs to focus on ways to reduce the power of the Federal Government and Federal spending, Congress will instead vote on a bill which, if passed, will do just the opposite.

In the name of an inherently-flawed, Federal war on drugs and the resulting juvenile crime problem, the well-meaning, good-intentioned Members of Congress continue to move the Nation further down the path of centralized-Government implosion by appropriating yet more Federal taxpayer money and brandishing more U.S. prosecutors at whatever problem happens to be brought to the floor by any Members of Congress hoping to gain political favor with some special-interest group. The Juvenile Crime Control Act is no exception.

It seems to no longer even matter whether governmental programs actually accomplish their intended goals or have any realistic hope of solving problems. No longer does the end even justify the means. All that now matters is that Congress do something. One must ask how many new problems genuinely warrant new Federal legislation. After all, most legislation is enacted to do little more than correct inherently-flawed existing interventionary legislation with more inherently-flawed legislation. Intervention, after all, necessarily begets more intervention as another futile attempt to solve the misallocations generated by the preceding iterations.

More specific to H.R. 3, this bill denies localities and State governments a significant portion of their autonomy by, among other provisions, directing the Justice Department to establish an Armed Violent Youth Apprehension program. Under this program, one Federal prosecutor would be designated in every U.S. Attorney's office and would prosecute armed violent youth. Additionally, a task force would coordinate the apprehension of armed violent youth with State and local law enforcement. Of course, anytime the Federal Government said it would "coordinate" a program with State officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, the result has inevitably been more Federal control. Subjecting local enforcement officials, many of whom are elected, to the control of Federal prosecutors is certainly reinventing government but it is reinventing a government inconsistent with the U.S. Constitution.

This bill also erodes State and local autonomy by requiring that States prosecute children as young as 15 years old in adult court. Over the past week, my office has received many arguments on both the merits and the demerits of prosecuting, and punishing, children as adults. I am disturbed by stories of the abuse suffered by young children at the hands of adults in prison. However, I, as a U.S. Congressman, do not presume to have the breadth and depth of information necessary to dictate to every community in the Nation how best to handle as vexing a problem as juvenile crime.

H.R. 3 also imposes mandates on States which allow public access to juvenile records. These records must also be transmitted to the FBI. Given the recent controversy over the misuse of FBI files, I think most citizens are becoming extremely wary of expanding the FBI's records of private citizens.

This bill also authorizes $1.5 billion in new Federal spending to build prisons. Now, many communities across the country might need new prisons, but many others may prefer to spend that money on schools, or roads. Washington should end all such unconstitutional expenditures and return to individual taxpayers and communities those resources which allow spending as those recipients see fit rather than according to the dictates of the U.S. Congress.

Because this legislation exceeds the Constitutionally-imposed limits on Federal power and represents yet another step toward a national-police-state, and for each of the additional reasons mentioned here, I oppose passage of H.R. 3, the Juvenile Crime Control Act of 1997.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KINGSTON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, pursuant to House Resolution 143, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves that the bill be recommitted to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

TITLE I—TREATMENT OF JUVENILES AS ADULTS

SEC. 101. TREATMENT OF JUVENILES AS ADULTS.

The fourth undesignated paragraph of section 5032 of title 18, United States Code, is amended by striking "an offense under section 113(a), 113(b), 113(c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, section 2111, 2113, 2241(a) or 2241(c)," and insert "any serious violent felony as defined in section 3559(c)(2)(F) of this title,".

SEC. 102. RECORDS OF CRIMES COMMITTED BY JUVENILE DELINQUENTS.

Section 5038 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "Throughout and" and all that follows through the colon and inserting the following: "Throughout and upon completion of the juvenile delinquency proceeding, the court records of the original proceeding shall be safeguarded from disclosure to unauthorized persons. The records shall be released to the extent necessary to meet the following circumstances:";

(2) in subsection (a)(3), by inserting before the semicolon "or analysis requested by the Attorney General";

(3) in subsection (a), so that paragraph (6) reads as follows:

"(6) communications with any victim of such juvenile delinquency, or in appropriate cases with the official representative of the victim, in order to apprise such victim or representative of the status or disposition of the proceeding or in order to effectuate any other provision of law or to assist in a victim's, official representative's, allocution at disposition."; and

(4) by striking subsections (d) and (f), by redesignating subsection (e) as subsection (d), by inserting "pursuant to section 5032 (b) or (c)" after "adult" in subsection (d) as so redesignated, and by adding at the end new subsections (e) through (f) as follows:

"(e) Whenever a juvenile has been adjudicated delinquent for an act that if committed by an adult would be a felony or for a violation of section 922(x), the juvenile shall be fingerprinted and photographed, and the fingerprints and photograph shall be sent to the Federal Bureau of Investigation. The court shall also transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(f) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 103. TIME LIMIT ON TRANSFER DECISION.

Section 5032 of title 18, United States Code, is amended by inserting "The transfer decision shall be made not later than 90 days after the first day of the hearing." after the first sentence of the 4th paragraph.

SEC. 104. INCREASED DETENTION, MANDATORY RESTITUTION, AND ADDITIONAL SENTENCING OPTIONS FOR YOUTH OFFENDERS.

Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Dispositional hearing

"(a) IN GENERAL.—

"(1) HEARING.—In a juvenile proceeding under section 5032, if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile not later than 20 court days after the finding of juvenile delinquency unless the court has ordered further study pursuant to subsection (e).

"(2) REPORT.—A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the attorney for the juvenile, and the attorney for the government.

"(3) ORDER OF RESTITUTION.—After the dispositional hearing, and after considering any pertinent policy statements promulgated by the Sentencing Commission pursuant to 994, of title 28, the court shall enter an order of restitution pursuant to section 3556, and may suspend the findings of juvenile delinquency, place the juvenile on probation, commit the juvenile to official detention (including the possibility of a term of supervised release), and impose any fine that would be authorized if the juvenile had been tried and convicted as an adult.

"(4) RELEASE OR DETENTION.—With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of chapter 207.

"(b) TERM OF PROBATION.—The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) TERMS OF OFFICIAL DETENTION.—

"(1) MAXIMUM TERM.—The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(A) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(B) 10 years; or

"(C) the date on which the juvenile achieves the age of 26.

"(2) APPLICABILITY OF OTHER PROVISIONS.—Section 3624 shall apply to an order placing a juvenile in detention.

"(d) TERM OF SUPERVISED RELEASE.—The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 shall apply to an order placing a juvenile on supervised release.

"(e) CUSTODY OF ATTORNEY GENERAL.—

"(1) IN GENERAL.—If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by an attorney, to the custody of the Attorney General for observation and study by an appropriate agency or entity.

"(2) OUTPATIENT BASIS.—Any observation and study pursuant to a commission under paragraph (1) shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information, except that in the case of an alleged juvenile delinquent, inpatient study may be ordered with the consent of the juvenile and the attorney for the juvenile.

"(3) CONTENTS OF STUDY.—The agency or entity conducting an observation or study under this subsection shall make a complete study of the alleged or adjudicated delinquent to ascertain the personal traits, capabilities, background, any prior delinquency or criminal experience, any mental or physical defect, and any other relevant factors pertaining to the juvenile.

"(4) SUBMISSION OF RESULTS.—The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study not later than 30 days after the commitment of the juvenile, unless the court grants additional time.

"(5) EXCLUSION OF TIME.—Any time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f) CONVICTION AS ADULT.—With respect to any juvenile prosecuted and convicted as an adult pursuant to section 5032, the court may, pursuant to guidelines promulgated by the United States Sentencing Commission under section 994 of title 28, determine to treat the conviction as an adjudication of delinquency and impose any disposition authorized under this section. The United States Sentencing Commission shall promulgate such guidelines as soon as practicable and not later than 1 year after the date of enactment of this Act.

"(g)(1) A juvenile detained either pending juvenile proceedings or a criminal trial, or detained or imprisoned pursuant to an adjudication or conviction shall be substantially segregated from any prisoners convicted for crimes who have attained the age of 21 years.

"(2) As used in this subsection, the term "substantially segregated"—

"(A) means complete sight and sound separation in residential confinement; but

"(B) is not inconsistent with—

"(i) the use of shared direct care and management staff, properly trained and certified to interact with juvenile offenders, if the staff does not interact with adult and juvenile offenders during the same shift.

"(ii) incidental contact during transportation to court proceedings and other activities in accordance with regulations issued by the Attorney General to ensure reasonable efforts are made to segregate adults and juveniles."

TITLE II—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Juvenile Offender Control and Prevention Grant Act of 1997".

SEC. 202. GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE OFFENDER CONTROL AND PREVENTION GRANTS

"SEC. 1801. PAYMENTS TO LOCAL GOVERNMENTS.

"(a) PAYMENT AND USES.—

"(1) PAYMENT.—The Director of the Bureau of Justice Assistance may make grants to carry out this part, to units of local government that qualify for a payment under this part. Of the amount appropriated in any fiscal year to carry out this part, the Director shall obligate—

"(A) not less than 60 percent of such amount for grants for the uses specified in subparagraphs (A) and (B) of paragraph (2);

"(B) not less than 10 percent of such amount for grants for the use specified in paragraph (2)(C), and

"(C) not less than 20 percent of such amount for grants for the uses specified in subparagraphs (E) and (G) of paragraph (2).

"(2) USES.—Amounts paid to a unit of local government under this section shall be used by the unit for 1 or more of the following:

"(A) Preventing juveniles from becoming envied in crime or gangs by—

"(i) operating after-school programs for at-risk juveniles;

"(ii) developing safe havens from and alternatives to street violence, including educational, vocational or other extracurricular activities opportunities;

"(iii) establishing community service programs, based on community service corps models that teach skills, discipline, and responsibility;

"(iv) establishing peer medication programs in schools;

"(v) establishing big brother programs and big sister programs;

"(vi) establishing anti-truancy programs;

"(vii) establishing and operating programs to strengthen the family unit;

"(viii) establishing and operating drug prevention, treatment and education programs; or

"(ix) establishing activities substantially similar to programs described in clauses (i) through (viii).

"(B) Establishing and operating early intervention programs for at-risk juveniles.

"(C) Building or expanding secure juvenile correction or detention facilities for violent juvenile offenders.

"(D) Providing comprehensive treatment, education, training, and after-care programs for juveniles in juvenile detention facilities.

"(E) Implementing graduated sanctions for juvenile offenders.

"(F) Establishing initiatives that reduce the access of juveniles to firearms.

"(G) Improving State juvenile justice systems by—

"(i) developing and administering accountability-based sanctions for juvenile offenders;

"(ii) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced; or

"(iii) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable;

"(H) providing funding to enable prosecutors—

"(i) to address drug, gang, and violence problems involving juveniles more effectively;

"(ii) to develop anti-gang units and anti-gang task forces to address the participation of juveniles in gangs, and to share information about juvenile gangs and their activities; or

"(iii) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(I) hiring additional law enforcement officers (including, but not limited to, police, corrections, probation, parole, and judicial officers) who are involved in the control or reduction of juvenile delinquency; or

"(J) providing funding to enable city attorneys and county attorneys to seek civil remedies for violations of law committed by juveniles who participate in gangs.

"(3) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—The Director shall ensure that grants made under this part are equitably distributed among all units of local government in each of the States and among all units of local government throughout the United States.

"(b) PROHIBITED USES.—Notwithstanding any other provision of this title, a unit of local government may not expend any of the funds provided under this part to purchase, lease, rent, or otherwise acquire—

"(1) tanks or armored personnel carriers;

"(2) fixed wing aircraft;

"(3) limousines;

"(4) real estate;

"(5) yachts;

"(6) consultants; or

"(7) vehicles not primarily used for law enforcement;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

"(c) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

"(A) paid to the unit from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Director.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government. Any amounts remaining in such designated fund after shall be applied to the Federal deficit or, if there is no Federal deficit, to reducing the Federal debt.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amounts of funds that would, in the absence of funds made available under this part, be made available from State or local sources.

"(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1802. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1998;

"(2) $500,000,000 for fiscal year 1999; and

"(3) $500,000,000 for fiscal year 2000.

The appropriations authorized by this subsection may be made from the Violent Crime Reduction Trust Fund.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1998 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, and assuring compliance with the provisions of this part and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended.

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 1803. QUALIFICATION FOR PAYMENT.

"(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this part.

"(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this part.

"(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this part for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

"(1) the chief executive officer of the State has had not less than 20 days to review and comment on the application prior to submission to the Director;

"(2)(A) the unit of local government will establish a trust fund in which the government will deposit all payments received under this part; and

"(B) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

"(3) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

"(4) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this part shall be audited in compliance with the Single Audit Act of 1984;

"(5) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this part or that the Comptroller General reasonably requires to review compliance and operation;

"(6) the unit of local government will spend the funds made available under this part only for the purposes set forth in section 1801(a)(2);

"(7) the unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference;

"(d) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

"(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

"(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this part for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.".

(b) TECHNICAL AMENDMENT.—The table of contents of the title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended by striking the matter relating to part R and inserting the following:

"PART R—JUVENILE CRIME CONTROL GRANTS

"Sec. 1801. Payments to local governments.

"Sec. 1802. Authorization of appropriations.

"Sec. 1803. Qualification for payment.".

SEC. 203. MODEL PROGRAMS TO PREVENT JUVENILE DELINQUENCY.

The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall provide, through the clearinghouse and information center established under section 242(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5652(3)), information and technical assistance to community-based organizations and units of local government to assist in the establishment, operation, and replication of model programs designed to prevent juvenile delinquency.

TITLE III—IMPROVING JUVENILE CRIME AND DRUG PREVENTION

SEC. 301. STUDY BY NATIONAL ACADEMY OF SCIENCE.

(a) IN GENERAL.—The Attorney General shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies—

(1) to evaluate the effectiveness of federally funded programs for preventing juvenile violence and juvenile substance abuse;

(2) to evaluate the effectiveness of federally funded grant programs for preventing criminal victimization of juveniles;

(3) to identify specific Federal programs and programs that receive Federal funds that contribute to reductions in juvenile violence, juvenile substance abuse, and risk factors among juveniles that lead to violent behavior and substance abuse;

(4) to identify specific programs that have not achieved their intended results; and

(5) to make specific recommendations on programs that—

(A) should receive continued or increased funding because of their proven success; or

(B) should have their funding terminated or reduced because of their lack of effectiveness.

(b) NATIONAL ACADEMY OF SCIENCES.—The Attorney General shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in subsection (a).

If the Academy declines to conduct the study, the Attorney General shall carry out such subsection through other public or nonprofit private entities.

(c) ASSISTANCE.—In conducting the study under subsection (a) the contracting party may request analytic assistance, data, and other relevant materials from the Department of Justice and any other appropriate Federal agency.

(d) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than January 1, 2000, the Attorney General shall submit a report describing the findings made as a result of the study required by subsection (a) to the Committee on the Judiciary and the Committee on Education and the Workforce of the House of Representatives, and to the Committee on the Judiciary and the Committee on Labor and Human Resources of the Senate.

(2) CONTENTS.—The report required by this subsection shall contain specific recommendations concerning funding levels for the programs evaluated. Reports on the effectiveness of such programs and recommendations on funding shall be provided to the appropriate subcommittees of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(e) FUNDING.—There are authorized to be appropriated to carry out the study under subsection (a) such sums as may be necessary.

Mr. McCOLLUM. Mr. Speaker, I reserve a point of order on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his motion to recommit.

Mr. CONYERS. Mr. Speaker, the motion to recommit is essentially the Conyers-Schumer substitute which we will now offer as the motion to recommit. It is both smart and tough. We have almost brought juvenile justice law to the point where the only thing left on the other side was to offer an amendment abolishing the distinction between juveniles and adults in our system. Because of a determination on germaneness made by the Speaker and the leaders, we have taken out the child safety lock provision. Sixteen children are killed every single day in the United States of America, and that provision now cannot be debated or voted on in any provision, neither the base bill or the substitute.

The funding, great, $1.5 billion; but only five States meet the qualifications. Five States. It will be years before anybody will ever receive any money at the State and local level in this regard. Then, of course, we take the question of whether juveniles should be prosecuted as adults out of the judge's discretion and given to the prosecutors; great day in America in fighting juvenile crime.

We have, most importantly, the only meaningful prevention in a juvenile justice bill, meaningful prevention based on research, which is cost-effective and which provides States and local governments maximum flexibility. It rejects the Washington-knows-best approach. It is smart and tough and compassionate, and I urge Members to join us in the motion to recommit.

Mr. Speaker, I include for the RECORD a letter from the National Conference of State Legislatures expressing opposition to H.R. 3.

The letter referred to is as follows:

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, May 7, 1997.

DEAR MEMBER OF CONGRESS: We are writing to express our opposition to mandates in H.R. 3, the Juvenile Crime Control Act of 1997. Mandates in existing law require that states deinstitutionalize status offenders, remove juveniles from jails and lock-ups, and separate juvenile delinquents from adult offenders. Under H.R. 3, the federal government would apply new rules nationwide relating to juvenile records, judicial discretion and parental and juvenile responsibility. These present new obstacles for states that need federal funds.

States are enacting many laws that attack the problem of violent juvenile crime comprehensively. Many have lowered the age at which juveniles may be charged as adults for violent crimes; others have considered expanding prosecutors' discretion. Without clear proof that one choice is more effective than the other, Congress would deny funding for juvenile justice to states where just one element in the state's comprehensive approach to juvenile justice differs from the federal mandate.

The change of directions ought to make Congress wary of inflexible mandates. For example, until federal law was changed in 1994 states were forbidden to detain juveniles for possession of a gun—because possession was a "status" offense. The federal response was not merely to allow states to detain children for possession, but to create a new federal offense of juvenile possession of a handgun. (Pub. L. 103-322, Sec. 11201). The advantage of states as laboratories is that their choices put the nation less at risk. This bill would make the nation the laboratory.

NCSL submits that the proposed mandates, however well-intentioned, are short-sighted and counter-productive. We urge you to strike the mandates from H.R. 3.

Sincerely,

WILLIAM T. POUND,
Executive Director.

Mr. Speaker, I yield to the gentleman from New York, Mr. CHARLES SCHUMER, former chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I urge a vote for recommital. Let me say, Mr. Speaker, on the issue of crime, this body has made great progress in the last several years because we have been both tough on punishment and smart on prevention. We have said to violent repeat offenders, you will pay a severe price. But we have also said that we are going to do our darnedest to prevent and decrease the number of violent severe offenders.

The Conyers-Schumer substitute is really the only, only proposal that has been out there today that is both tough on punishment and smart on prevention. It is where America is, it is where this body ought to be, and it is what we all should vote for.

Mr. Speaker, the crime issue had long been a political football. Everyone was talking values; no one was getting anything done. Several years ago this Congress changed that and started looking at programs that work on both the punishment and the prevention side. As a result, in part, our crime rate has decreased. Let us not forget that. Let us not go back to either a policy that just punishes and throws away hope or a policy that forgets that there are violent criminals among us, at whatever age, and they must be punished. The only proposal on the floor that really does that is Conyers-Schumer, and I urge a vote for it.

Mr. McCOLLUM. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. McCOLLUM. Mr. Speaker, this amendment that would be adopted by the motion to recommit, if we were to vote for it, has a big problem. The amendment is not either tough or smart. The fact of the matter is that what we are about in this bill, underlying bill today, is to try to help the States correct the juvenile justice systems of this Nation that are broken.

As I said many times today in the debate on this bill, unfortunately we have one out of every five violent crimes in America committed by those who are under the age of 18, and less than 1 out of every 10 who are adjudicated guilty of those violent crimes who are juveniles are ever incarcerated for a single day. The FBI predicts that by the year 2010, which is just a few years away, we will have more than double the number of violent crimes committed by juveniles if we keep on this track; part of that because of demographics.

□ 1530

All of us will agree that the solution to a violent juvenile crime is a comprehensive thing that takes a lot of different components. This bill today before us is not designed as a prevention bill. It is intended to be in the traditional sense of prevention, although certainly putting consequences back into the law of this Nation for juveniles.

It says that, if you commit a simple delinquent act such as a vandalization of a home or spray painting a building, you ought to get community service or some kind of sanction, which is what we are encouraging by the bill. It is not very important to prevention, but there are going to be other traditional prevention programs that are going to out here on the floor from other committees.

This bill is designed to repair a broken juvenile justice system. In the motion to recommit is an offering of another amendment that replicates several that have already been offered

today. What it does is a couple of things.

One is, it mandates that 60 percent of all the spending in this bill go to prevention programs, says that is what you have to spend it on, States and local governments. It is more than the Lofgren amendment that was overwhelmingly defeated just a few minutes ago.

In addition to that, it strips from this bill the very effective provisions that we have in the bill to fix the juvenile justice system and the whole program of incentive grants. And equally important, on the tough side, it strips out the toughest provisions that we have in this bill for repairing the Federal juvenile justice system that the administration wants repaired.

If this amendment that is offered by the motion to recommit were to pass, the tough antigang provisions in this bill would disappear where we would permit Federal prosecutors in limited cases to go in and help take apart the gangs in big cities where we have to take juveniles and spread them across the Nation.

This motion to recommit, the underlying amendment is neither smart nor tough. We need a no vote on it. We need a yes vote on the underlying bill, H.R. 3, on final passage to give us a chance to revitalize and rebuild and repair a completely broken juvenile justice system, to not only correct the problems with violent youth today in this Nation but let the juvenile justice systems of this Nation in the various States finally get the resources that they so vitally need to repair that system and begin sanctioning from the very beginning delinquent acts so kids will understand there are consequences to their acts.

And if they understand there are consequences to the less serious crimes they commit, maybe, just maybe some of them will not pull the trigger when they get a gun later, as they do now, thinking there are no consequences.

This may be the most important criminal justice bill many of us in the years we have served here ever had a chance to vote on, because it really does repair a broken justice system. We will have another day for other measures, but this is the day for repairing the juvenile justice systems in the Nation. A no vote is absolutely essential on the motion to recommit, it guts the underlying bill; and a yes vote for final passage for juvenile justice system.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 243 not voting 16, as follows:

[Roll No. 117]

AYES—174

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—243

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

NOT VOTING—16

Calvert
Clay
Costello
Diaz-Balart
Filner
Gutierrez
Hastings (WA)
Hefner
Istook
Matsui
McCrery
McKinney
Moakley
Paxon
Pickering
Schiff

□ 1549

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Calvert against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MOAKLEY. Mr. Speaker, on rollcall No. 117, had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. McCOLLUM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 132, not voting 15, as follows:

[Roll No. 118]

AYES—286

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—132

Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Berman
Berry
Blagojevich
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cannon
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dixon
Doggett
Doyle
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gonzalez
Hastings (FL)
Hilliard
Hinchey
Hostettler
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shadegg
Skaggs
Slaughter
Snyder
Stark
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Calvert
Clay
Costello
Diaz-Balart
English
Filner
Gutierrez
Hastings (WA)
Hefner
McCrery
McKinney
Moakley
Paxon
Pickering
Schiff

□ 1605

The Clerk announced the following pairs:

On this vote:

Mr. Diaz-Balart for, with Mr. Filner against.

Mr. Calvert for, with Mr. Moakley against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, on rollcall No. 118, final passage of H.R. 3. I was unavoidably detained in my office and was unable to appear to cast my vote prior to the close of the rollcall. Had I been present, I would have voted "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3, the Clerk be authorized to correct section numbers, cross-references and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, for the purpose of engaging in a colloquy on the schedule for today, the rest of the week and next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have just had our last vote for the week. However, this afternoon the House will continue to debate amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. Members should note that any recorded votes ordered on the housing bill today will be postponed until Tuesday, May 13, after 5 p.m.

I would like to outline, Mr. Speaker, next week's schedule.

The House will meet on Monday, May 12, for a pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 13, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we will not hold any recorded votes before 5 p.m. on Tuesday next.

The House will consider the following bills, all of which will be under suspension of the rules:

H.R. 5, the IDEA Improvement Act of 1997.

H.R. 914, a bill to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures, as amended.

House Concurrent Resolution 49, authorizing use of the Capitol grounds for the Greater Washington Soap Box Derby.

House Concurrent Resolution 66, authorizing use of the Capitol grounds for the National Peace Officers' Memorial Service.

House Concurrent Resolution 67, authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol grounds.

House Concurrent Resolution 73, a concurrent resolution concerning the death of Chaim Herzog.

And House Resolution 103, expressing the sense of the House of Representatives that the United States should maintain approximately 100,000 United States military personnel in the Asia and Pacific region until such time as there is a peaceful and permanent resolution to the majority security and political conflicts in the region.

After consideration of the suspensions on Tuesday, the House will resume consideration of amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997. We hope to vote on final passage of the public housing bill on Wednesday morning.

Mr. Speaker, on Wednesday, May 14, and Thursday, May 15, the House will meet at 10 a.m., and on Friday, May 16, the House will meet at 9 a.m. to consider the following bills, all of which will be subject to rules:

H.R. 1469, the Fiscal Year 1997 Supplemental Appropriations Act; and H.R. 1486, the Foreign Policy Reform Act.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 2 p.m. on Friday, May 16.

Finally, Mr. Speaker, I would like to take this occasion to notify all Members of some potential changes in the schedule as it affects the month of June.

Mr. Speaker, because we anticipate a heavy work month with appropriations bills and budget reconciliation bills throughout the month of June, I should like to advise all Members that contrary to the published schedule in their possession, that they should expect and we anticipate that we will have votes on Monday, June 9; Friday, June 13; and Monday, June 23. Appropriate notification will be sent to Members' offices. We will keep Members posted about those dates, but I think in all deference to their June scheduling concerns, Members should have this notice as soon as I can give it and, therefore, it is given at this time.

Mr. BONIOR. Can I just repeat those dates, because I think they are important. Monday, June 9, Friday, June 13, and Monday, June 23 we will be meeting.

Mr. ARMEY. The gentleman is correct.

Mr. BONIOR. I thank the gentleman.

I noticed on the schedule that we are going to have two athletic events on the Capitol grounds, the Greater Washington Soap Box Derby and the Special Olympics Torch Relay to be run through the Capitol grounds.

I am wondering if the gentleman from Texas would be interested in engaging someone here on the minority, namely myself, in the soap box derby with the winner writing the tax bill. What does the gentleman think?

Mr. ARMEY. I am not quite sure. If the soap box derby is racing, I think I might be willing, but if it is orating, I would never want to engage the gentleman in such a derby.

Mr. BONIOR. I have just two brief questions, if the gentleman would indulge me.

On the supplemental, it is an emergency bill that is badly needed for relief of flood victims. It has been pulled for the past 2 weeks. What day next week do we expect that? Do we expect that on Wednesday or Thursday?

Mr. ARMEY. If the gentleman will yield further, it is our expectation that it will be on Wednesday and we should hope to have it completed on Wednesday morning.

Mr. BONIOR. And the budget resolution, can the gentleman enlighten us on this side of the aisle when we expect to have that resolution before us? Before the Memorial Day break? After?

Mr. ARMEY. Again if the gentleman will yield, the Budget chairman and the ranking member on Budget have been discussing that, and I believe they are prepared to go to markup on Wednesday next on that in committee. It is our expectation that we would have it on the floor for consideration on Tuesday, May 20. Then, of course, we would hope that the other body would keep pace and we would hope to have that resolution agreed upon between the two bodies and passed in final conference report before the recess.

Mr. BONIOR. I thank the gentleman.

Finally, just one other inquiry. On Friday next, is it my understanding from the gentleman's comments that we will be meeting in session next Friday?

Mr. ARMEY. If the gentleman will yield further, yes, we do anticipate being in session and voting on Friday next with, of course, every effort to have our Members' work completed by 2 p.m. for their Friday departure.

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

Mr. BONIOR. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I wanted by way of this inquiry to thank the majority leader for visiting the Red River Valley area in my home State, in his home State of North Dakota, but we had contemplated dealing with some emergency regulatory suspension with regards to the Committee on Banking and Financial Services to accommodate the needs of the Red River Valley and the Minnesota River Valley area in both the Dakotas and Minnesota.

We were hopeful that the gentleman would consult with the chairman of the Committee on Banking and Financial Services with whom I have consulted and we are trying to do that, and I would hope that it would be possible to bring that measure up on suspension next Tuesday. I note that it was not addressed in the gentleman's outline and I would just want to request the gentleman's attention to that matter and hope that we can work out something along those lines.

Mr. ARMEY. I thank the gentleman for his inquiry.

If the gentleman will yield further, I see the distinguished chairman of the Committee on Banking and Financial Services is here. We will discuss it privately. Certainly I understand the gentleman's concern and the gentleman's anxiety. We will try to be as responsive as possible on that matter.

□ 1615

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. (Mr. LAHOOD). Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 1997, title III was open for amendment at any point.

Are there any amendments to title III?

AMENDMENT NO. 12 OFFERED BY MR. KENNEDY OF MASSACHUSETTS.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. KENNEDY of Massachusetts:

Page 174, line 20, insert "**VERY**" before "**LOW-INCOME**".

Page 175, line 11, insert "very" before "low-income."

Page 187, line 5, insert "VERY" before "LOW-INCOME."

Page 187, line 10, insert "very" before "low-income."

Page 187, strike lines 13 through 22 and insert the following:

(b) INCOME TARGETING.—

(1) PHA-WIDE REQUIREMENT.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) AREA MEDIAN INCOME.—For purposes of this subsection, the term "area median income" means the median income of an area,

as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert "very" before "low-income".

Page 205, line 24, insert "very" before "low-".

Page 211, line 6, insert "very" before "low-income".

Page 214, line 1, insert "very" before "low-income".

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment deals with the issue of the concentration of very poor people in the voucher program. The voucher program is an important aspect of our overall housing policy in this country where instead of having families that live in public housing units where they are concentrated in large numbers, in many cases in some of the kind of monstrosities that we have come to think of as public housing, but rather as a different type of program where any individual that is eligible for the program simply receives a voucher and can take that voucher really to any building in any given locality. It is a tremendously effective program; it is one that has broad bipartisan support. However, we have to, I believe, recognize that the major efforts that have been made by the chairman of the Subcommittee on Housing and Community Opportunity has been to show his concern in H.R. 2 of the concentration of the number of very poor people that live in public housing.

Now, as a result of pursuing that policy, we have tried to pass amendments that would have allowed the glidepath of the number of very low-income people that occupy public housing units to decrease to about 50–50. In other words, 50 percent of the people in public housing units would have been people that were very low income and 50 percent of the people would be essentially working families.

That amendment was defeated, and instead we go back to the underlying language in H.R. 2 which would mean that about 80 percent of the people in public housing would be people with incomes that would be around $30 to $40,000 a year, or working families. While that is debated to be a positive aspect of the new H.R. 2's housing policy, it does beg the question as to what occurs with the 5.3 million families in this country who are very, very poor, the vast majority of whom are children.

Now what occurs of course is that those families simply will be without any housing assistance whatsoever. As I have noted on previous occasions, we have already cut the number of the amount of funding for homeless programs by over 25 percent, we have cut the funding for housing programs by about 25 percent, and so therefore we end up in a situation by fixing public housing of simply throwing out millions of, or hundreds of thousands of families, and perhaps not throwing them out on the street, but nevertheless not providing them with any assistance.

Now the basic rationale is that we need to have more working families in public housing. While that may be a desirable public policy, as we have already debated, it does not seem to me to hold up in any way, shape or form when it comes to the voucher program. There is no concentration of very poor people in any communities in this country using the voucher program. And yet the Republican plan calls for under H.R. 2 a reduction in the number of very poor families that would receive funding under the voucher program, again decreasing dramatically from the 75 percent of the people that currently receive the vouchers at below 30 percent of median income to about 80 percent of the families over the period of the next few years going to incomes above 80 percent of median.

And so what we have is a situation where working families will end up receiving the voucher program, and while people can argue that this is what they want in terms of public housing or the assisted housing policy, this is an issue where I think it is crystal clear that we do not have to throw out and turn our backs on the very, very poor in order to have the kind of income mix and the kind of neighborhood mix that I think is desirable in our country.

It seems to me that even in the richest neighborhoods of America it would not be bad to necessarily have a few poor people living in apartments that are being rented in those areas, if in fact those apartments are available to the section 8 program. If we want to have mixed income communities, if that is the ultimate desire of good housing policy, then it seems to me that we ought to continue to keep the concentration levels up to 75 percent that we have seen in the past under the amendment that I am proposing.

Now this amendment that we propose actually amends that program to allow for an even greater mix of working families to participate in the voucher program.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I am not going to object, but at one time we discussed time limitation; I thought perhaps agreement as to that. If we can do that, that would be helpful.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would entertain imposing a time limitation if it appears at a certain point we would be going well beyond—I do not think we agreed to a time limitation on this amendment. If the gentleman would recognize it is only a few Members in the Chamber, we do not expect this debate is going to last very long, and I would appreciate the gentleman, maybe if we get beyond 20 minutes on each side we could entertain a limitation.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman allowing the use he requests.

The point of this amendment is really very simple. It essentially, H.R. 2, reduces the percentage of section 8 certificates that must go to the very, very poor to only 40 percent from the current levels of 75 percent. It also permits up to 60 percent of the new section 8 assistance to go to those with incomes as high as 80 percent of median, as high as $41,600 in cities like Boston and New York. Over time, millions of very, very poor families could be denied assistance in addition to 13 million individuals and families with acute housing problems.

Do not be fooled by arguments from the other side about the concentrations of the very poor in public housing. This amendment has nothing to do with public housing or warehousing individuals, since section 8 assistance is portable.

The choice here is simple: Should we target scarce Federal resources to those in greatest need? I believe we ought to. This amendment makes sure that it will be done.

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

Mr. LEACH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would respond to the gentleman by saying I think he makes a number of very good arguments and that this is a reasonably close call, but I would come down on the other side because in the final measure there are some ramifications that are imperfect, and let me just go over a couple.

One is that all of a sudden we develop a system in which the incentives are not to work, and so this is a disincentive-to-work provision.

Let me explain why it works out that way, why if we pass this amendment, we will in effect be locking out the working poor from these programs.

For instance, in the State of Iowa, and we have developed charts on a number of States, 83 percent of the districts in which families of four with two parents working full-time at a minimum wage would be excluded from this program under the Kennedy approach.

Let me finish and then I will be happy to yield.

If we take the State of Massachusetts, 44 percent of the districts in which families of four with two parents working full-time at no more than 55 cents above the minimum wage would be excluded from this program. When we exclude the working poor from the program, what we do—even though the gentleman is partly right that with voucher program we do not segregate the poor quite as dramatically, or the poorest of the poor quite as dramatically as we do in the nonvoucher approach, although there are in practice sometimes a little bit of choice-based movement into concentrated areas that may occur—we give people an incentive to have a program benefit instead of work.

Virtually all that we are trying to do in this bill is work in a direction that is a bit different than current policy, and I acknowledge that, and it has some disadvantages, and I would acknowledge that as well. But we are trying to move in the direction of having more mixed approaches involving the poorest of the poor and the working poor being equal beneficiaries of, or if not equal at least being accommodated under Federal programs, and then to say to those that are not working, that there are more incentives to work.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman I do not know where he got his statistics, but the basic statistic that I think everyone acknowledges, and certainly, because I know the gentleman from Iowa voted for the minimum wage bill, I believe he referenced that in the debate the other day. Does the gentleman understand if one works a 40-hour week at minimum wage in this country, their income is about $11,000 a year; that is below the 30 percent that I am referring to in our targeting numbers?

So what I am trying to suggest here, I do not know where the gentleman gets the 55 cents and all the rest of that stuff and he gave a bunch of these statistics the other day. I am just pointing out to the gentleman that the families that we are talking about, 75 percent of which are below 30 percent, in most cases are working.

So what we are saying is that even if one works full time at a minimum wage job, they are still below the 30 percent targeting cutoff that we are trying to acknowledge is an important cutoff for the purposes of making certain that we take care of the very poor.

Mr. LEACH. Reclaiming my time, Mr. Chairman, I appreciate what the gentleman is saying, and there is an aspect about targeting the poorest of the poor that has great attractiveness. On the other hand, all I know is that we have asked our very professional staff to go through an assessment and do the statistical analysis, and I have a chart in front of me of, oh, 15 States that at a minimum have 67 percent and up to a maximum of 94 percent of districts in which families of four with two parents working full time at minimum wage will be excluded, and I stress this, excluded from choice-based assistance; yes, it is under the gentleman's amendment.

Mr. KENNEDY of Massachusetts. Just if the gentleman will yield for clarification purposes, he is counting two incomes and I am counting one. I am saying $11,000 a year.

Mr. LEACH. We are counting two incomes of minimum wage with a family of four.

Mr. KENNEDY of Massachusetts. It is $25,000 a year, Mr. Chairman. I mean these are statistics that we went through at length under the minimum wage bill.

Mr. LEACH. All I am saying is the gentleman has a philosophical point that is deeply worthy of respect, and all I am trying to say is unfortunately when we work it through, there are counterproductive ramifications, and I tried to lay out precisely what they are.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when we debated this question of restricting aid to the very poorest, and that is what we are talking about, the bill says we should do less than we have been doing for the very poorest people.

□ 1630

The argument in favor of cutting back on what we do for the poorest of the poor, and remember that among the poorest of the poor, and many of them are just children and we are talking about small children who made the mistake of being born to very poor parents. The argument was with regard to public housing; if we do not cut back on what we are doing for the poorest of the poor, we will hurt them.

The gentleman from Louisiana said well, maybe we are going to be doing less for the poorest of the poor, but we will be improving the quality in the housing projects by reducing economic segregation. Well, this amendment is one to which that argument simply does not apply, despite the effort of the gentleman from Iowa to try and drag it in sideways.

The fact is that in public housing we have concentration by definition of people who are in public housing. When we are talking about section 8, we are talking about, particularly now since we are not talking about project-based where we construct these buildings, we are talking about tenant-based vouchers in section 8's. They choose, they can be moved about, so the concentration argument simply has no relevance. We are now being told even without concentration, we simply should not help as many very poor people.

Why? Well, one argument, the gentleman from Iowa says the amendment of my friend from Massachusetts, [Mr. KENNEDY] has a lot of appeal, but he has to vote against it. I want to commend the gentleman from Iowa [Mr. LEACH] because, as we debate the housing bill time and again the gentleman gets up and acknowledges the appeal, acknowledges the cogency of it. He is a man of iron discipline. He can resist more things that appeal to him by anybody I have met. He will time and again tell us that that is a good point, and that reaches a strong emotion, but we must be tough.

But on whom are we being tough, some 3-year-old with a poor mother? Why are we being tough on her? Because if we allow her housing, we will give her a disincentive to work. That was the argument. If we do not cut back on what we give to the poorest of the poor, it will be a disincentive to work.

The gentleman is suffering from cultural lag, Mr. Chairman, which I believe is a parliamentarily approved condition, he forgets about the welfare bill.

Does the gentleman not remember that the majority reformed welfare? They no longer have the option of refusing to work if they are eligible to work. As a matter of fact, they cannot even refuse to work under the law now, even if there is no job. Whether or not there is a job for them is irrelevant. They will be punished if they do not go to work.

So this notion that we are giving people a disincentive forgets about the welfare bill. Welfare is time-limited. The argument that we are giving people a disincentive to work does not make any sense, because they will be cut off altogether. The question is simply whether they are working, and at minimum wage jobs, the number of two-parent families is probably not as great as some one-parent families.

We have a one-parent family on minimum wage, they are fully eligible here. And the notion that we are giving people a disincentive, I mean, what the gentleman is saying is, if we tell the very poorest of the poor that they can get housing, they will say oh, wonderful. I get to live in section 8 housing; even though my welfare is going to expire in 2 years, I no longer have to work.

Mr. Chairman, I do not think that is the way it will happen.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would like to explain to the gentleman from Massachusetts [Mr. FRANK] who the Kennedy amendment would exclude, and this is staff analysis.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time briefly, and I will yield back, but I regret that the Rules of the House do not allow us to yield to staff, because we could probably, by cutting out the middleman, have a more cogent debate; but given that is the rule, I will yield again to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, in Brownsville, TX, a family making $15,750 will be excluded from this program. However, the fair market rent there is about $510, which is 39 percent of income.

After paying for the year's rent, that family will have only $9,631 to pay all other expenses from food to clothing to medical expenses.

Mr. FRANK of Massachusetts. Mr. Chairman, again reclaiming my time, how does this exclude them? I think the gentleman misstates when he says that they will be excluded. I think he is inaccurately suggesting that the amendment of my friend from Massachusetts will totally restrict them from the program and will exclude them. Will he explain to me how they will be excluded?

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, what the amendment of the gentleman from Massachusetts does and one of the reasons I think this is such a close call is suggest that only the poorest of the poor would be targeted.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, let me say this: Amendments do not suggest, amendments say, they are wording. And I think, Mr. Chairman, I believe that the chairman of the committee is being a little more ambiguous than the rules allow in this sense.

I challenge the notion that this excludes people. It does not suggest that they are excluded, it is amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask for 2 additional minutes.

Mr. LAZIO of New York. Mr. Chairman, reserving my right to object, I would just like to ask if the gentleman from Massachusetts [Mr. FRANK] will yield to me.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, the inaccurate statement has been made, in all good faith, that this excludes people, and I do not believe it excludes them. This is not, as I understand, I would just say in 10 more seconds I will yield, I have previously supported amendments to the Federal preference system because they had the effect of totally excluding people above poverty. This is not an effort totally to exclude them, nor do I believe the amendment does exclude them.

Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman. I would just say in the gentleman from Massachusetts' amendment, the eligibility for choice-based assistance is restricted to families with incomes of 50 percent or below of median income.

Mr. FRANK of Massachusetts. Mr. Chairman, I would inquire of the gentleman, 50 percent, not 30 percent.

Mr. LAZIO of New York. Mr. Chairman, to respond, no, but the language of the gentleman's amendment is that anybody above 50 percent is excluded, and that is what the gentleman from Iowa [Mr. LEACH] is taking.

Mr. FRANK of Massachusetts. Reclaiming my time, I think there is a clear misunderstanding here. My impression was from the gentleman from Iowa, and maybe I misheard him, was talking about 30 percent. If we were talking about 50 percent, it would be different. I thought there was a suggestion that the amendment excluded people above 30 percent of median, not 50 percent. That is a very different set of categories. I thought we were talking about people at 30 percent. If we are talking about 50 percent, it is a different story, but I thought there were statistics being given of people at 30 percent.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to my good friend that even HUD's own document here says that the likelihood of households having severe housing problems declines sharply as incomes rise above 30 percent of median. Over 70 percent of unassisted renters with incomes below 30 percent of median have priority problems compared with only 23 percent of unassisted renters with incomes between 31 and 50 percent.

What all that means is that the acute housing needs of people with incomes below $25,000 are where the housing demand is. If we have incomes above $25,000, people generally can afford housing.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, my clear understanding is the gentleman from Ohio was talking about 30 percent below median, not 50 percent, and 50 percent is the accurate people, people not being excluded below 30 percent.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is a very interesting debate trying to decide how many vouchers we should have and how we can fairly distribute these vouchers. I think it would be fair to say that it would be very difficult ever to come up with a completely fair answer for everybody. I do not think there is a right answer. I think the whole debate over public housing is an interesting debate and, for me, a very disappointing debate. I do not know what number day this is, but it must be the 4th or 5th day we have been into the debate over public housing, and the differences between the two major debates here seems to be so little, from my viewpoint.

Mr. Chairman, what we are really dealing with, and I think everybody is concerned about it, and that is how do we provide the maximum number of houses for poor people. That is what we want to do. We have different versions of this effort, but the detail on how to do this, and this micromanagement, even like who gets vouchers and how to declare and what is happening, this is just a very, very strange debate for somebody like myself who comes from a free market constitutional position. But nevertheless, I hear this debate.

I do know, though, that if we look in general terms throughout the world, the more socialized a country is, the more interventionist it is, the more the government is involved in housing, the less houses we have for poor people. The more freedom a country has, the more houses there are.

We have only been in the business of really working to provide housing for our poor people in the last 30 years, and I do not think we have done that good a job. I think we have plenty of poor people. As a matter of fact, there are probably more homeless now than there were even 30 years ago. However, I think someday we might have to wake up and decide that public housing might not be the best way to achieve housing for poor people.

The basic assumption here in public housing is that if somebody does not have a house and another person has two houses, if we take one house from him and give it to the other one, that this would be fair and equitable. For some reason, this is not very appealing to me and to many others. As a matter of fact, if there was some slight degree of success on this, it would create a very dull society; it would cause a very poor society as well. But the efforts by government to redistribute houses never works, and we have to finally, I think, admit to this.

Mr. Chairman, the effort to pay for public housing is another problem. It is always assumed that there is going to be some wealthy individual that will pay for the house for the poor individual. But the assumption is always that the wealthy will pay for it, but unfortunately, due to our tax system and due to the inflationary system that we have, low, middle income and

middle class individuals end up paying the bills.

This whole process is a snowball effect. The more effort we put out, the more problems it leaves, the more deficits we have, the more inflation we have, the more people become unemployed, and the more poor people we have, and the more pressure there is to build houses. This is what is going on. That is why people decry the fact that there are more homeless than ever before. And I grant, I believe there probably is, but I also believe that we are on the wrong track. I do not see how public housing has been beneficial. I believe, quite frankly, that it has been very detrimental.

The two approaches that I hear, one wants to raise the budget by $5 billion on our side of the aisle, and the other side complains it is not enough. I mean, how much more money? Is money itself going to do it?

The basic flaw in public housing is that both sides of this argument that I hear is based on a moral assumption that I find incorrect. It is based on the assumption that the government has the moral authority to use force to redistribute wealth, to take money from one group to give to another. In other words, it endorses the concept that one has a right to their neighbor's property.

This, to me, is the basic flaw that we accept, we do not challenge. I challenge it because I believe a free society is a more compassionate society. A free society can produce more houses than any type of government intervention or any government socialization of a program.

Compassion is a wonderful thing, but if it is misled by erroneous economic assumptions, it will do the opposite. The unintended consequences of government intervention, government spending, government inflation is a very serious problem, because it literally creates more of the problem that we are trying to solve.

So I would suggest that we should think more favorably about freedom, the marketplace, and a sound currency.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from Texas [Mr. GONZALEZ] for yielding to me.

I would just like to point out a number of income levels at the 50 percent of median that the amendment calls for. In Los Angeles, one can make $25,650 a year, and this really goes to the chairman of the full committee's numbers that he was citing earlier.

I just want to point out to the gentleman that that definitely covers two minimum wage income families, or wage earners. In New York it would $24,500. Washington, DC would be $34,150. Boston, MA, $28,250. In all of those circumstances, two minimum wage job earners in a single family would still qualify for this program.

So what it really comes down to, and if the gentleman from Iowa [Mr. LEACH] would engage in just a brief colloquy, I would appreciate it, because what we are really talking about, the gentleman understands that this no longer is an amendment that applies to public housing, it simply applies to the voucher program.

I think we have answered the issue as to whether or not this is somehow a disincentive to work. This indicates that two people working in the same family at minimum wage jobs would still be eligible for this program in almost every major city in America. And so what we are trying to suggest is that we have a real problem here where it is in fact the largest single growing area of our population, the very, very poor.

So the question before us is whether or not we are going to provide the housing to those very, very poor people under the voucher program.

Now, there are other programs that exist in the Federal Government such as housing finance agencies, all sorts of subsidy programs for homeownership, that incomes of $25,000, $30,000, $35,000 a year are all eligible. The low income housing tax credit, there are a whole range of additional programs that meet those individuals' needs.

□ 1645

We ought to be encouraging home ownership among those folks. This is a program that has no concentration problems, has no problems with regard to creating these monstrosities of old public housing units, but what it does do is say that, please, let us try and provide this resource to the families that have the greatest need.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, I just want to reemphasize the point my friend just made, this is the only program which you can get into, basically, if you are 50 percent and below. There are other programs, not as much. There is the low-income housing tax credit which helps people at 70 and 80 and 90 percent and 60 percent. There is the home program.

We have traditionally had in housing programs what we call deep subsidy programs and shallower subsidy programs. The problem we have is this: There is no way people at 30 and 40 percent can work their way into the lower subsidy programs. They cannot work up to that. They will never have enough money. So what you are doing is excluding to a great extent many of the poorest people from the only program they can afford. We have a range of programs, and you are skewing what has been a more balanced mix.

I never wanted this to be only for the very poor, and I fought some of the Federal preferentials that made it only for the very poor, but the point is when you talk about the exclusion of working people you are forgetting the low-income housing tax credit, you are forgetting tax-exempt bonds for State housing finance agencies, you are forgetting the home program, elderly housing programs, you are forgetting a whole range of other things which provide only for people at the upper end of eligibility, and you are denying it to people for whom it is the only resource.

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would just stress that this program as currently drafted in the statute applies to the poorest of the poor, and it also applies to the working poor. The amendment of the gentleman from Massachusetts will exclude in many instances the working poor.

The second gentleman from Massachusetts notes, quite properly, that there are other programs that also deal with the working poor. But just so that there is no misunderstanding, because the gentleman cited some inner city circumstances that this amendment would not be exclusive of, in 16 States, 67 percent or more of HUD districts, families of four with two parents working full time at the minimum wage, would be excluded from this program.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

(On request of Mr. KENNEDY of Masssachusetts and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would also say that in addition to the 16 States, where two-thirds of the districts would be excluded, even in Massachusetts, which is not as affected as some other States, 44 percent of HUD districts would be excluded, of families of four with two parents working full time at no more than 55 cents above the minimum wage.

So what this amendment does that is good is it targets the poorest of the poor. What it does that is imperfect is that it gives disincentives to work and it excludes many members of the relatively working poor.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

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

Mr. KENNEDY of Massachusetts. I would just like to respond, Mr. Chairman, that the gentleman from Iowa

has generally been a fair-minded chairman, and I think that he would perhaps admit that before this bill becomes law, some of these targeting amendments will change. So I find it surprising that he is going to argue this on merits.

Those families that the gentleman just cited I believe would all be eligible for home ownership programs throughout the State of Massachusetts and all the other 17 States the gentleman just identified.

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, this notion of a work disincentive, given the existence of the welfare bill, would cut you off just comes out of thin air. The notion that people quit jobs or refuse to get jobs because they might get a section 8 when they would have no other means of support simply does not make any sense at all.

Do the Members on the other side not remember what they did in the welfare bill? I thank the gentleman for yielding to me.

Mr. LAZIO of New York. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I would like to try and put this whole debate into perspective. Under H.R. 2, the bill that we have been discussing for the last 4 or 5 days, under the choice-based program, which is commonly known as the voucher program, if a local community chooses they may target every single one of the vouchers to people below 30 percent of area median income, the poorest of the poor. If they choose, they can target them all to 20 percent, or 15 percent, or 10 percent. The idea is that the local community can choose.

To the extent that the amendment of the gentleman from Massachusetts [Mr. KENNEDY] handcuffs the hands of local authorities and says that they must set aside x amount of units to people below 30 percent of area median income, and no vouchers to those families making over 50 percent of area median income, what it says is that the local communities, the housing authority cannot make a rational distinction for families that may be at 51 percent of area median income but have special needs. They are shut out.

Make no mistake about it, this is about local control, this is about flexibility, this is about local communities being able to set their own goals with the understanding that at a minimum under this bill, at a minimum, that they must devote 40 percent of the units to people making under 30 percent of area median income, the poorest of the poor, at a minimum 40 percent of the units. But they can do 50 or 60 or 70 or 80, depending on the local characteristics, and depending on the need of the people who are asking to be served, because some people will fall 1 or 2 or 5 or 8 percentage points higher, and they will have special needs that make them deserving of getting that voucher.

Now, it is entirely correct, entirely correct, because when we are using HUD statistics, that if the amendment of the gentleman from Massachusetts [Mr. KENNEDY] is adopted, families with two incomes, a husband and a wife at minimum wage or a few pennies above minimum wage, like 50 cents over minimum wage, will be completely shut out from vouchers, a family of four.

For example, in Pennsylvania, a family of four with two wage earners, a mom and dad at minimum wage, living in 61 percent of HUD's fair market rent areas will not be eligible to receive the voucher benefit; none, no families. In Illinois, 70 percent of the fair market rent areas would have families of four that would be wholly ineligible under the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] to receive a voucher; in Arkansas, 93 percent; in Louisiana, 94 percent; 94 percent. Do Members want to know who is excluded? The families with two parents working at minimum wage, that is who would be excluded under the amendment offered by the gentleman from Massachusetts.

So if we took it to its logical extension, if people responded to the incentives that would be created by the gentleman's amendment, they would choose not to marry or they certainly would choose, they would certainly choose not to work, and so they would make no income. Therefore they would respond to the incentives under the amendment offered by the gentleman from Massachusetts to receive the benefit. But if they are workers at minimum wage and trying to make it, trying to live by the rules, they are shut out.

We are not saying under H.R. 2 that poor people should not get help, because under H.R. 2 we are saying at a minimum, at a minimum, 40 percent of those vouchers ought to go to people of very low income. There is no maximum of vouchers to the very poor, but it is up to the local community to decide. We are not prescribing from Washington. We are not saying, again, Big Brother will tell you exactly what to do and what percentages you are going to set, because in the real world, in the real world, percentages do not accurately reflect the needs of families and individuals.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, is the gentleman seriously trying to stand up before us and tell us that if we target housing to very poor families, that that is a disincentive to get married?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, what I am suggesting is that the gentleman's amendment, if adopted, would do precisely that. It would create that level of incentive, because I would say to the gentleman, again, if you have a family of two making minimum wage, you would not be eligible under the gentleman's amendment to receive vouchers in a vast amount of areas throughout the country. But if you chose not to get married or if you chose not to work, then you would be eligible. That is the incentive that the gentleman's amendment would create. That is why I am opposed to the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been fascinated by this debate, and a little perplexed. I kind of came in when the gentleman from Texas [Mr. PAUL] was making his comments, and noted that there were some striking similarities between what we were debating today and what we debated last week.

Last week we were trying to tell our colleagues on the other side, including the gentleman from Texas [Mr. PAUL], that if you take a house away from one person and give it to another, you are creating a problem for the one from whom you took it. That is why we said, hey, unless you are creating more housing, every time you take a public housing unit away from the very poor and give it to the working poor you are disadvantaging the very poor and putting them on the street.

The gentleman from Texas is not here, but I wanted to tell him that I certainly agree with his notion that if you take a house away from somebody and give it to somebody else, the person you took it from has been disadvantaged, but that was true last week as well as it is this week. It did not change from last week to this week. The same theory applies. It was true then, it is true now.

I wanted to tell him that while he may be right that public housing is a problem, we are not talking about public housing now. This is about vouchers, and so we are not talking about public housing projects or public housing communities this week. We had that discussion last week.

I certainly want to tell the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee, that it is fine for him to talk about local flexibility today, but where was all the local flexibility last week when we were debating this issue, or earlier this week, when we were debating this issue? He values local flexibility now, it seems to me he would have valued it then.

But first and foremost, I cannot understand why last week and earlier this

week the objective was to come up with a mix, and all of a sudden now we are on the other side of that issue. It is okay to mix in public housing working poor, even if it is at the expense of the very poor, but it is not okay to mix into the voucher program more poor people because that vouchered housing is out in some other parts of the community. If it is a good policy to support mixing income levels, then, my goodness, is it not a good policy running in both directions? It cannot be only a one-way street.

I do not understand, Mr. Chairman, why we have gotten ourselves into this, except that again the committee chairman and the subcommittee chairman are defending this bill at all costs, as if it was some perfect vehicle. This bill is not perfect. The problem is we have got a limited number of units and they have to go to somebody. We have a limited number of vouchers and they have to go to somebody.

We are trying to figure out some way to get not only poor people, the working poor taken care of, but we are trying to figure out a way to get the very poor taken care of, because if we do not do that, those people are going to end up on the street.

□ 1700

They do not have any options. And so while the Kennedy solution is not a perfect solution, the only perfect solution is to come up with more housing units for public housing and more vouchers for nonpublic housing to accommodate all of the people who do not have enough housing. That is the only perfect solution. I would submit to my colleagues that the solution of the gentleman from Massachusetts [Mr. KENNEDY] is a lot better than the solution that is provided for in the base bill.

I encourage my colleagues to support the Kennedy amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from New York for yielding to me.

I want to respond just briefly to a number of these issues. We hear an awful lot of heated rhetoric here. I think when we get to a point where we are suggesting that by looking out for very poor people that we are somehow dealing with a disincentive to get married, we have reached a new low in terms of how we characterize this debate. This is very simply an issue of the fact that there are not enough resources to take care of the housing needs of very poor people.

The chairman of the committee understands very clearly that we did cut 25 percent of the Nation's homeless budget in these last 2 years. We have also dramatically cut back on housing funding by another 25 percent. The number of poor people that we are going to be able to affect in terms of housing policy has shrunk, not grown. The number of poor people that are eligible for this housing has grown substantially, not shrunk. So we have a bigger problem with shorter resources.

The question is whether or not in terms of these public housing projects, whether or not we should have a better mix of working families in those projects. I believe we should. I think that the Republican solution went too far in terms of public housing itself. However, we lost that debate. I accept that loss.

This is a different debate. This deals with the voucher program where the Government gives them a voucher. They can take it to any neighborhood. Where a landlord will accept payment in that neighborhood, they can get the unit. It has nothing to do with concentrations.

We have other housing programs with people, and I am sure in the State of Iowa, the State of Massachusetts, two very different States, I have spent time in both, when there are States as varying as those two, they are able to, with incomes of $25,000, $28,000, $30,000 a year, incomes with two parents working, they are eligible for a broad array of homeownership programs, including many programs that are offered by private sector banks, many of whom are incentivized through the Community Reinvestment Act.

There are banks that would line up to get families that have that kind of income to make loans to them, to buy condominiums that might be worth, $60,000, $70,000, $80,000 to $100,000 in all, a broad array of these markets. They are not the individuals that badly need the voucher program.

The families that need the voucher program are the very poor. It is the single largest growing portion of the American population. For us to say, using just the rhetoric of public housing projects, to denounce and to suggest that somehow by looking out for very poor people, this bill has fungibility built in, a new policy that I strongly object to, because what it enables us to do is to take and strip people out of various projects and take them out of the public housing program and put them into the voucher program or vice versa.

The chairman would understand that there is an incentive brought by the local public housing authority to take in more upper-income people. It means that there are going to be very many more, very low income people that are not going to have any government assistance, nobody is going to take care of them. They are going to be out on the street. That is ultimately the policy that we are endorsing here. It is not antimarriage. It is not antilove. It is not antianything. It is just saying, can we find it in our souls to just be a little compassionate?

We have told the poor people they have to go to work. We have told the poor people that they cannot have dogs and cats. Well, OK, if we want to say that. We have told them all sorts of things in this bill. They have got to file personal improvement programs. They have to go to work. They have got all sorts of different requirements placed on them. What we are just trying to suggest is put whatever requirements we have to, but please give this housing to those families that have the greatest need.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, there are two statistics that I think one has to be very careful of. The gentleman has used 25 percent and with the time frame, but it must be placed in the RECORD that this bill that we have before us is 100 percent of the administration's request this year.

Mr. NADLER. Mr. Chairman, reclaiming my time, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, the gentleman from Iowa knows that the funding levels that we have already suggested, that the President was wrong at the funding levels. I know my colleague makes the case that that means that we are out of touch.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, what I am pointing out to the gentleman is that it was the Republican Congress, it was under his leadership that this committee cut the homeless budget by 25 percent and cut the housing budget by 25 percent as well. It was those actions that ended up with the lower funding levels at $20 billion a year and less than a billion dollars a year in homeless funding. That is what happened. It was under the Republican leadership, under the Contract With America, under the rescission bill that that took place. And that is why we are at the level of funding we are today. It is unconscionable that President Clinton accepted those funding levels. And if he were here on this floor today, I would tell him to his face.

This is a terrible level of housing assistance but it does not provide an excuse for us going along with it.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, first I want to be very precise on several points. The gentleman has referred to a reduction in spending for several programs as part of a 95 supplemental which was not passed out of our committee. This was not a committee that passed that out. So the gentleman is making a point in attempting to assert a degree of personal responsibility for which I think he should be very cautious.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, did the gentleman from Iowa vote for that budget?

Mr. LEACH. Yes, Mr. Chairman, and the President of the United States signed it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have said that I do not go along with the President of the United States on this. I certainly did not vote for it. The gentleman's side initiated it and his side voted for it.

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would also stress again, what this bill does, as it is currently constituted, is target to the poorest of the poor, but then it does not say that the near-poor are excluded. What the Kennedy amendment does is exclude the near-poor. In this regard, we are also saying that it is local discretion. There is no binding exclusion which the Kennedy amendment implies. But under the committee approach, 100 percent would go to the poorest of the poor.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has again expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 1 additional minute.)

Mr. NADLER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just wonder if perhaps the solution to this issue would be to go back to what is current policy. Would the gentleman from Iowa object to a provision that would suggest that we keep 75 percent of the units at below 30 percent and allow the other 25 percent to go to whatever income levels that the gentleman chooses?

Mr. LEACH. Mr. Chairman, if the gentleman will continue to yield, I would be happy to look carefully at language that comes before the committee. We will seriously review it. That will become a conferenceable issue. This chairman of this committee would have an open mind.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would suggest to the gentleman that we are in the midst of a markup. We are at a situation right now, Mr. Chairman, where we have the possibility. I have the authority to accept that provision. It goes back to existing law. We do not need a lot of studies. We have a lot of years of experience. I wonder whether or not the chairman would convince the chairman of the Subcommittee on Housing to accept that right now.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has again expired.

(On request of Mr. LAZIO of New York, and by unanimous consent, Mr. NADLER was allowed to proceed for 30 additional seconds.)

Mr. LAZIO of New York. Mr. Chairman, I would say that the very essence of H.R. 2 is local flexibility. That is not in current law. Current law suggests, again, go back to the same old Washington prescription. This is why we want to have this kind of flexibility so that working people, families making, a family of four with two wage earners at minimum wage would not be shut out as they are, both under the Kennedy amendment and under current law.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I cannot sit here and listen to the chairman of our subcommittee say that with a straight face after the debate we had last week. The essence of this bill is certainly not local flexibility, far from it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. Kennedy of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of amendment is as follows:

Amendment offered by Mr. NADLER:

Page 184, strike lines 5 through 8 and insert the following:

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

Mr. LAZIO of New York. Mr. Chairman, we have negotiated a time limitation on this amendment of 26 minutes, evenly divided, the gentleman from New York controlling half the time and myself controlling half the time.

I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 26 minutes, evenly divided between the gentleman from New York [Mr. NADLER] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] and the gentleman from New York [Mr. NADLER], each will control 13 minutes.

The Chair recognizes the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to this bill that would, I would like to commend the gentleman from New York on the other side and the gentleman from Massachusetts for their hard work on this bill. This bill is seriously deficient because it reneges on our national commitment to create decent affordable housing. This bill provides absolutely no specific funding to make any new housing available to low income or moderate income families.

My amendment, which the gentleman from New York [Mr. SCHUMER] joins me in offering, would authorize 50,000 new section 8 vouchers to help low income families afford safe decent housing. We must send the appropriators a message that we believe the creation of new section 8 vouchers is a priority.

I would like to thank the chairman of the subcommittee and gentleman from Massachusetts for including language in the bill so that funding will be available to renew all existing section 8 vouchers. It is vitally important that those families currently benefiting from this program not be suddenly thrown out on the street. But it is not enough. The need for housing assistance remains staggering. Today 5.3 million poor families either pay more than 50 percent of their income for rent or live in severely substandard housing.

President Franklin Delano Roosevelt, founder of the public housing system in our Nation, spoke eloquently in 1944 of the fact that, and I quote, "True individual freedom cannot exist without economic security and independence. Necessitous men are not free men."

FDR was right. Every family has the right to a decent home, or do we no longer believe this to be so?

President Roosevelt's commitment to provide decent, safe, affordable housing to those that cannot afford the rent in the private market continued through administrations both Republican and Democratic. Richard Nixon, Ronald Reagan and George Bush all to some degree continued that commitment. But 2 years ago, the majority in Congress decided that commitment was no longer worth keeping. For the first time since the program began, no money was provided in that budget for new section 8 vouchers.

Our amendment will return to the legacy of the past half century. It will authorize funding to provide for an additional 50,000 certificates, equal to the President's request. I challenge anyone to argue that tenant-based section 8 vouchers do not achieve their goals. The tenant-based section 8 program is one of the most successful housing programs in existence. Section 8 pays a portion of a qualified family's rent. Each family commits 30 percent of their income to rent. The rest is paid by the section 8 voucher.

Overall rents are capped at fair market value. Thanks to section 8, families are able to afford decent safe housing; nothing extravagant and frankly sometimes not very nice at all, but much better than the alternative. For these families section 8 is more than a contract or a subsidy. It is often the foundation upon which they can build lifelong economic self-sufficiency. Section 8 allows families to enter the private housing market and choose where they live, creating better income mixes throughout our communities.

□ 1715

Today over a million families receive section 8 vouchers, which give them the mobility to choose their own decent housing. Yet over 5 million households are defined by HUD as having worst case housing needs; that is, paying over 50 percent of their income in rent or living in severely substandard housing. Not one of these 5 million families receives any Federal housing assistance. Their need is desperate. We must not turn our backs on the realities of the housing market and our people's desperate needs.

Our amendment will allow 50,000 more families to live in safe, affordable, decent housing. It is not asking for much. We only ask that today we commit to meet 1 percent of the need for affordable housing in our Nation. We can and should do more, but today, I will ask only for a very modest downpayment.

Some will say even helping 1 percent will cost too much. Some will say we cannot afford to pay the $6,000 per family it would cost to provide decent housing for these families. The reality is we cannot afford to shirk this responsibility.

The money is there. The chairman of the Committee on the Budget has taken the lead in pointing out the billions of dollars we spend each year on corporate welfare. The GAO recently reported that the Department of Defense has $2.7 billion in inventory items which are not needed to meet the services' operating and reserve requirements. Simply eliminating from the defense budget just the storage cost of these unnecessary inventory items would save $382 million annually, substantially more than the cost of this amendment.

That is the choice before us today: Pay for outdated, archaic, inflated needs, and we can find them throughout the budget, or focus our scarce resources on programs that, without question, do much good. Which is more important, unnecessary rivets collecting dust in a warehouse somewhere or a roof over a family's head?

Mr. Chairman, I ask support for this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for allowing me to proceed, and I thank the other gentleman from New York [Mr. NADLER] for yielding me this time.

Mr. Chairman, next week the House will consider a supplemental appropriations bill to help the victims of the Red River flood. I will join most Members in supporting this legislation because the families of Grand Forks need and deserve our help. But the offset for this emergency assistance is, once again, housing.

It seems that every time we cut the budget or provide relief to victims of natural disasters, the first account we look to is the housing account. In this latest supplemental we are cutting housing programs by $3.5 billion. These funds were put aside by housing authorities at our discretion to begin to cover the massive payment we all know is coming due for expiring project-based assistance.

These are not just my views. This week the chairman of the Senate Committee on the Budget, PETE DOMENICI, said expiring section 8 contracts will gobble up discretionary spending. So, with no thought to the consequences, we will soon vote to eliminate funding for 500,000 federally assisted housing units.

The amendment I offer, with my good friend from New York, Mr. NADLER, says we must stop using HUD for spare parts. Under Presidents Richard Nixon, Gerald Ford, Ronald Reagan, and George Bush, Congress and the President managed to find at least some new money for housing. But last year, for the first time in 50 years, we provided nothing, no new money for housing construction and no new money for section 8.

It is not because we solved the housing crisis. As we all know too well, 5.3 million families still pay over half their income in rent and live in substandard units, the likes of which my colleagues and I would be repulsed by.

Our amendment provides a modest increase of $300 million for section 8 housing each year over the next 5 years. Our amendment lets 50,000 new families each year receive desperately needed housing assistance. It is identical to the President's request, which means that in the context of balancing the budget, we can afford it.

I commend the gentleman from New York, Chairman LAZIO, for many of the reforms in this bill, particularly in the area of public housing. I understand he is under a great deal of pressure to cut spending, and he has received no support from those on his side of the aisle to fight for funding.

This is, indeed, a well-intentioned bill, but it is not enough. We have a 50-year streak of helping those with housing needs. Let us not jeopardize it. Support the Nadler-Schumer amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I want to say, first of all, that under the terms of H.R. 2, the bill we are debating today, we do authorize incremental or new vouchers. In the language of the bill we simply authorize that such sums as may be necessary are authorized. The reason for that is because we do not have any basis for fixing a sum.

For example, certain buildings in public housing will be demolished, in which case some of those residents may receive vouchers. In some cases the cost of remodeling will be so great that it will be more cost effective and the choice will be better for the tenant to receive a voucher, and they will receive that voucher. In other situations, people that may be displaced are seniors or disabled and will be receiving vouchers but, again, we are not sure exactly how many there are.

So we have tried to make it clear from an authorizing standpoint that we are for additional new vouchers, but we cannot exactly say for sure because there is no basis to say for sure how many new vouchers we are authorizing.

Now, under the amendment offered by the gentlemen from New York, they are requesting a sum certain, $350 million in budget authority for new section 8 certificates and vouchers of the choice-based program under the terms of the bill. According to the General Accounting Office, there is no basis in fact in which to determine, other than this objective, that 50,000 vouchers is the appropriate amount of vouchers. It may be too little or it may be too much, but there is no certainty.

That is why we have allowed maximum flexibility in the bill but, at the same time, a statement that we believe that additional vouchers should be authorized, they are authorized and should be appropriated for.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Let me just say first that the reason we put a specific amount in here, and the specific amount is the amount suggested in the President's budget, is that we believe that given the fact that in this year's budget, the budget we are living under now, there is zero appropriation for new section 8 housing, and an open-ended authorization of whatever may be necessary will not get anything from the appropriators. So we think that we should have a sum certain.

I would ask the gentleman if he would, whether this amendment passes or fails, if he would join us in asking the Committee on Appropriations for a sum certain. I would ask for this amount, the gentleman may pick some other number, but a sum certain so that we know that in this budget we will at least continue our commitment to new section 18?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would say to the gentleman that I would be happy to advocate to the Committee on Appropriations for additional vouchers, choice-based vouchers.

If we could find an appropriate basis to fix an authorization number, I would even be willing, in the event this amendment fails, to include that, if we could, at conference level.

My position is that I do not have any basis right now in order to fix a number. I would also add that the appropriators, of course, even with an authorization, chose not to appropriate money. So there is really no reason, simply because we have a fixed number of $350 million, to presume that alone would lead the appropriators to appropriate money for that account. Because there is, of course the gentleman knows, a crisis in the project-based section 8 which needs to be resolved, and I understand that and I sympathize with the appropriators, but I am happy and pleased to advocate for additional vouchers because the need is clearly there.

Mr. NADLER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from New York [Mr. NADLER] for yielding.

Mr. Chairman, I rise to support this amendment, and I do so because it attempts to recognize one of the great needs in our society. Almost any evening across urban America, you can walk down the streets and see hundreds of men and women lined up trying to get in shelters because they have no place to go.

This amendment would, at least, give 50,000 additional homeless families in America a place to live. I strongly support it. I commend the gentleman for introducing it and hope that it will pass.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity, for agreeing with the need for additional vouchers and for his agreeing to go to the Committee on Appropriations and urge additional vouchers.

I would suggest, however, that we all know, that the gentleman from New York knows and I know and everyone knows, that given the fiscal stringencies in the balanced budget agreement, whatever happens to the politics of that over the next few weeks and months, that the odds of getting a real appropriation, a sizable appropriation, are very small. The odds of getting an appropriation that exceeds the amount suggested in this authorization in this amendment is, I would suggest, nil.

So I would urge the gentleman to accept this amendment as a ceiling on what we can realistically expect and as an expression by the House to the appropriators that may strengthen our hand in getting some reasonable fraction of this as an appropriation. I hope the gentleman will see the reasoning of that.

But, in any event, I would urge the passage of this amendment, if only to say morally that this House demands, that the House wants and knows that we need additional section 8 vouchers. I suspect that by putting a specific number in it, it really does strengthen our hand with the appropriators, although it obviously does not guarantee it.

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

Mr. LAZIO of New York. Mr. Chairman, I have no other speakers on this amendment. If I may inquire of the gentleman from New York [Mr. NADLER] if he has additional speakers.

Mr. NADLER. Mr. Chairman, we have no other speakers. I yield myself such time as I may consume.

Mr. Chairman, in summary, we need more section 8 vouchers. It is the only program we have going for additional low-income and moderate-income housing units. We have 5.3 million households. That is probably 15 or 16 million people in desperate need of new housing.

Last year was the first year since 1937, with the possible exception of a couple years in World War II, in which we had a zero budget for new low- and moderate-income housing. I think it imperative that we speak out by adoption of this amendment that we do not mean to make permanent this turning away from our 60 years' commitment to house our people decently. So I urge the adoption of this amendment.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wonder if I could enter into a colloquy with the gentleman from New York [Mr. NADLER]. First of all, let me compliment the gentleman for his interest in housing and community development. I am well aware of it in the New York metropolitan area.

Second of all, let me inquire of the gentleman if it would be acceptable to the gentleman if he received a commitment from this Member to work with him to establish a fixed amount in terms of authorization or, in the alternative, to go to the Committee on Appropriations to argue with the gentleman for an appropriate amount for which we could establish some logical basis, if the gentleman would consider withdrawing the amendment for now and working with this Member?

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I am not clear on what the gentleman is suggesting. Is the gentleman suggesting that we would simply go to the Committee on Appropriations and that we would seek a different amount to put in as an amendment to this bill?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would suggest that we could pursue either or both strategies as long as we get a reasonable basis in order to fix an amount.

Mr. NADLER. Mr. Chairman, if the gentleman will continue to yield, I appreciate the commitment of the gentleman and willingness or eagerness to join in going to the Committee on Appropriations to urge a specific amount. I do think this bill should contain a specific amount.

I would be willing to withdraw this amendment if we have the agreement that we will try to work out by Tuesday a specific amount which we would then put into the bill and, if we do not reach that, we can have at least a voice vote on this amendment.

□ 1730

But I do think we should have a specific amount, not simply in mind with which to go to the Committee on Appropriations but in the bill.

Mr. LAZIO of New York. If I could reclaim my time, the best case scenario from this Member's perspective would be if the gentleman would withdraw the amendment and we would work to see if we could establish some good basis in order to make a judgment. But if that were not the case that we could do that by Tuesday, it might take longer. But I am committing to the

gentleman that I would work with the gentleman to advocate for additional vouchers as long as we have a reasonable amount. Otherwise, I am afraid that we would be asking for an amount that has no clear basis. It has merit but not a factual basis.

Mr. NADLER. If the gentleman will yield further, I understand what the gentleman means. I would be willing on that basis to withdraw the amendment until Tuesday so we could if we reach an agreement, an agreed amount, put it in and do that then. I do not think I could withdraw the amendment without that.

Mr. LAZIO of New York. I thank the gentleman. We will have to take the vote on this. I thank the gentleman and look forward to working with him either way.

Mr. NADLER. If the gentleman will yield further, I appreciate the gentleman's comments. I look forward to working with him whatever happens to this amendment at this point.

Mr. LAZIO of New York. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. LAZIO of New York. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from New York [Mr. NADLER] will be postponed.

Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

SEC. 401. PURPOSE.

The purpose of this title is to give local governments and municipalities the flexibility to design creative approaches for providing and administering Federal housing assistance based on the particular needs of the communities that—

(1) give incentives to low-income families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient;

(2) reduce cost and achieve greater cost-effectiveness in Federal housing assistance expenditures;

(3) increase housing choices for low-income families; and

(4) reduce excessive geographic concentration of assisted families.

SEC. 402. FLEXIBLE GRANT PROGRAM.

(a) AUTHORITY AND USE.—The Secretary shall carry out a program under which a jurisdiction may, upon the application of the jurisdiction and the review and approval of the Secretary, receive, combine, and enter into performance-based contracts for the use of amounts of covered housing assistance in a period consisting of not less than 1 nor more than 5 fiscal years in the manner determined appropriate by the participating jurisdiction—

(1) to provide housing assistance and services for low-income families in a manner that facilitates the transition of such families work;

(2) to reduce homelessness;

(3) to increase homeownership among low-income families; and

(4) for other housing purposes for low-income families determined by the participating jurisdiction.

(b) INAPPLICABILITY OF CATEGORICAL PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 405, the provisions of this Act regarding use of amounts made available under each of the programs included as covered housing assistance and the program requirements applicable to each such program shall not apply to amounts received by a jurisdiction pursuant to this title.

(2) APPLICABILITY OF CERTAIN LAWS.—This title may not be construed to exempt assistance under this Act from, or make inapplicable any provision of this Act or of any other law that requires that assistance under this Act be provided in compliance with—

(A) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

(B) the Fair Housing Act (42 U.S.C. 3601 et seq.);

(C) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(D) title IX of the Education Amendments of 1972 (86 Stat. 373 et seq.);

(E) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(F) the Americans with Disabilities Act of 1990; or

(G) the National Environmental Policy Act of 1969 and other provisions of law that further protection of the environment (as specified in regulations that shall be issued by the Secretary).

(c) EFFECT ON PROGRAM ALLOCATIONS FOR COVERED HOUSING ASSISTANCE.—The amount of assistance received pursuant to this title by a participating jurisdiction shall not be decreased, because of participation in the program under this title, from the sum of the amounts that otherwise would be made available for or within the participating jurisdiction under the programs included as covered housing assistance.

SEC. 403. COVERED HOUSING ASSISTANCE.

For purposes of this title, the term "covered housing assistance" means—

(1) operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the effective date of this Act);

(2) modernization assistance provided under section 14 of such Act;

(3) assistance provided under section 8 of such Act for the certificate and voucher programs;

(4) assistance for public housing provided under title II of this Act; and

(5) choice-based rental assistance provided under title III of this Act.

Such term does not include any amounts obligated for assistance under existing contracts for project-based assistance under section 8 of the United States Housing Act of 1937 or section 601(f) of this Act.

SEC. 404. PROGRAM REQUIREMENTS.

(a) ELIGIBLE FAMILIES.—Each family on behalf of whom assistance is provided for rental or homeownership of a dwelling unit using amounts made available pursuant to this title shall be a low-income family. Each dwelling unit assisted using amounts made available pursuant to this title shall be available for occupancy only by families that are low-income families at the time of their initial occupancy of the unit.

(b) COMPLIANCE WITH ASSISTANCE PLAN.—A participating jurisdiction shall provide assistance using amounts received pursuant to this title in the manner set forth in the plan of the jurisdiction approved by the Secretary under section 406(a)(2).

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title: or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

(d) HOUSING QUALITY STANDARDS.—

(1) COMPLIANCE.—A participating jurisdiction shall ensure that housing assisted with amounts received pursuant to this title is maintained in a condition that complies—

(A) in the case of housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with housing quality standards established under paragraph (2).

(2) FEDERAL HOUSING QUALITY STANDARDS.—the Secretary shall establish housing quality standards under this paragraph that ensure that dwelling units assisted under this title are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extend practicable, be consistent with the standards established under sections 232(b) and 328(c). The Secretary shall differentiate between major and minor violations of such standards.

(e) NUMBER OF FAMILIES ASSISTED.—A participating jurisdiction shall ensure that, in providing assistance with amounts received pursuant to this title in each fiscal year, not less than substantially the same total number of eligible low-income families are assisted as would have been assisted had the amounts of covered housing assistance not been combined for use under this title.

(f) CONSISTENCY WITH WELFARE PROGRAM.—A participating jurisdiction shall ensure that assistance provided with amounts received pursuant to this title is provided in a manner that is consistent with the welfare, public assistance, or other economic self-sufficiency programs operating in the jurisdiction by facilitating the transition of assisted families to work, which may include requiring compliance with the requirements under such welfare, public assistance, or self-sufficiency programs as a condition of receiving housing assistance with amounts provided under this title.

(g) TREATMENT OF CURRENTLY ASSISTED FAMILIES.—

(1) CONTINUATION OF ASSISTANCE.—A participating jurisdiction shall ensure that each family that was receiving housing assistance

or residing in an assisted dwelling unit pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title shall be offered assistance or an assisted dwelling unit under the program of the jurisdiction under this title.

(2) PHASE-IN OF RENT CONTRIBUTION INCREASES.—For any family that was receiving housing assistance pursuant to any of the programs included as covered housing assistance immediately before the jurisdiction initially provides assistance pursuant to this title, if the monthly contribution for rental of a dwelling unit assisted under this title to be paid by the family upon initial applicability of this title is greater than the amount paid by the family immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contributions before initial applicability.

(h) AMOUNT OF ASSISTANCE.—In providing housing assistance using amounts received pursuant to this title, the amount of assistance provided by a participating jurisdiction on behalf of each assisted low-income family shall be sufficient so that if the family used such assistance to rent a dwelling unit having a rent equal to the 40th percentile of rents for standard quality rental units of the same size and type in the same market area, the contribution toward rental paid by the family would be affordable (as such term is defined by the jurisdiction) to the family.

(i) PORTABILITY.—A participating jurisdiction shall ensure that financial assistance for housing provided with amounts received pursuant to this title may be used by a family moving from an assisted dwelling unit located within the jurisdiction to obtain a dwelling unit located outside of the jurisdiction.

(j) PREFERENCES.—In providing housing assistance using amounts received pursuant to this title, a participating jurisdiction may establish a system for making housing assistance available that provides preference for assistance to families having certain characteristics. A system of preferences established pursuant to this subsection shall be based on local housing needs and priorities, as determined by the jurisdiction using generally accepted data sources.

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 of the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

SEC. 405. APPLICABILITY OF CERTAIN PROVISIONS.

(a) PUBLIC HOUSING DEMOLITION AND DISPOSITION REQUIREMENTS.—Section 261 shall continue to apply to public housing notwithstanding any use of the housing under this title.

(b) LABOR STANDARDS.—Section 112 shall apply to housing assisted with amounts provided pursuant to this title, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

SEC. 406. APPLICATION.

(a) IN GENERAL.—The Secretary shall provide for jurisdictions to submit applications to receive and use covered housing assistance amounts as authorized in this title for periods of not less than 1 and not more than 5 fiscal years. An application—

(1) shall be submitted only after the jurisdiction provides for citizen participation through a public hearing and, if appropriate, other means;

(2) shall include a plan developed by the jurisdiction for the provision of housing assistance with amounts received pursuant to this title that takes into consideration comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for meeting each of the requirements under section 404 and this title;

(3) shall describe how the plan for use of amounts will assist in meeting the goals set forth in section 401;

(4) shall propose standards for measuring performance in using assistance provided pursuant to this title based on the performance standards under subsection (b)(2);

(5) shall propose the length of the period for which the jurisdiction is applying for assistance under this title; and

(6) may include a request assistance for training and technical assistance to assist with design of the program and to participate in a detailed evaluation.

(7) shall—

(A) in the case of the application of any jurisdiction within whose boundaries are areas subject to any other unit of general local government, include the signed consent of the appropriate executive official of such unit to the application; and

(B) in the case of the application of a consortia of units of general local government (as provided under section 409(1)(B)), include the signed consent of the appropriate executive officials of each unit included in the consortia;

(8) shall include information sufficient, in the determination of the Secretary—

(A) to demonstrate that the jurisdiction has or will have management and administrative capacity sufficient to carry out the plan under paragraph (2);

(B) to demonstrate that carrying out the plan will not result in excessive duplication of administrative efforts and costs, particularly with respect to activities performed by public housing agencies operating within the boundaries of the jurisdiction;

(C) to describe the function and activities to be carried out by such public housing agencies affected by the plan; and

(D) to demonstrate that the amounts received by the jurisdiction will be maintained separate from other funds available to the jurisdiction and will be used only to carry out the plan; and

(9) shall include information describing how the jurisdiction will make decisions regarding asset management of housing for low-income families under programs for covered housing assistance or assisted with grant amounts under this title.

A plan required under paragraph (2) to be included in the application may be contained in a memorandum of agreement or other document executed by a jurisdiction and public housing agency, if such document is submitted together with the application.

(b) REVIEW, APPROVAL, AND PERFORMANCE STANDARDS.—

(1) REVIEW.—The Secretary shall review applications for assistance pursuant to this title. If the Secretary determines that the application complies with the requirements of this title, the Secretary shall offer to enter into an agreement with jurisdiction providing for assistance pursuant to this title and incorporating a requirement that the jurisdiction achieve a particular level of performance in each of the areas for which performance standards are established under paragraph (2). If the Secretary determines that an application does not comply with the requirements of this title, the Secretary shall notify the jurisdiction submitting the application of the reasons for such disapproval and actions that may be taken to make the application approvable. Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.

(2) PERFORMANCE STANDARDS.—The Secretary shall establish standards for measuring performance of jurisdictions in the following areas:

(A) Success in moving dependent low-income families to economic self-sufficiency.

(B) Success in reducing the numbers of long-term homeless families.

(C) Decrease in the per-family cost of providing assistance.

(D) Reduction of excessive geographic concentration of assisted families.

(E) Any other performance goals that the Secretary may prescribe.

(3) APPROVAL.—If the Secretary and a jurisdiction that the Secretary determines has submitted an application meeting the requirements of this title enter into an agreement referred to in paragraph (1), the Secretary shall approve the application and provide covered housing assistance for the jurisdiction in the manner authorized under this title. The Secretary may not approve any application for assistance pursuant to this title unless the Secretary and jurisdiction enter into an agreement referred to in paragraph (1). The Secretary shall establish requirements for the approval of applications under this section submitted by public housing agencies designated under section 533(a) as troubled, which may include additional or different criteria determined by the Secretary to be more appropriate for such agencies.

(c) STATUS OF PHA'S.—Nothing in this section or title may be construed to require any change in the legal status of any public housing agency or in any legal relationship between a jurisdiction and a public housing

agency as a condition of participation in the program under this title.

SEC. 407. TRAINING.

The Secretary, in consultation with representatives of public and assisted housing interests, shall provide training and technical assistance relating to providing assistance under this title and conduct detailed evaluations of up to 30 jurisdictions for the purpose of identifying replicable program models that are successful at carrying out the purposes of this title.

SEC. 408. ACCOUNTABILITY.

(a) PERFORMANCE GOALS.—The Secretary shall monitor the performance of participating jurisdictions in providing assistance pursuant to this title based on the performance standards contained in the agreements entered into pursuant to section 406(b)(1).

(b) KEEPING RECORDS.—Each participating jurisdiction shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts provided pursuant to this title, to ensure compliance with the requirements of this title and to measure performance against the performance goals under subsection (a).

(c) REPORTS.—Each participating jurisdiction agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. The reports shall—

(1) document the use of funds made available under this title;

(2) provide such information as the Secretary may request to assist the Secretary in assessing the program under this title; and

(3) describe and analyze the effect of assisted activities in addressing the purposes of this title.

(d) ACCESS TO DOCUMENTS BY SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

(e) ACCESS TO DOCUMENTS BY COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this title.

SEC. 409. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) JURISDICTION.—The term "jurisdiction" means—

(A) a unit of general local government (as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act) that has boundaries, for purposes of carrying out this title, that—

(i) wholly contain the area within which a public housing agency is authorized to operate; and

(ii) do not contain any areas contained within the boundaries of any other participating jurisdiction; and

(B) a consortia of such units of general local government, organized for purposes of this title.

(2) PARTICIPATING JURISDICTION.—The term "participating jurisdiction" means, with respect to a period for which such approval is made, a jurisdiction that has been approved under section 406(b)(3) to receive assistance pursuant to this title for such fiscal year.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 13 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. KENNEDY of Massachusetts:

Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

Mr. LAZIO of New York. Mr. Chairman, I understand in speaking to the gentleman from Massachusetts that there is a proposed agreement to limit time to 20 minutes, 10 minutes controlled by the gentleman from Massachusetts [Mr. KENNEDY], 10 minutes controlled by myself. If that is acceptable to the gentleman from Massachusetts, if I could make that unanimous-consent request.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would amend the unanimous-consent request to go 5 and 5.

Mr. LAZIO of New York. Mr. Chairman, the gentleman from Massachusetts is very generous and I accept it.

The CHAIRMAN. And that includes all amendments thereto?

Mr. KENNEDY of Massachusetts. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with, I think, one of the most devious and unfortunate elements in this bill, and, that is, the block granting of the entire title IV.

H.R. 2, title IV, is simply a gigantic, untested block grant scheme. It will increase political influence over public housing authorities, increase HUD's cost and personnel, remove vital tenant protections, and create duplication of services that is simply unworkable.

Quite simply, title IV permits local jurisdictions, most likely cities, to apply for the same public housing and section 8 assistance that is currently going to local public housing authorities. My amendment would simply eliminate the block grant scheme.

First and foremost, I am concerned about the undue political influence. The worst public housing authorities are those that are controlled by local political influences. Why then would we try to increase such local political influences by giving the money directly to politicians?

It expands HUD costs and personnel. At a time when the Republicans repeatedly criticize HUD, why do they want to increase the burden of HUD staff to create additional costs by requiring HUD to sift through potentially thousands and thousands of block grant proposals to evaluate who would do the best job at the local level?

It removes tenant protections. Title IV removes vital Brooke protections and income targeting protections altogether.

And it is redundant with the public housing authorities locally. We have heard a great deal of rhetoric about providing funding back to the local folks. That is fine. I am not sure that that means we hand it to the local cities themselves. We want to make sure that the public housing goes to people that have housing knowledge and housing as their priority.

First, it is unclear why we should allow redundant, separate local jurisdictions to compete with each other for the administration of Federal housing assistance. We already have procedures to take over the administration of badly run or badly managed public housing authorities.

Title IV as proposed under the bill is opposed by several organizations, including the National Association of Housing and Rural Development Agencies, NAHRO; the Council of Large Public Housing Authorities; and the Public Housing Authorities Directors Association. All are uniquely and uniformly opposed to this.

The Council of Large Public Housing Authorities says:

> Title IV ignores the well-documented history of public housing: excessive direct involvement of local elected officials in the operations has frequently resulted in patronage employment, corrupt contracting practices and troubled PHA's. One need look no further than out your window for a prime example, the District of Columbia Housing Authority, which is now being revived under an able receiver after years of costly decline.

According to the Public Housing Authorities Directors Association, PHADA believes, quote, that the home rule plan is ill-advised because it could very well detract scant housing funds from their intended purpose. Indeed, in the few instances where the locality has had a significant amount of control over the local housing authority's operation, Washington D.C. and New Orleans, for example, disastrous results have occurred.

And NAHRO also supports this amendment which deletes title IV of the bill. It says, quote, as we have expressed to Chairman LAZIO, NAHRO supports what we believe to be the desire to foster local innovation and greater working relationships between housing authorities and local governments. However, we believe the provision, as currently drafted, is not the proper vehicle to accomplish that purpose.

The NAHRO chapter in my own home State of Massachusetts noted, "The home rule block grant program potentially could mean the end of low-income public housing, with our own local officials dealing the death blow. This is a very bad idea."

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1½ minutes.

Title IV of this bill would provide maximum flexibility for new ideas, new innovation. It does not preclude the housing authorities from participating in the new idea. It simply says that a municipal leader, a mayor, would be able to come forward and suggest a plan to HUD with certain protections that are built into the bill, including protecting the same amount of low-income people in terms of housing that would be true if we did not choose this option.

What we are trying to do is to allow the creative inspiration of people at the municipal level to put forward plans subject to the approval of the Federal Government, the Department of Housing and Urban Development. There are protections that are built into this plan. For example, rent-setting protections are built into this plan serving the same amount of low income people; that is built into the plan. But we are trying to develop a system in which local leaders like mayors are more inclined to invest their own resources in economic development and housing for low-income people.

Right now we have had mayors testify before the committee that they are not inclined to invest their own dollars into their own cities because they feel removed from the decisionmaking, because they feel they have no valid input. But if they were included in it, if they were allowed to participate, they would bring the full panoply of resources at the disposal of municipalities in a creative way, in an integrated way, to help deal with the root causes of poverty and to address the housing concerns of that individual or that particular community.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I include for the RECORD the following letter from the National League of Cities. The National League of Cities supports this amendment.

NATIONAL LEAGUE OF CITIES,
1301 PENNSYLVANIA AVENUE NW.,
Washington, DC, May 1, 1997.

Hon. JOSEPH KENNEDY,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE KENNEDY: The National League of Cities (NLC) urges you to vote no on H.R. 2, the "Housing Opportunity and Responsibility Act of 1997," and to support a superior substitute bill which will be offered by Joseph P. Kennedy, II during floor debate in the House this week. We are especially opposed to the proposed repeal of the "United States Housing Act of 1937" and the proposal to give the Administration authority to impose sanctions on cities and towns.

H.R. 2 would repeal the "United States Housing Act of 1937" which has provided the underpinning for the Department of Housing and Urban Development's basic purpose for more than 60 years. The Act set a national goal to provide every American with safe, sanitary, affordable housing. In NLC's National Municipal Policy, our housing goal is to "provide for every American a decent home in a suitable living environment with adequate financial stability to maintain it." We believe that abandoning this basic goal would be a disservice to every American who is struggling to provide adequately for his or her family. Housing is essential if families are to be safe and if those responsible for food and shelter are to seek and find permanent employment.

The bill would also propose new sanctions on cities and towns over the condition of a municipality's public housing authority. This implies there is a cause and effect when, in fact, the federal government and some state governments have far greater and more effective control over public housing authorities than mayors and city councils. In most cities and towns, the local government may have the authority to appoint members to the PHA board when a vacancy occurs. This is the extent of local control.

We oppose the inclusion of the Community Development Block Grant sanction on cities included in H.R. 2. This sanction would be imposed by the Secretary of HUD by withholding or redirecting a city's CDBG funding for an indefinite period of time. This sanction would go into effect if the Secretary determines that a PHA has become troubled due to the action or inaction of local government.

NLC has fought this provision since it first appeared in last year's public housing reform bill, H.R. 2406. It is ill-conceived and unnecessarily punitive. NLC has recommended that any public housing reform bill include incentives to encourage cooperation between cities and public housing authorities (PHAs). It would be much more appropriate to recommend positive remedial actions long before imposing sanctions. Also, sponsors of this provision can only sight four cities that have "substantially" contributed to the troubled status of their PHAs. They are Chicago, New Orleans, Detroit, and Camden, N.J. It is extreme to threaten to sanction the other 3,395 local governments with PHAs in their communities.

Let me thank you in advance for your support of constructive reform of public housing, an essential national housing resource.

Sincerely,

MARK SCHWARTZ,
President.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. GONZALEZ], the former chairman of the full committee.

The CHAIRMAN. The gentleman from Texas is recognized for 30 seconds.

Mr. GONZALEZ. Mr. Chairman, I rise very strongly to support the Kennedy amendment. I find this home rule flexible block grant program just simply outrageous and it must be struck from the bill.

I can recall the horrendous times when there were no such things as housing assistance programs. I recall vividly families in the most distressed areas of our area in and around my hometown that I would visit as I had worked as a chief two-and-out probation officer for a while and would find these hovels with dirt floors and no privy or anything. Those were horrendous times. The way we are going, we are going right back to them.

Mr. LAZIO of New York. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER], a distinguished member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services.

Mr. BEREUTER. I thank the gentleman for yielding me this time.

Mr. Chairman, I think we have to go back and remember what the situation is. In some parts of the country, the public housing agencies and programs they run for the working poor, for the poor, for less privileged Americans, are an absolute disgrace. We are trying to provide some innovation here, some flexibility so that innovation can come forth. What is being proposed to be struck here is the home rule flexibility grant option.

Let us take a look briefly at what we are attempting to do here. We are trying to encourage innovation in housing programs at the local level. We are trying to give localities the ability to present to HUD an alternative plan to provide housing for the community. This is where we have the troubled housing authorities that have failed.

Currently there is very little incentive for local leaders to attempt to solve some of the problems in local housing. In some cases they have no option. The public housing authority operates as a very separate entity. There are also no incentives really for local leaders to contribute scarce resources where needed.

Title IV tells local leaders if they are serious about making contributions to solving some of the problems of housing in their communities, then they are going to be given the flexibility to do that. Everything, however, requires HUD approval, ensuring a responsible Federal oversight role in the process, despite what we might have heard a few minutes ago.

In an attempt to accommodate and to take into account some of the concerns raised in the committee or at subcommittee discussions earlier, there are a number of protections in the manager's amendment that has been adopted.

For example, we require that the Secretary ensure that the jurisdiction has management capability to carry out the plan they propose. Second, the plan does not lead to excessive duplication of administrative efforts. Third, the plan demonstrates the functions and the activities of the local PHA.

Next, it ensures housing funds are specifically used for housing purposes by requiring a separate housing fund, so these funds cannot be diverted for other purposes, to suit the mayor's attention.

It provides an opportunity for the PHA to comment upon the alternative plan. They are not shut out of the process. It provides flexibility to the HUD

Secretary to establish different requirements for troubled housing authorities. It requires jurisdictional consent when there are other cross-jurisdictional concerns. And it clarifies that this title, title IV, does not require a city government takeover or legal status change of the PHA.

The flexibility is there, the protections are there to the American taxpayer, to the people in the community who are not being served well now by these troubled housing authorities. This is a basic and important reform. We need to keep title IV in and reject the amendment.

□ 1745

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent, if we might, to allow the gentleman from Texas [Mr. GONZALEZ], the former chairman, the ranking member, 2 additional minutes to complete his statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 2 additional minutes.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Massachusetts very much because this goes to the very essence of my presence in the United States House of Representatives.

I came from my hometown with a housing background and can recall vividly, and I am old enough to, the outrageous situation that was costing lives and the city, my home city, the dubious distinction of the tuberculosis capital of the country. We are fast pulling the clock back if we continue.

Mr. Chairman, there are no guarantees that the current public housing inventory will have to be maintained under this because there are no guarantees that the public housing authorities will receive funding from the city. This is not only outrageous, it is inviting the disinvestment in $90 billion of Federal investment, and of course it is duplicative.

Indeed, the cities may choose to start up a new quote, unquote, public housing program and let the current housing inventory deteriorate. But the reason we came to the Federal level is that the cities and the States and the counties would not do anything. That has been the history of all of our social legislation.

I know that there is a provision which protects the public housing authorities from disillusion, disillusion, but there are no similar protections that they will be given the money to operate with. It is somewhat ironic that with this block grant we could be taking money from the public housing authorities that this legislation purports to support. After all, the goal of this legislation is to provide housing authorities with the flexibility they need to operate and to untie their hands from unnecessary rules, regulations and requirements.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. LAZIO of New York. Mr. Chairman, let me just say I think, to paraphrase a 20th century President, we have nothing to fear but fear itself on this, and what we want to do is create the sense of ideas of innovation. We should not be afraid of new ideas, we should not be afraid of allowing a local elected leader to come forward and say I think I have a better way of doing it, I think we can develop a better partnership, I think that maybe in our community, in our community, that the fixed way of having a public housing authority may not be necessarily the best way. We may want to have a joint venture with the public housing authority, we may want to have not-for-profits work along with them or community development corporations or resident-inspired groups.

The idea behind this provision of the bill would be subject to the provisions of protection that are already in the bill to provide the level of creativity, innovation, and this amendment would strike that, and for those reasons, Mr. Chairman, I would urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

VACATING VOTE ON AMENDMENT NO. 18 OFFERED BY MR. NADLER

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to vacate the vote with regard to amendment No. 18 offered by the gentleman from New York [Mr. NADLER] and that the Chair restate the question.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

SEC. 501. IN GENERAL.

The Secretary of Housing and Urban Development shall provide under section 505 for a study to be conducted to determine the effectiveness of various alternative methods of evaluating the performance of public housing agencies and other providers of federally assisted housing.

SEC. 502. PURPOSES.

The purposes of the study under this subtitle shall be—

(1) to identify and examine various methods of evaluating and improving the performance of public housing agencies in administering public housing and tenant-based rental assistance programs and of other providers of federally assisted housing, which are alternatives to oversight by the Department of Housing and Urban Development; and

(2) to identify specific monitoring and oversight activities currently conducted by the Department of Housing and Urban Development that are insufficient or ineffective in accurately and efficiently assessing the performance of public housing agencies and other providers of federally assisted housing, and to evaluate whether such activities should be eliminated, modified, or transferred to other entities (including government and private entities) to increase accuracy and effectiveness and improve monitoring.

SEC. 503. EVALUATION OF VARIOUS PERFORMANCE EVALUATION SYSTEMS.

To carry out the purpose under section 502(1), the study under this subtitle shall identify, and analyze and assess the costs and benefits of, the following methods of regulating and evaluating the performance of public housing agencies and other providers of federally assisted housing:

(1) CURRENT SYSTEM.—The system pursuant to the United States Housing Act of 1937 (as in effect upon the enactment of this Act), including the methods and requirements under such system for reporting, auditing, reviewing, sanctioning, and monitoring of such agencies and housing providers and the public housing management assessment program pursuant to subtitle C of this title (and section 6(j) of the United States Housing Act of 1937 (as in effect upon the enactment of this Act)).

(2) ACCREDITATION MODELS.—Various models that are based upon accreditation of such agencies and housing providers, subject to the following requirements:

(A) The study shall identify and analyze various models used in other industries and professions for accreditation and determine the extent of their applicability to the programs for public housing and federally assisted housing.

(B) If any accreditation models are determined to be applicable to the public and federally assisted housing programs, the study shall identify appropriate goals, objectives, and procedures for an accreditation program for such agencies housing providers.

(C) The study shall evaluate the effectiveness of establishing an independent accreditation and evaluation entity to assist, supplement, or replace the role of the Department of Housing and Urban Development in assessing and monitoring the performance of such agencies and housing providers.

(D) The study shall identify the necessary and appropriate roles and responsibilities of

various entities that would be involved in an accreditation program, including the Department of Housing and Urban Development, the Inspector General of the Department, an accreditation entity, independent auditors and examiners, local entities, and public housing agencies.

(E) The study shall determine the costs involved in developing and maintaining such an independent accreditation program.

(F) The study shall analyze the need for technical assistance to assist public housing agencies in improving performance and identify the most effective methods to provide such assistance.

(3) PERFORMANCE BASED MODELS.—Various performance-based models, including systems that establish performance goals or targets, assess the compliance with such goals or targets, and provide for incentives or sanctions based on performance relative to such goals or targets.

(4) LOCAL REVIEW AND MONITORING MODELS.—Various models providing for local, resident, and community review and monitoring of such agencies and housing providers, including systems for review and monitoring by local and State governmental bodies and agencies.

(5) PRIVATE MODELS.—Various models using private contractors for review and monitoring of such agencies and housing providers.

(6) OTHER MODELS.—Various models of any other systems that may be more effective and efficient in regulating and evaluating such agencies and housing providers.

SEC. 504. CONSULTATION.

The entity that, pursuant to section 505, carries out the study under this subtitle shall, in carrying out the study, consult with individuals and organization experienced in managing public housing, private real estate managers, representatives from State and local governments, residents of public housing, families and individuals receiving choice- or tenant-based assistance, the Secretary of Housing and Urban Development, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States.

SEC. 505. CONTRACT TO CONDUCT STUDY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall enter into a contract with a public or nonprofit private entity to conduct the study under this subtitle, using amounts made available pursuant to section 507.

(b) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION.—The Secretary shall request the National Academy of Public Administration to enter into the contract under paragraph (1) to conduct the study under this subtitle. If such Academy declines to conduct the study, the Secretary shall carry out such paragraph through other public or nonprofit private entities.

SEC. 506. REPORT.

(a) INTERIM REPORT.—The Secretary shall ensure that not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the entity conducting the study under this subtitle submits to the Congress an interim report describing the actions taken to carry out the study, the actions to be taken to complete the study, and any findings and recommendations available at the time.

(b) FINAL REPORT.—The Secretary shall ensure that—

(1) not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the study required under this subtitle is completed and a report describing the findings and recommendations as a result of the study is submitted to the Congress; and

(2) before submitting the report under this subsection to the Congress, the report is submitted to the Secretary and national organizations for public housing agencies at such time to provide the Secretary and such agencies an opportunity to review the report and provide written comments on the report, which shall be included together with the report upon submission to the Congress under paragraph (1).

SEC. 507. FUNDING.

Of any amounts made available under title V of the Housing and Urban Development Act of 1970 for policy development and research for fiscal year 1998, $500,000 shall be available to carry out this subtitle.

SEC. 508. EFFECTIVE DATE.

This subtitle shall take effect on the date of the enactment of this Act.

Subtitle B—Housing Evaluation and Accreditation Board

SEC. 521. ESTABLISHMENT.

(a) IN GENERAL.—There is established an independent agency in the executive branch of the Government to be known as the Housing Foundation and Accreditation Board (in this title referred to as the "Board").

(b) REQUIREMENT FOR CONGRESSIONAL REVIEW OF STUDY.—Notwithstanding any other provision of this Act, sections 523, 524, and 525 shall not take effect and the Board shall not have any authority to take any action under such sections (or otherwise) unless there is enacted a law specifically providing for the repeal of this subsection. This subsection may not be construed to prevent the appointment of the Board under section 522.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 522. MEMBERSHIP.

(a) IN GENERAL.—The Board shall be composed of 12 members appointed by the President not later than 180 days after the date of the final report regarding the study required under subtitle A is submitted to the Congress pursuant to section 506(b), as follows:

(1) 4 members shall be appointed from among 10 individuals recommended by the Secretary of Housing and Urban Development.

(2) 4 members shall be appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) 4 members appointed from among 10 individuals recommended by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(b) QUALIFICATIONS.—

(1) REQUIRED REPRESENTATION.—The Board shall at all times have the following members:

(A) 2 members who are residents of public housing or dwelling units assisted under title III of this Act or the provisions of section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(B) At least 2, but not more than 4 members who are executive directors of public housing agencies.

(C) 1 member who is a member of the Institute of Real Estate Managers.

(D) 1 member who is the owner of a multifamily housing project assisted under a program administered by the Secretary of Housing and Urban Development.

(2) REQUIRED EXPERIENCE.—The Board shall at all times have as members individuals with the following experience:

(A) At least 1 individual who has extensive experience in the residential real estate finance business.

(B) At least 1 individual who has extensive experience in operating a nonprofit organization that provides affordable housing.

(C) At least 1 individual who has extensive experience in construction of multifamily housing.

(D) At least 1 individual who has extensive experience in the management of a community development corporation.

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

A single member of the board with the appropriate experience may satisfy the requirements of more than 1 subparagraph of this paragraph. A single member of the board with the appropriate qualifications and experience may satisfy the requirements of a subparagraph of paragraph (1) and a subparagraph of this paragraph.

(c) POLITICAL AFFILIATION.—Not more than 6 members of the Board may be of the same political party.

(d) TERMS.—

(1) IN GENERAL.—Each member of the Board shall be appointed for a term of 4 years, except as provided in paragraphs (2) and (3).

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 3 shall be appointed for terms of 1 year;

(B) 3 shall be appointed for terms of 2 years;

(C) 3 shall be appointed for terms of 3 years; and

(D) 3 shall be appointed for terms of 4 years.

(3) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Board shall elect a chairperson from among members of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum for the transaction of business.

(g) VOTING.—Each member of the Board shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Board.

(h) PROHIBITION ON ADDITIONAL PAY.—Members of the Board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board.

SEC. 523. FUNCTIONS.

The purpose of this subtitle is to establish the Board as a nonpolitical entity to carry out, not later than the expiration of the 12-month period beginning upon the appointment under section 522 of all of the initial members of the Board (or such other date as may be provided by law), the following functions:

(1) ESTABLISHMENT OF PERFORMANCE BENCHMARKS.—The Board shall establish standards and guidelines for use by the Board in measuring the performance and efficiency of public housing agencies and other owners and providers of federally assisted housing in

carrying out operational and financial functions. The standards and guidelines shall be designed to replace the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the enactment of this Act) and improve the evaluation of the performance of housing providers relative to such program. In establishing such standards and guidelines, the Board shall consult with the Secretary, the Inspector General of the Department of Housing and Urban Development, and such other persons and entities as the Board considers appropriate.

(2) ESTABLISHMENT OF ACCREDITATION PROCEDURE AND ACCREDITATION.—The Board shall—

(A) establish a procedure for the Board to accredit public housing agencies to receive block grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, based on the performance of agencies, as measured by the performance benchmarks established under paragraph (1) and any audits and reviews of agencies; and

(B) commence the review and accreditation of public housing agencies under the procedures established under subparagraph (A).

In carrying out the functions under this section, the Board shall take into consideration the findings and recommendations contained in the report issued under section 506(b).

SEC. 524. POWERS.

(a) HEARINGS.—The Board may, for the purpose of carrying out this subtitle, hold such hearings and sit and act at such times and places as the Board determines appropriate.

(b) RULES AND REGULATIONS.—The Board may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Board may secure directly from any department or agency of the Federal Government such information as the Board may require for carrying out its functions, including public housing agency plans submitted to the Secretary by public housing agencies under title I. Upon request of the Board, any such department or agency shall furnish such information.

(2) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board, on a reimbursable basis, such administrative support services as the Board may request.

(3) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Upon the request of the chairperson of the Board, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary, detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Board in carrying out its functions under this subtitle.

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of audits of public housing agencies. The Inspector General may advise the Board with respect to other activities and functions of the Board.

(d) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) CONTRACTING.—The Board may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with private firms, institutions, and individuals for the purpose of conducting evaluations of public housing agencies, audits of public housing agencies, and research and surveys necessary to enable the Board to discharge its functions under this subtitle.

(f) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Board, who shall be compensated at a rate fixed by the Board, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) OTHER PERSONNEL.—In addition to the executive director, the Board may appoint and fix the compensation of such personnel as the Board considers necessary, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(g) ACCESS TO DOCUMENTS.—The Board shall have access for the purposes of carrying out its functions under this subtitle to any books, documents, papers, and records of a public housing agency to which the Secretary has access under this Act.

SEC. 525. FEES.

(a) ACCREDITATION FEES.—The Board may establish and charge reasonable fees for the accreditation of public housing agencies as the Board considers necessary to cover the costs of the operations of the Board relating to its functions under section 523.

(b) FUND.—Any fees collected under this section shall be deposited in an operations fund for the Board, which is hereby established in the Treasury of the United States. Amounts in such fund shall be available, to the extent provided in appropriation Acts, for the expenses of the Board in carrying out its functions under this subtitle.

SEC. 526. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

SEC. 531. INTERIM APPLICABILITY.

This subtitle shall be effective only during the period that begins on the effective date of this Act and ends upon the date of the effectiveness of the standards and procedures required under section 523.

SEC. 532. MANAGEMENT ASSESSMENT INDICATORS.

(a) ESTABLISHMENT.—The Secretary shall develop and publish in the Federal Register indicators to assess the management performance of public housing agencies and other entities managing public housing (including resident management corporations, independent managers pursuant to section 236, and management entities pursuant to subtitle D). The indicators shall be established by rule under section 553 of title 5, United States Code. Such indicators shall enable the Secretary to evaluate the performance of public housing agencies and such other managers of public housing in all major areas of management operations.

(b) CONTENT.—The management assessment indicators shall include the following indicators:

(1) The number and percentage of vacancies within an agency's or manager's inventory, including the progress that an agency or manager has made within the previous 3 years to reduce such vacancies.

(2) The amount and percentage of funds obligated to the public housing agency or manager from the capital fund or under section 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), which remain unexpended after 3 years.

(3) The percentage of rents uncollected.

(4) The energy consumption (with appropriate adjustments to reflect different regions and unit sizes).

(5) The average period of time that an agency or manager requires to repair and turn-around vacant dwelling units.

(6) The proportion of maintenance work orders outstanding, including any progress that an agency or manager has made during the preceding 3 years to reduce the period of time required to complete maintenance work orders.

(7) The percentage of dwelling units that an agency or manager fails to inspect to ascertain maintenance or modernization needs within such period of time as the Secretary deems appropriate (with appropriate adjustments, if any, for large and small agencies or managers).

(8) The extent to which the rent policies of any public housing agency establishing rental amounts in accordance with section 225(b) comply with the requirement under section 225(c).

(9) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.

(10) Any other factors as the Secretary deems appropriate.

(c) CONSIDERATIONS IN EVALUATION.—The Secretary shall—

(1) administer the system of evaluating public housing agencies and managers flexibly to ensure that agencies and managers are not penalized as result of circumstances beyond their control;

(2) reflect in the weights assigned to the various management assessment indicators the differences in the difficulty of managing individual developments that result from their physical condition and their neighborhood environment; and

(3) determine a public housing agency's or manager's status as "troubled with respect to modernization" under section 533(b) based upon factors solely related to its ability to carry out modernization activities.

SEC. 533. DESIGNATION OF PHA'S.

(a) TROUBLED PHA'S.—The Secretary shall, under the rulemaking procedures under section 553 of title 5, United States Code, establish procedures for designating troubled public housing agencies and managers, which procedures shall include identification of serious and substantial failure to perform as measured by (1) the performance indicators specified under section 532 and such other factors as the Secretary may deem to be appropriate; or (2) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or other entity managing public housing, which system may be in addition to or in lieu of the performance indicators established under section 532. Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.

(b) AGENCIES TROUBLED WITH RESPECT TO CAPITAL ACTIVITIES.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers

that are troubled with respect to capital activities.

(c) AGENCIES AT RISK OF BECOMING TROUBLED.—The Secretary shall designate, by rule under section 553 of title 5, United States Code, agencies and managers that are at risk of becoming troubled.

(d) EXEMPLARY AGENCIES.—The Secretary may also, in consultation with national organizations representing public housing agencies and managers and public officials (as the Secretary determines appropriate), identify and commend public housing agencies and managers that meet the performance standards established under section 532 in an exemplary manner.

(e) APPEAL OF DESIGNATION.—The Secretary shall establish procedures for public housing agencies and managers to appeal designation as a troubled agency or manager (including designation as a troubled agency or manager for purposes of capital activities), to petition for removal of such designation, and to appeal any refusal to remove such designation.

SEC. 534. ON-SITE INSPECTION OF TROUBLED PHA'S.

(a) IN GENERAL.—Upon designating a public housing agency or manager as troubled pursuant to section 533 and determining that an assessment under this section will not duplicate any other review previously conducted or required to be conducted of the agency or manager, the Secretary shall provide for an on-site, independent assessment of the management of the agency or manager.

(b) CONTENT.—To the extent the Secretary deems appropriate (taking into consideration an agency's or manager's performance under the indicators specified under section 532, the assessment team shall also consider issues relating to the agency's or manager's resident population and physical inventory, including the extent to which—

(1) the public housing agency plan for the agency or manager adequately and appropriately addresses the rehabilitation needs of the public housing inventory;

(2) residents of the agency or manager are involved in and informed of significant management decisions; and

(3) any developments in the agency's or manager's inventory are severely distressed (as such term is defined under section 262.

(c) INDEPENDENT ASSESSMENT TEAM.—An independent assessment under this section shall be carried out by a team of knowledgeable individuals selected by the Secretary (referred to in this title as the "assessment team") with expertise in public housing and real estate management. In conducting an assessment, the assessment team shall consult with the residents and with public and private entities in the jurisdiction in which the public housing is located. The assessment team shall provide to the Secretary and the public housing agency or manager a written report, which shall contain, at a minimum, recommendations for such management improvements as are necessary to eliminate or substantially remedy existing deficiencies.

SEC. 535. ADMINISTRATION.

(a) PHA'S.—The Secretary shall carry out this subtitle with respect to public housing agencies substantially in the same manner as the public housing management assessment system under section 6(j) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) was required to be carried out with respect to public housing agencies. The Secretary may comply with the requirements under this subtitle by using any regulations issued to carry out such system and issuing any additional regulations necessary to make such system comply with the requirements under this subtitle.

(b) OTHER MANAGERS.—The Secretary shall establish specific standards and procedures for carrying out this subtitle with respect to managers of public housing that are not public housing agencies. Such standards and procedures shall take in consideration special circumstances relating to entities hired, directed, or appointed to manage public housing.

Subtitle D—Accountability and Oversight Standards and Procedures

SEC. 541. AUDITS.

(a) BY SECRETARY AND COMPTROLLER GENERAL.—Each block grant contract under section 201 and each contract for housing assistance amounts under section 302 shall provide that the Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States, or any of their duly authorized representatives, shall, for the purpose of audit and examination, have access to any books, documents, papers, and records of the public housing agency (or other entity) entering into such contract that are pertinent to this Act and to its operations with respect to financial assistance under the this Act.

(b) BY PHA.—

(1) REQUIREMENT.—Each public housing agency that owns or operates 250 or more public housing dwelling units and receives assistance under this Act shall have an audit made in accordance with chapter 75 of title 31, United States Code. The Secretary, the Inspector General of the Department of Housing and Urban Development, and the Comptroller General of the United States shall have access to all books, documents, papers, or other records that are pertinent to the activities carried out under this Act in order to make audit examinations, excerpts, and transcripts.

(2) WITHHOLDING OF AMOUNTS.—The Secretary may, in the sole discretion of the Secretary, arrange for, and pay the costs of, an audit required under paragraph (1). In such circumstances, the Secretary may withhold, from assistance otherwise payable to the agency under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit, including, when appropriate, the reasonable costs of accounting services necessary to place the agency's books and records in auditable condition.

SEC. 542. PERFORMANCE AGREEMENTS FOR AUTHORITIES AT RISK OF BECOMING TROUBLED.

(a) IN GENERAL.—Upon designation of a public housing agency as at risk of becoming troubled under section 533(c), the Secretary shall seek to enter into an agreement with the agency providing for improvement of the elements of the agency that have been identified. An agreement under this section shall contain such terms and conditions as the Secretary determines are appropriate for addressing the elements identified, which may include an on-site, independent assessment of the management of the agency.

(b) POWERS OF SECRETARY.—If the Secretary determines that such action is necessary to prevent the public housing agency from becoming a troubled agency, the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which may be selected by existing tenants through administrative procedures established by the Secretary), for any case in which such agents may be needed for managing all, or part, of the housing or functions administered by the agency; or

(2) solicit competitive proposals from other public housing agencies and private entities with experience in construction management, for any case in which such authorities or firms may be needed to oversee implementation of assistance made available for capital improvement for public housing of the agency.

SEC. 543. PERFORMANCE AGREEMENTS AND CDBG SANCTIONS FOR TROUBLED PHA'S.

(a) IN GENERAL.—Upon designation of a public housing agency as a troubled agency under section 533(a) and after reviewing the report submitted pursuant to section 534(c) and consulting with the assessment team for the agency under section 534, the Secretary shall seek to enter into an agreement with the agency providing for improving the management performance of the agency.

(b) CONTENTS.—An agreement under this section between the Secretary and a public housing agency shall set forth—

(1) targets for improving performance, as measured by the guidelines and standards established under section 532 and other requirements within a specified period of time, which shall include targets to be met upon the expiration of the 12-month period beginning upon entering into the agreement;

(2) strategies for meeting such targets;

(3) sanctions for failure to implement such strategies; and

(4) to the extent the Secretary deems appropriate, a plan for enhancing resident involvement in the management of the public housing agency.

(c) LOCAL ASSISTANCE IN IMPLEMENTATION.—The Secretary and the public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out an agreement under this section.

(d) DEFAULT UNDER PERFORMANCE AGREEMENT.—Upon the expiration of the 12-month period beginning upon entering into an agreement under this section with a public housing agency, the Secretary shall review the performance of the agency in relation to the performance targets and strategies under the agreement. If the Secretary determines that the agency has failed to comply with the performance targets established for such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 545.

(e) CDBG SANCTION AGAINST LOCAL GOVERNMENT CONTRIBUTING TO TROUBLED STATUS OF PHA.—If the Secretary determines that the actions or inaction of any unit of general local government within which any portion of the jurisdiction of a public housing agency is located has substantially contributed to the conditions resulting in the agency being designated under section 533(a) as a troubled agency, the Secretary may redirect or withhold, from such unit of general local government any amounts allocated for such unit under section 106 of the Housing and Community Development Act of 1974.

SEC. 544. OPTION TO DEMAND CONVEYANCE OF TITLE TO OR POSSESSION OF PUBLIC HOUSING.

(a) AUTHORITY FOR CONVEYANCE.—A contract under section 201 for block grants under title II (including contracts which amend or supersede contracts previously made (including contracts for contributions)) may provide that upon the occurrence of a substantial default with respect to the covenants or conditions to which the public

housing agency is subject (as such substantial default shall be defined in such contract), the public housing agency shall be obligated, at the option of the Secretary, to—

(1) convey title in any case where, in the determination of the Secretary (which determination shall be final and conclusive), such conveyance of title is necessary to achieve the purposes of this Act; or

(2) deliver to the Secretary possession of the development, as then constituted, to which such contract relates.

(b) OBLIGATION TO RECONVEY.—Any block grant contract under title II containing the provisions authorized in subsection (a) shall also provide that the Secretary shall be obligated to reconvey or redeliver possession of the development, as constituted at the time of reconveyance or redelivery, to such public housing agency or to its successor (if such public housing agency or a successor exists) upon such terms as shall be prescribed in such contract, and as soon as practicable after—

(1) the Secretary is satisfied that all defaults with respect to the development have been cured, and that the development will, in order to fulfill the purposes of this Act, thereafter be operated in accordance with the terms of such contract; or

(2) the termination of the obligation to make annual block grants to the agency, unless there are any obligations or covenants of the agency to the Secretary which are then in default.

Any prior conveyances and reconveyances or deliveries and redeliveries of possession shall not exhaust the right to require a conveyance or delivery of possession of the development to the Secretary pursuant to subsection (a) upon the subsequent occurrence of a substantial default.

(c) CONTINUED GRANTS FOR REPAYMENT OF BONDS AND NOTES UNDER 1937 ACT.—If—

(1) a contract for block grants under title II for an agency includes provisions that expressly state that the provisions are included pursuant to this subsection, and

(2) the portion of the block grant payable for debt service requirements pursuant to the contract has been pledged by the public housing agency as security for the payment of the principal and interest on any of its obligations, then—

(A) the Secretary shall (notwithstanding any other provisions of this Act), continue to make the block grant payments for the agency so long as any of such obligations remain outstanding; and

(B) the Secretary may covenant in such a contract that in any event such block grant amounts shall in each year be at least equal to an amount which, together with such income or other funds as are actually available from the development for the purpose at the time such block grant payments are made, will suffice for the payment of all installments of principal and interest on the obligations for which the amounts provided for in the contract shall have been pledged as security that fall due within the next succeeding 12 months.

In no case shall such block grant amounts be in excess of the maximum sum specified in the contract involved, nor for longer than the remainder of the maximum period fixed by the contract.

SEC. 545. REMOVAL OF INEFFECTIVE PHA'S.

(a) CONDITIONS OF REMOVAL.—The actions specified in subsection (b) may be taken only upon—

(1) the occurrence of events or conditions that constitute a substantial default by a public housing agency with respect to (A) the covenants or conditions to which the public housing agency is subject, or (B) an agreement entered into under section 543; or

(2) submission to the Secretary of a petition by the residents of the public housing owned or operated by a public housing agency that is designated as troubled pursuant to section 533(a).

(b) REMOVAL ACTIONS.—Notwithstanding any other provision of law or of any block grant contract under title II or any grant agreement under title III, in accordance with subsection (a), the Secretary may—

(1) solicit competitive proposals from other public housing agencies and private housing management agents (which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary) and, if appropriate, provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other functions of the agency;

(2) take possession of the public housing agency, including any developments or functions of the agency under any section of this Act;

(3) solicit competitive proposals from other public housing agencies and private entities with experience in construction management and, if appropriate, provide for such authorities or firms to oversee implementation of assistance made available for capital improvements for public housing;

(4) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and assisted families under title III for managing all, or part of, the public housing administered by the agency or the functions of the agency; or

(5) petition for the appointment of a receiver for the public housing agency to any district court of the United States or to any court of the State in which any portion of the jurisdiction of the public housing agency is located, that is authorized to appoint a receiver for the purposes and having the powers prescribed in this section.

(c) EMERGENCY ASSISTANCE.—The Secretary may make available to receivers and other entities selected or appointed pursuant to this section such assistance as is fair and reasonable to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety and welfare of public housing residents or assisted families under title III.

(d) POWERS OF SECRETARY.—If the Secretary takes possession of an agency, or any developments or functions of an agency, pursuant to subsection (b)(2), the Secretary—

(1) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after efforts to renegotiate such contracts have failed and the Secretary has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(2) may demolish and dispose of assets of the agency in accordance with section 261;

(3) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies;

(4) may consolidate the agency into other well-managed public housing agencies with the consent of such well-managed authorities;

(5) shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the Secretary, substantially impede correction of the substantial default or improvement of the classification, but only if the Secretary has made a written determination regarding such inapplicability, which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction; and

(6) shall have such additional authority as a district court of the United States has the authority to confer under like circumstances upon a receiver to achieve the purposes of the receivership.

The Secretary may appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the Secretary's responsibility under this paragraph for the administration of a public housing agency. The Secretary may delegate to the administrative receiver any or all of the powers of the Secretary under this subsection. Regardless of any delegation under this subsection, an administrative receiver may not require the establishment of one or more new public housing agencies pursuant to paragraph (3) unless the Secretary first approves such establishment. For purposes of this subsection, the term "public housing agency" includes any developments or functions of a public housing agency under any section of this title.

(e) RECEIVERSHIP.—

(1) REQUIRED APPOINTMENT.—In any proceeding under subsection (b)(5), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, the Secretary, or any other appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

(2) POWERS OF RECEIVER.—If a receiver is appointed for a public housing agency pursuant to subsection (b)(5), in addition to the powers accorded by the court appointing the receiver, the receiver—

(A) may abrogate contracts that substantially impede correction of the substantial default or improvement of the classification, but only after bona fide efforts to renegotiate such contracts have failed and the receiver has made a written determination regarding such abrogation, which shall be available to the public upon request, identify such contracts, and explain the determination that such contracts may be abrogated;

(B) may demolish and dispose of assets of the agency in accordance with section 261;

(C) where determined appropriate by the Secretary, may require the establishment of one or more new public housing agencies, to the extent permitted by State and local law; and

(D) except as provided in subparagraph (C), shall not be subject to any State or local laws relating to civil service requirements, employee rights, procurement, or financial or administrative controls that, in the determination of the receiver, substantially impede correction of the substantial default or improvement of the classification, but only if the receiver has made a written determination regarding such inapplicability,

which shall be available to the public upon request, identify such inapplicable laws, and explain the determination that such laws impede such correction.

For purposes of this paragraph, the term "public housing agency" includes any developments or functions of a public housing agency under any section of this title.

(3) TERMINATION.—The appointment of a receiver pursuant to this subsection may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency will be able to make the same amount of progress in correcting the management of the housing as the receiver.

(f) LIABILITY.—If the Secretary takes possession of an agency pursuant to subsection (b)(2) or a receiver is appointed pursuant to subsection (b)(5) for a public housing agency, the Secretary or the receiver shall be deemed to be acting in the capacity of the public housing agency (and not in the official capacity as Secretary or other official) and any liability incurred shall be a liability of the public housing agency.

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the effective date of this Act.

SEC. 546. MANDATORY TAKEOVER OF CHRONICALLY TROUBLED PHA'S.

(a) REMOVAL OF AGENCY.—Notwithstanding any other provision of this Act, not later than the expiration of the 180-day period beginning on the effective date of this Act, the Secretary shall take one of the following actions with respect to each chronically troubled public housing agency:

(1) CONTRACTING FOR MANAGEMENT.—Solicit competitive proposals for the management of the agency pursuant to section 545(b)(1) and replace the management of the agency pursuant to selection of such a proposal.

(2) TAKEOVER.—Take possession of the agency pursuant to section 545(b)(2) of such Act.

(3) PETITION FOR RECEIVER.—Petition for the appointment of a receiver for the agency pursuant to section 545(b)(5).

(b) DEFINITION.—For purposes of this section, the term "chronically troubled public housing agency" means a public housing agency that, as of the effective date of this Act, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) as a troubled public housing agency and has been so designated continuously for the 3-year period ending upon the effective date of this Act; except that such term does not include any agency that owns or operates less than 1250 public housing dwelling units and that the Secretary determines can, with a reasonable amount of effort, make such improvements or remedies as may be necessary to remove its designation as troubled within 12 months.

SEC. 547. TREATMENT OF TROUBLED PHA'S.

(a) EFFECT OF TROUBLED STATUS ON CHAS.—The comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the State or unit of general local government in which any troubled public housing agency is located shall not be considered to comply with the requirements under section 105 of the Cranston-Gonzalez National Affordable Housing Act unless such plan includes a description of the manner in which the State or unit will assist such troubled agency in improving its operations to remove such designation.

(b) DEFINITION.—For purposes of this section, the term "troubled public housing agency" means a public housing agency that—

(1) upon the effective date of this Act, is designated under section 6(j)(2) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) as a troubled public housing agency; and

(2) is not a chronically troubled public housing agency, as such term is defined in section 546(b) of this Act.

SEC. 548. MAINTENANCE OF RECORDS.

Each public housing agency shall keep such records as may be reasonably necessary to disclose the amount and the disposition by the agency of the proceeds of assistance received pursuant to this Act and to ensure compliance with the requirements of this Act.

SEC. 549. ANNUAL REPORTS REGARDING TROUBLED PHA'S.

The Secretary shall submit a report to the Congress annually, as a part of the report of the Secretary under section 8 of the Department of Housing and Urban Development Act, that—

(1) identifies the public housing agencies that are designated under section 533 as troubled or at-risk of becoming troubled and the reasons for such designation; and

(2) describes any actions that have been taken in accordance with sections 542, 543, 544, and 545.

SEC. 550. APPLICABILITY TO RESIDENT MANAGEMENT CORPORATIONS.

The Secretary shall apply the provisions of this subtitle to resident management corporations in the same manner as applied to public housing agencies.

SEC. 551. ADVISORY COUNCIL FOR HOUSING AUTHORITY OF NEW ORLEANS.

(a) ESTABLISHMENT.—The Secretary and the Housing Authority of New Orleans (in this section referred to as the "Housing Authority") shall, pursuant to the cooperative endeavor agreement in effect between the Secretary and the Housing Authority, establish an advisory council for the Housing Authority of New Orleans (in this section referred to as the "advisory council") that complies with the requirements of this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The advisory council shall be appointed by the Secretary, not later than 90 days after the date of the enactment of this Act, and shall be composed of the following members:

(A) The Inspector General of the Department of Housing and Urban Development (or the Inspector General's designee).

(B) Not more than 7 other members, who shall be selected for appointment based on their experience in successfully reforming troubled public housing agencies or in providing affordable housing in coordination with State and local governments, the private sector, affordable housing residents, or local nonprofit organizations.

(2) PROHIBITION ON ADDITIONAL PAY.—Members of the advisory council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board using amounts from the Headquarters Reserve fund pursuant to section 111(b)(4).

(c) FUNCTIONS.—The advisory council shall—

(1) establish standards and guidelines for assessing the performance of the Housing Authority in carrying out operational, asset management, and financial functions for purposes of the reports and finding under subsections (d) and (e), respectively;

(2) provide advice, expertise, and recommendations to the Housing Authority regarding the management, operation, repair, redevelopment, revitalization, demolition, and disposition of public housing developments of the Housing Authority;

(3) report to the Congress under subsection (d) regarding any progress of the Housing Authority in improving the performance of its functions; and

(4) make a final finding to the Congress under subsection (e) regarding the future of the Housing Authority.

(d) QUARTERLY REPORTS.—The advisory council shall report to the Congress and the Secretary not less than every 3 months regarding the performance of the Housing Authority and any progress of the authority in improving its performance and carrying out its functions.

(e) FINAL FINDING.—Upon the expiration of the 18-month period that begins upon the appointment under subsection (b)(1) of all members of the advisory council, the council shall make and submit to the Congress and the Secretary a finding of whether the Housing Authority has substantially improved its performance, the performance of its functions, and the overall condition of the Authority such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority. In making the finding under this subsection, the advisory council shall consider whether the Housing Authority has made sufficient progress in the demolition and revitalization of the Desire Homes development, the revitalization of the St. Thomas Homes development, the appropriate allocation of operating subsidy amounts, and the appropriate expending of modernization amounts.

(f) RECEIVERSHIP.—If the advisory council finds under subsection (e) that the Housing Authority has not substantially improved its performance such that the Authority should be allowed to continue to operate as the manager of the public housing of the Authority, the Secretary shall (notwithstanding section 545(a)) petition under section 545(b) for the appointment of a receiver for the Housing Authority, which receivership shall be subject to the provisions of section 545.

(g) EXEMPTION.—The provisions of section 546 shall not apply to the Housing Authority.

AMENDMENT NO. 25 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. VENTO: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I understand that we have an understanding or negotiation that we would be able to seek an outside parameter of time, 20 minutes, to hear

this amendment, 10 minutes to be controlled by the gentleman from Minnesota [Mr. VENTO] and 10 minutes to be controlled by myself.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the 20 minutes allocated to this be equally divided between the gentleman from New York [Mr. LAZIO] and myself.

The CHAIRMAN. It is the Chair's understanding that this includes all amendments thereto.

Mr. VENTO. That is correct, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 10 minutes.

Mr. VENTO. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment in this title V provides for a study of the evaluation of the HUD evaluation system and performance of public housing agencies; provides a half million dollar study for that purpose, but ironically then, and I think in a contradicting manner, moves ahead and establishes an accreditation board, another Federal board of 12 appointed individuals to that particular board.

Mr. Chairman, this is a contradiction. This is basically either one thing or the other. If we are going to do the study, we need to evaluate what the consequences, the outcome, of that study is. I would agree that a study is appropriate in this instance because there have been many questions that have arisen with regards to HUD and the performance evaluations that it has done of public housing agencies. In fact, it is a rather new effort on their part that has existed for the last 6 or 7 years to make that effort.

As we repeatedly heard with regard to 3,400 agencies, there are some 75 that are troubled, that house a considerable number of individuals in the 4½ million housing units. But to set up a study and then to automatically set up the board really predetermines what the outcome of the study is. The study may in fact find other alternatives that are preferable, for instance, in terms of reinforcing the existing authority within HUD, but beyond that it simply opens up the possibility of having two competing entities; that is to say HUD itself, which has responsibility, and I might say the lines are not clearly defined with regards to this board that is established, the accreditation board, and HUD itself and the fighting between one another as to what the requirements, who has what responsibilities.

It is in fact the report language that we have in the bill that the majority's report language on page 115 goes on to even point out this particular abnormality. It says if such study concludes, and I quote, "If such study concludes that an accreditation system would be unwise for the public housing program, then Congress will be in a position to either change the focus of the accreditation board, this new Federal agency, in accordance with the study's findings or to simply eliminate the board."

So here we have in one case a study that is suggesting that if the study suggests something else that we are going to eliminate the board. Well, I got news for my colleagues. Once this board gets appointed and we have 12 appointed people by the Speaker, by the President, by the ranking members in the House and Senate, they are going to be a board in search of a mission. Once we set up this type of federal bureaucracy, we are not going to dismiss it. They are going to be out there looking for something to do.

So I mean I do not understand the purpose of doing this. As my colleagues know, Congress is going to be back in session in 1998. My colleague will still be, I guess, I assume, the chairman of the subcommittee when this study comes back. We are going to spend a half million dollars on it, and I think that, as my colleagues know, in terms of trying to be objective about this we ought to at least try and get the results of the study before we presuppose what the results are. If that is the case, then why do they have the study in here? And I would suggest that there are many contradictions in competition that come up; in fact this has been pointed out repeatedly.

This board will have the power to mail, will have the power to hire executives, to hire staff. As my colleagues know, if they love rules and regulations, they are going to love this new bureaucracy that is being set up here. As my colleagues know, if they do not agree with the job HUD is doing, I think then maybe we need to take issue with that with the new Secretary or the former Secretary, as we have. But to set up another board, a redundant board, I think is the height of cynicism.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I wish every public housing authority throughout the Nation was a high performing, competent housing authority that performed to levels of excellence, and if that were the case, as the saying goes, if men were angels, we would not need such a thing as an accreditation board. But in fact there are some housing authorities throughout the country that are not doing a very good job. Some have been dismal failures and some need more help, some need more encouragement.

In the academic world accreditation is used in order to ensure minimum levels of excellence in terms of colleges and universities, and it is a stamp of approval for people when they look at colleges and universities or law schools or graduate schools. It gives people a comfort level that they know that these institutions are performing at these minimal levels. And they are staffed and developed by a system of peers. The same is true with hospitals throughout the Nation.

But with housing that monitoring takes place in-house in HUD. HUD itself monitors the housing authorities, and they have been doing an exceptionally mediocre, some would say a quite poor, job of that evaluation. In fact, according to the General Accounting Office in an independent study, one-half of HUD's confirmatory reviews of their in-house assessment program showed that their scores were shown to be inaccurate. Fifty-eight percent of the time that the scores were shown to be inaccurate, HUD lowered the scores by an average of 14 points or a very substantial shift on a score of 1 to 100.

Mr. Chairman, there is no doubt that the evaluation procedure that currently exists is faulty; it is inherently flawed, it is unreliable and lacks credibility, and that is one of the reasons why housing authorities that have been performing at very low standards are permitted to continue to operate where we continue to be able to—not just able, but we are almost forced or encouraged to throw good money after bad to keep feeding housing authorities when they are performing at very low management levels.

The National Commission on Severely Distressed Housing advocated an accreditation system to better evaluate the effectiveness of public housing management, and it felt that industry peers with experience running housing authorities similar to those that they are assessing are in a better position to develop performance standards, reevaluate an organization against its own needs and requirements and differentiate among conditions or issues of concern that may exist in a development, but not in others, and also to offer technical assistance in specifically each authority and help it to learn how to meet accreditation standards and management. We need an independent accreditation board.

We are also saying by authorizing a study within the course of this section of the bill that we should have a study and have them report back to us so that we can fully flesh out what this independent accreditation board should have in terms of its overall and underlying mission, but we do make a statement in this bill that we need independence, that we need an accreditation board that ought to be staffed by peers and people with industry experience, and it ought to be used to help prompt housing authorities to be all that they can be to perform to levels of excellence and for those who do not, to

report back so that we can take appropriate action to defund the housing authorities that are doing a dismal job.

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

□ 1800

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY] the ranking Member.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, let me thank my good friend, Mr. VENTO, for once again taking on an issue that, while it is perhaps off the beaten path in terms of normal debate that we hear around the Congress of the United States, is nonetheless central to I think the proper administration of housing programs in this country.

People are so fond of beating up on HUD and beating up on badly run public housing agencies, badly run public housing authorities and projects, they will simply jump at any possible solution to the problem, no matter how well that idea is going to work. We have heard a lot of rhetoric about the fact that we should be open to new ideas. I say maybe the other side ought to be open to a bad idea, and perhaps when they see a bad idea they ought to be willing to shut it down. This qualifies as a bad idea.

We all agree that we need to tear down bad public housing and take over troubled housing authorities, but we can and we have been doing that without creating a costly, independent and duplicative accreditation board.

I support the Vento amendment that maintains H.R. 2's industry study of current accreditation systems and makes recommendations to the Congress on improving and monitoring the evaluation of public housing authorities. Upon completion of the study, my colleagues have our commitment to review the study in an expedited manner and move to legislation, if needed, that would implement the study's thoughtful suggestions.

We need to support Mr. VENTO's amendment that strikes the implementation of an accreditation board despite what the 6-month study might recommend. The committee heard testimony from all of the national representatives of public housing directors, such as the Council of Large Public Housing Authorities, the Public Housing Directors Association, the National Association of Redevelopment and Housing Directors that opposed instituting H.R. 2's accreditation board.

Secretary Cuomo and HUD's Inspector General also offered testimony against the independent evaluation board included in the board. Secretary Cuomo recognized that an outside accreditation board would replace the current responsibilities of HUD in evaluating PHA's, yet the PHA's would remain fiscally accountable to HUD. With HUD's oversight role so greatly diminished by establishing an accreditation board, how could the Department certify that PHAs were responsible?

As we move toward a balanced budget, why are we mandating and paying for an accreditation study and then refusing to see what the study says before we move to policy development?

I just believe, when all is said and done, this is the worst kind of legislating. It is saying, listen, we have an idea, we are such true believers in our idea that we are going to create a study, and regardless of what the study ends up suggesting or saying, we are going to go forward with the idea nonetheless.

If we are going to do this, why not just go forward with the accreditation board and at least save the taxpayers a study.

Mr. LAZIO of New York. Mr. Chairman, I reserve the balance of my time.

Mr. VENTO. Mr. Chairman, I yield myself the balance of my time.

I would just say that effectively there have been no answers to the questions that we have raised. The gentleman's own report language suggests that if the study turns out differently, then we can come back and repeal the board.

Mr. Chairman, it is a $500,000 study, I say to my colleagues. It is going to set up appointments by the Speaker, by the minority leader, by the President; 12 Members are going to be out there looking for a mission. We know how these sorts of examples function.

I would say that my distinguished colleague from New York, Mr. LAZIO, the subcommittee chairman, pointed out that the GAO gave an evaluation of HUD. How does this deal with changing HUD? HUD still has the responsibility; and I might say in reference to this that HUD has, and in this bill, in fact, there is even more authority being given to local governments and to the public housing authorities. The presumption is that they have the ability to in fact function in that regard.

I would suggest that this is not accreditation. We have building standards and many requirements that are local. This is a balancing act that we do when we are dealing with housing. It is not as though that they have absolute autonomy in terms of what they are doing, as we might find in hospitals or in education institutions where in fact the accreditation issue is even being devalued. Some of the best schools in this country, incidentally, do not go through accreditation. There are questions about the hospital process even today as we sit here, yet we are going ahead and having a study.

I think that in fact that the study is quite appropriate and I support it, but why not wait until we get it back to find out what the best way to implement this is? Do we need another board within HUD, without HUD? Do we need another level of bureaucracy? Do we need HUD in essence competing with this accreditation board? That is what this invites.

The lines of authority and the way that this is written is not clear. I do not doubt the gentleman's good intentions in terms of what he is trying to do, but I think it needs a further evaluation. That is why I think that Secretary Cuomo has spoken out strongly against this; why Secretary Cisneros was very concerned about this in the previous example of this legislation. While the Inspector General of HUD, I misspoke when I said the GAO, but the Inspector General of HUD has suggested that it would not work, the GAO has pointed out that the accreditation model also had questions about it, and most of the public housing agencies, the housing authorities directors association, are very concerned and have spoken out against this.

So I do not understand where the support for this comes, other than the fact that if we get a study back in a year that is commissioned, why can we not take up the study at that time and then allocate the responsibilities appropriately in terms of how we evaluate housing agencies? It is not all bad. They did pick St. Paul, MN, as the No. 1 public housing agency, I might say to my friend, so there are I think some good aspects to it, but why are we setting this up and having the motion that we will in essence lose control of it? We will have little influence in that particular case. Adopt the Vento amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by saying that I know that the gentleman from Minnesota offers the amendment not just in good faith, but with a good deal of passion, and I appreciate his concern for housing. He has been a very credible and productive member of the Committee on Banking and Financial Services, and I appreciate him.

However, let me say this about the gentleman's amendment. We want to make a statement here that we are going to hit the ground running. We are not going to wait for further activity; we are not going to condemn another generation to live in substandard conditions. We are going to acknowledge the fact that the HUD evaluations of housing authorities have been chronically flawed and faulty. That is not speculation, that is fact. That is the conclusion of the General Accounting Office.

What we are saying in the bill is that we need an independent entity to ensure and demand that the housing authorities are performing to levels of excellence. I can understand why HUD might want to keep control of this, and I can understand why some housing authorities might not want to have an

independent evaluation, but let me say that is exactly what they need. It is unfair to the taxpayers and unfair to the residents when housing authorities, performing under abysmal standards, are evaluated by HUD and given passing grades, and that is exactly what has been criticized by both the General Accounting Office and by the inspector general when they found fault with the internal accounting system of the evaluation system within HUD.

In fact, there are plenty of housing authorities, plenty of housing authorities, according to the testimony that the committee heard, that while they have received pretty decent scores, in fact they had poor maintenance, windows broken, doors broken, graffiti, criminal activity, poor management, money wasted, and because of the faulty evaluation, and in my opinion, this member's opinion, because of a lack of independence in terms of the evaluation, that was allowed to continue. The net effect of that is that another generation is condemned to live in poor conditions.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I cannot differ with the gentleman in terms of some of the deplorable problems that have occurred, but is it not the function of the Inspector General of HUD that has done some of the criticism or the GAO or the oversight work of our committee that can, in fact, hold them accountable? Is this the only means available?

If this study goes through the process and indicates that it is preferable, I will join the gentleman in supporting it. But I think the essence is, why do we not look at what the alternatives are? Of course we know that HUD itself has renewed its efforts in these areas.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, it is absolutely the responsibility of the committee in terms of oversight. It is absolutely the responsibility of the inspector general. It is absolutely the responsibility of the General Accounting Office, to the extent that they are directed to report back to Congress, to evaluate the information that is provided.

The idea here is to ensure that we have credible, independent information provided so that we can make reasonable judgments, and that is why this bill stands for the independent accreditation system outside of HUD that will report to us and allow us to make decent decisions about what we should do when we have chronic failure.

Of course, H.R. 2 speaks to that. We fired the ones that are doing the poor job, and what we should do with those housing authorities that are doing a good job, and again H.R. 2 speaks to this, we should provide more flexibility. But we should be getting additional information upon which we can make judgments.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would ask of the gentleman from New York, is it not true that in the legislation that the gentleman wrote, that he included new regulations regarding FEMAC that actually deal with the building inspection program that the gentleman just cited in order to improve how those inspections are being done?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, since we have asked for a study to be implemented, we have interim regulations in place so that there is not a void until the accreditation board is fully operational, in which case that would substitute.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I appreciate that, but I would point out to the gentleman that he has designed and pointed out some problems that have existed; he has taken steps to try to deal with those problems, and then he has said maybe the entire system needs to have a new look, and he has created a $500,000 study to look at that new look. The trouble is that the gentleman implements the results of the study before the study has been completed.

So I just pose the question to the gentleman from New York [Mr. LAZIO], if you are going to do that, why do the study? Why not just save the taxpayers $500,000 and go forward?

Mr. LAZIO of New York. Mr. Chairman, again reclaiming my time, I think it was Members of the minority who asked for the study, as a matter of fact. I would say to the gentleman it was the Members of the minority that asked for the study. We established the plan. Because we have a study and we are trying to be flexible and respond to the minority by having the study, we can obviously not implement the accreditation board immediately, so we have interim rules and regulations so that we do not have an absolute void in terms of evaluation, and that all seems entirely responsible and rational, based on some of the concerns that have been expressed by Members of the minority.

We are happy to have the study in there to ensure that we have all the relevant input that we might need in order to have the strongest possible accreditation board, which would have independence and still have credibility.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VENTO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Minnesota [Mr. VENTO] will be postponed.

The CHAIRMAN. Are there further amendments to title V?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the following Members be permitted to offer their amendments to title V even after the reading has progressed beyond that title, and that is subject to discussions I have had with both of these Members, and I have made a personal commitment that I will support this unanimous-consent request. That would be the amendment by the gentleman from New York [Mr. TOWNS] and the amendment by the gentleman from Illinois [Mr. DAVIS].

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

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The CHAIRMAN. If there are no further amendments to title V, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

SEC. 601. EFFECTIVE DATE AND REPEAL OF UNITED STATES HOUSING ACT OF 1937.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This Act and the amendments made by this Act shall take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act, except as otherwise provided in this section.

(2) EXCEPTION.—If the Secretary determines that action under this paragraph is necessary for program administration or to avoid hardship, the Secretary may, by notice in accordance with subsection (d), delay the effective date of any provision of this Act until a date not later than October 1, 1998.

(3) SPECIFIC EFFECTIVE DATES.—Any provision of this Act that specifically provides for the effective date of such provision shall take effect in accordance with the terms of the provision.

(b) REPEAL OF UNITED STATES HOUSING ACT OF 1937.—Effective upon the effective date under subsection (a)(1), the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is repealed, subject to the conditions under subsection (c). Subsection (a)(2) shall not apply to this subsection.

(c) SAVINGS PROVISIONS.—

(1) OBLIGATIONS UNDER 1937 ACT.—Any obligation of the Secretary made under authority of the United States Housing Act of 1937 shall continue to be governed by the provisions of such Act, except that—

(A) notwithstanding the repeal of such Act, the Secretary may make a new obligation under such Act upon finding that such obligation is required—

(i) to protect the financial interests of the United States or the Department of Housing and Urban Development; or

(ii) for the amendment, extension, or renewal of existing obligations; and

(B) notwithstanding the repeal of such Act, the Secretary may, in accordance with subsection (d), issue regulations and other guidance and directives as if such Act were in effect if the Secretary finds that such action is necessary to facilitate the administration of obligations under such Act.

(2) TRANSITION OF FUNDING.—Amounts appropriated under the United States Housing Act of 1937 shall, upon repeal of such Act, remain available for obligation under such Act in accordance with the terms under which amounts were made available.

(3) CROSS REFERENCES.—The provisions of the United States Housing Act of 1937 shall remain in effect for purposes of the validity of any reference to a provision of such Act in any statute (other than such Act) until such reference is modified by law or repealed.

(d) PUBLICATION AND EFFECTIVE DATE OF NOTICES OF DELAY.—

(1) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a copy of any proposed notice under subsection (a)(2) or any proposed regulation, guidance, or directive under subsection (c)(1)(B).

(2) OPPORTUNITY TO REVIEW.—Such a regulation, notice, guidance, or directive may not be published for comment or for final effectiveness before or during the 15-calendar day period beginning on the day after the date on which such regulation, notice, guidance, or directive was submitted to the Congress.

(3) EFFECTIVE DATE.—No regulation, notice, guideline, or directive may become effective until after the expiration of the 30-calendar day period beginning on the day after the day on which such rule or regulation is published as final.

(4) WAIVER.—The provisions of paragraphs (2) and (3) may be waived upon the written request of the Secretary, if agreed to by the Chairmen and Ranking Minority Members of both Committees.

(e) MODIFICATIONS.—Notwithstanding any provision of this Act or any annual contributions contract or other agreement entered into by the Secretary and a public housing agency pursuant to the provisions of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), the Secretary and the agency may by mutual consent amend, supersede, or modify any such agreement as appropriate to provide for assistance under this Act, except that the Secretary and the agency may not consent to any such amendment, supersession, or modification that substantially alters any outstanding obligations requiring continued maintenance of the low-income character of any public housing development and any such amendment, supersession, or modification shall not be given effect.

(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

(1) IN GENERAL.—The provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) shall remain in effect after the effectiveness of the repeal under subsection (b) with respect to all section 8 project-based assistance, pursuant to existing and future contracts, except as otherwise provided by this section.

(2) TENANT SELECTION PREFERENCES.—An owner of housing assisted with section 8 project-based assistance shall give preference, in the selection of tenants for units of such projects that become available, according to any system of local preferences established pursuant to section 223 by the public housing agency having jurisdiction for the area in which such projects are located.

(3) 1-YEAR NOTIFICATION.—Paragraphs (9) and (10) of section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)) shall not be applicable to section 8 project-based assistance.

(4) LEASE TERMS.—Leases for dwelling units assisted with section 8 project-based assistance shall comply with the provisions of paragraphs (1) and (3) of section 324 of this Act and shall not be subject to the provisions of 8(d)(1)(B) of the United States Housing Act of 1937.

(5) TERMINATION OF TENANCY.—Any termination of tenancy of a resident of a dwelling unit assisted with section 8 project-based assistance shall comply with the provisions of section 324(2) and section 325 of this Act and shall not be subject to the provisions of section 8(d)(1)(B) of the United States Housing Act of 1937.

(6) DEFINITION.—For purposes of this subsection, the term "section 8 project-based assistance" means assistance under any of the following programs:

(A) The new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983).

(B) The property disposition program under section 8(b) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(C) The loan management set-aside program under subsections (b) and (v) of section 8 of such Act.

(D) The project-based certificate program under section 8(d)(2) of such Act.

(E) The moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991).

(F) The low-income housing preservation program under Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987 (as in effect before November 28, 1990).

(G) Section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965 or section 236(f)(2) of the National Housing Act.

(g) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 602. OTHER REPEALS.

(a) IN GENERAL.—The following provisions of law are hereby repealed:

(1) ASSISTED HOUSING ALLOCATION.—Section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439).

(2) PUBLIC HOUSING RENT WAIVERS FOR POLICE.—Section 519 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437a–1).

(3) TREATMENT OF CERTIFICATE AND VOUCHER HOLDERS.—Subsection (c) of section 183 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(4) EXCESSIVE RENT BURDEN DATA.—Subsection (b) of section 550 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(5) MOVING TO OPPORTUNITY FOR FAIR HOUSING.—Section 152 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(6) REPORT REGARDING FAIR HOUSING OBJECTIVES.—Section 153 of the Housing and Community Development Act of 1992 (42 U.S.C. 1437f note).

(7) SPECIAL PROJECTS FOR ELDERLY OR HANDICAPPED FAMILIES.—Section 209 of the Housing and Community Development Act of 1974 (42 U.S.C. 1438).

(8) ACCESS TO PHA BOOKS.—Section 816 of the Housing Act of 1954 (42 U.S.C. 1435).

(9) MISCELLANEOUS PROVISIONS.—Subsections (b)(1) and (d) of section 326 of the Housing and Community Development Amendments of 1981 (Public Law 97–35, 95 Stat. 406; 42 U.S.C. 1437f note).

(10) PAYMENT FOR DEVELOPMENT MANAGERS.—Section 329A of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437j–1).

(11) PROCUREMENT OF INSURANCE BY PHA'S.—In the item relating to "ADMINISTRATIVE PROVISIONS" under the heading "MANAGEMENT AND ADMINISTRATION" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991, the penultimate undesignated paragraph of such item (Public Law 101–507; 104 Stat. 1369).

(12) PUBLIC HOUSING CHILDHOOD DEVELOPMENT.—Section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z–6 note).

(13) INDIAN HOUSING CHILDHOOD DEVELOPMENT.—Section 518 of the Cranston-Gonzalez National Affordable Housing Act (12 U.S.C. 1701z–6 note).

(14) PUBLIC HOUSING COMPREHENSIVE TRANSITION DEMONSTRATION.—Section 126 of the Housing and Community Development Act of 1987 (42 U.S.C. 1437f note).

(15) PUBLIC HOUSING ONE-STOP PERINATAL SERVICES DEMONSTRATION.—Section 521 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437t note).

(16) PUBLIC HOUSING MINCS DEMONSTRATION.—Section 522 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note).

(17) PUBLIC HOUSING ENERGY EFFICIENCY DEMONSTRATION.—Section 523 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437g note).

(18) OMAHA HOMEOWNERSHIP DEMONSTRATION.—Section 132 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3712).

(19) PUBLIC AND ASSISTED HOUSING YOUTH SPORTS PROGRAMS.—Section 520 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 11903a).

(20) FROST-LELAND PROVISIONS.—Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213); except that, notwithstanding any other provision of law, beginning on the date of enactment of this Act, the public housing projects described in section 415 of such appropriations Act (as such section existed immediately before the date of enactment of this Act) shall be eligible for demolition—

(A) under section 14 of the United States Housing Act of 1937 (as such section existed upon the enactment of this Act); and

(B) under section 9 of the United States Housing Act of 1937.

(21) MULTIFAMILY FINANCING.—The penultimate sentence of section 302(b)(2) of the National Housing Act (12 U.S.C. 1717(b)(2)) and the penultimate sentence of section 305(a)(2) of the Emergency Home Finance Act of 1970 (12 U.S.C. 1454(a)(2)).

(22) CONFLICTS OF INTEREST.—Subsection (c) of section 326 of the Housing and Community Development Amendments of 1981 (42 U.S.C. 1437f note).

(23) CONVERSION OF PUBLIC HOUSING.—Section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)).

(b) SAVINGS PROVISION.—Except to the extent otherwise provided in this Act—

(1) the repeals made by subsection (a) shall not affect any legally binding obligations entered into before the effective date of this Act; and

(2) any funds or activities subject to a provision of law repealed by subsection (a) shall continue to be governed by the provision as in effect immediately before such repeal.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

SEC. 621. ALLOCATION OF ELDERLY HOUSING AMOUNTS.

Section 202(l) of the Housing Act of 1959 (12 U.S.C. 1701q(l)) is amended by adding at the end the following new paragraph:

"(4) CONSIDERATION IN ALLOCATING ASSISTANCE.—Assistance under this section shall be allocated in a manner that ensures that the awards of the assistance are made for projects of sufficient size to accommodate facilities for supportive services appropriate to the needs of frail elderly residents.".

SEC. 622. PET OWNERSHIP.

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r–1) is amended to read as follows:

"SEC. 227. PET OWNERSHIP IN FEDERALLY ASSISTED RENTAL HOUSING.

"(a) RIGHT OF OWNERSHIP.—A resident of a dwelling unit in federally assisted rental housing may own common household pets or have common household pets present in the dwelling unit of such resident, subject to the reasonable requirements of the owner of the federally assisted rental housing and providing that the resident maintains the animals responsibly and in compliance with applicable local and State public health, animal control, and anticruelty laws. Such reasonable requirements may include requiring payment of a nominal fee and pet deposit by residents owning or having pets present, to cover the operating costs to the project relating to the presence of pets and to establish an escrow account for additional such costs not otherwise covered, respectively. Notwithstanding section 225(d) of the Housing Opportunity and Responsibility Act of 1997, a public housing agency may not grant any exemption under such section from payment, in whole or in part, of any fee or deposit required pursuant to the preceding sentence.

"(b) PROHIBITION AGAINST DISCRIMINATION.—No owner of federally assisted rental housing may restrict or discriminate against any person in connection with admission to, or continued occupancy of, such housing by reason of the ownership of common household pets by, or the presence of such pets in the dwelling unit of, such person.

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

"(1) FEDERALLY ASSISTED RENTAL HOUSING.—The term 'federally assisted rental housing' means any multifamily rental housing project that is—

"(A) public housing (as such term is defined in section 103 of the Housing Opportunity and Responsibility Act of 1997);

"(B) assisted with project-based assistance pursuant to section 601(f) of the Housing Opportunity and Responsibility Act of 1997 or under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of the Housing Opportunity and Responsibility Act of 1997);

"(C) assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

"(D) assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act);

"(E) assisted under title V of the Housing Act of 1949; or

"(F) insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act.

"(2) OWNER.—The term 'owner' means, with respect to federally assisted rental housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing (including a manager of such housing having such right).

"(d) REGULATIONS.—This section shall take effect upon the date of the effectiveness of regulations issued by the Secretary to carry out this section. Such regulations shall be issued not later than the expiration of the 1-year period beginning on the date of the enactment of the Housing Opportunity and Responsibility Act of 1997 and after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).".

SEC. 623. REVIEW OF DRUG ELIMINATION PROGRAM CONTRACTS.

(a) REQUIREMENT.—The Secretary of Housing and Urban Development shall investigate all security contracts awarded by grantees under the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901 et seq.) that are public housing agencies that own or operate more than 4,500 public housing dwelling units—

(1) to determine whether the contractors under such contracts have complied with all laws and regulations regarding prohibition of discrimination in hiring practices;

(2) to determine whether such contracts were awarded in accordance with the applicable laws and regulations regarding the award of such contracts;

(3) to determine how many such contracts were awarded under emergency contracting procedures;

(4) to evaluate the effectiveness of the contracts; and

(5) to provide a full accounting of all expenses under the contracts.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the investigation required under subsection (a) and submit a report to the Congress regarding the findings under the investigation. With respect to each such contract, the report shall (1) state whether the contract was made and is operating, or was not made or is not operating, in full compliance with applicable laws and regulations, and (2) for each contract that the Secretary determines is in such compliance issue a personal certification of such compliance by the Secretary of Housing and Urban Development.

(c) ACTIONS.—For each contract that is described in the report under subsection (b) as not made or not operating in full compliance with applicable laws and regulations, the Secretary of Housing and Urban Development shall promptly take any actions available under law or regulation that are necessary—

(1) to bring such contract into compliance; or

(2) to terminate the contract.

(d) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 624. AMENDMENTS TO PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) SHORT TITLE, PURPOSES, AND AUTHORITY TO MAKE GRANTS.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.".

(b) ELIGIBLE ACTIVITIES.—

(1) IN GENERAL.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) OTHER PHA-OWNED HOUSING.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) GRANT PROCEDURES.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA'S WITH 250 OR MORE UNITS.—

"(1) GRANTS.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) NEW APPLICANTS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) RENEWALS.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-YEAR CRIME DETERRENCE AND REDUCTION PLAN.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) AMOUNT.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) PERFORMANCE REVIEW.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) SUBMISSION OF APPLICATIONS.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) REVIEW AND DETERMINATION.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) DISAPPROVAL OF APPLICATIONS.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the 15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) FAILURE TO APPROVE OR DISAPPROVE.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA'S WITH FEWER THAN 250 UNITS AND OWNERS OF FEDERALLY ASSISTED LOW-INCOME HOUSING.—

"(1) APPLICATIONS AND PLANS.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) GRANTS FOR PHA'S WITH FEWER THAN 250 UNITS.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) GRANTS FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) CRITERIA FOR APPROVAL OF APPLICATIONS.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) ADDITIONAL CRITERIA FOR FEDERALLY ASSISTED LOW-INCOME HOUSING.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered

by such authorities and the problem of crime in federally assisted low-income housing.".

(d) DEFINITIONS.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

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

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

"(3) PUBLIC HOUSING AGENCY.—The term 'public housing agency' has the meaning given the term in section 103 of the Housing Opportunity and Responsibility Act of 1997.".

(e) IMPLEMENTATION.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Housing Opportunity and Responsibility Act of 1997".

(f) REPORTS.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) FUNDING AND PROGRAM SUNSET.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

"SEC. 5130. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) ALLOCATION.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) RETENTION OF PROCEEDS OF ASSET FORFEITURES BY INSPECTOR GENERAL.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.".

(h) CONFORMING AMENDMENTS.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding.".

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

SEC. 641. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF EVICTION.—Any household or member of a household evicted from federally assisted housing (as such term is defined in section 645) shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than 3 years that begins on the date of such eviction, unless the evicted member of the household successfully completes a rehabilitation program; and

(2) in the case of an eviction for other serious violations of the terms or conditions of the lease, for a reasonable period of time, as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL USERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(A) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(B) with respect to whom the public housing agency or owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1)(B), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(A) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) AUTHORITY TO DENY ADMISSION TO CRIMINAL OFFENDERS.—Except as provided in subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing (as applicable) determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any criminal activity (including drug-related criminal activity), the public housing agency or owner may—

(1) deny such applicant admission to the program or to federally assisted housing;

(2) consider the applicant (for purposes of any waiting list) as not having applied for the program or such housing; and

(3) after the expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the public housing agency or owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such reasonable period.

(d) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—A public housing agency and an owner of federally assisted housing may require, as a condition of providing admission to the program or admission to or occupancy in federally assisted housing, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain the records described in section 644(a) regarding such member of the household from the National Crime Information Center, police departments, other law enforcement agencies, and State registration agencies referred to in such section. In the case of an owner of federally assisted housing that is not a public housing agency, the owner shall request the public housing agency having jurisdiction over the area within which the housing is located to obtain the records pursuant to section 644.

(e) ADMISSION BASED ON DISABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining eligibility for admission to federally assisted housing, a person shall not be considered to have a disability or a handicap solely because of the prior or current illegal use of a controlled substance (as defined in section 102 of the Controlled Substances Act) or solely by reason of the prior or current use of alcohol.

(2) CONTINUED OCCUPANCY.—This subsection may not be construed to prohibit the continued occupancy of any person who is a resident in assisted housing on the effective date of this Act.

SEC. 642. TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.

Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing (as applicable), shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow the agency or owner (as applicable) to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

SEC. 643. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

(2) grounds for termination of tenancy shall include any criminal or other activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenant or employees of the owner or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

SEC. 644. AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) CRIMINAL CONVICTION INFORMATION.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(2) INFORMATION REGARDING CRIMES AGAINST CHILDREN.—Notwithstanding any other provision of law other than paragraphs (3) and (4), upon the request of a public housing agency, a State law enforcement agency designated as a registration agency under a State registration program under subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), and any local law enforcement agency authorized by the State agency shall provide to a public housing agency the information collected under or such State registration program regarding an adult applicant for, or tenant of, federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such State registration agency or other local law enforcement agency a written authorization, signed by such applicant, for the release of such information to the public housing agency or other owner of the federally assisted housing.

(3) DELAYED EFFECTIVE DATE FOR OWNERS OTHER THAN PHA'S.—The provisions of paragraphs (1) and (2) authorizing obtaining information for owners of federally assisted housing other than public housing agencies shall not take effect before—

(A) the expiration of the 1-year period beginning on the date of enactment of this Act; and

(B) the Secretary and the Attorney General of the United States have determined that access to such information is feasible for such owners and have provided for the terms of release of such information to owners.

(4) EXCEPTION.—The information provided under paragraphs (1), (2), and (3) shall include information regarding any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency or owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency or owner and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to a public housing agency or owner is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance under for federally assisted housing on the basis of a criminal record, the public housing agency or owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a). A public housing agency may require an owner of federally assisted housing (that is not a public housing agency) to pay such fee for any information that the agency acquires for the owner pursuant to section 641(e) and subsection (a) of this section.

(e) RECORDS MANAGEMENT.—Each public housing agency and owner of federally assisted housing that receives criminal record information pursuant to this section shall establish and implement a system of records management that ensures that any criminal record received by the agency or owner is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency or owner.

(g) CIVIL ACTION.—Any applicant for, or tenant of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer, employee, or authorized representative of any public housing agency or owner of federally assisted housing, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency or owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or tenant resides, in which such unauthorized action occurred, or in which the officer, employee, or representative alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) DEFINITION.—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 645. DEFINITIONS.

For purposes of this subtitle, the following definitions shall apply:

(1) FEDERALLY ASSISTED HOUSING.—The term "federally assisted housing" means a dwelling unit—

(A) in public housing (as such term is defined in section 102);

(B) assisted with choice-based housing assistance under title III;

(C) in housing that is provided project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) or pursuant to section 601(f) of this Act, including new construction and substantial rehabilitation projects;

(D) in housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(E) in housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzalez National Affordable Housing Act;

(F) in housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(G) in housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(H) in housing insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act;

(I) for purposes only of subsections 641(c), 641(d), 643, and 644, in housing assisted under section 515 of the Housing Act of 1949.

(2) OWNER.—The term "owner" means, with respect to federally assisted housing, the entity or private person (including a cooperative or public housing agency) that has the legal right to lease or sublease dwelling units in such housing.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the Housing Opportunity and Responsibility Act [H.R. 2]. Among many things, H.R. 2 would dismantle the 30-year bedrock principle of U.S. housing policy—the Brooke amendment. With the punitive undertones of the bill and several proposed amendments, H.R. 2 represents Welfare Reform Part II . . . punishing the less fortunate for being poor. Using such euphemisms as local flexibility, income diversity, work incentives, and self-sufficiency, H.R. 2 would shamefully take from those who have the least resources and are the most vulnerable the right to something as basic as food and clothing: a decent place to sleep at night.

If we are going to have an honest debate about the best way to allocate federal resources to address the housing needs of this nation, then we need to place all of the facts on the table: U.S. housing policy is embarrassingly inequitable. Despite the low-income housing needs of this country, only 20 percent of housing outlays is allocated for providing housing assistance and subsidies to lower-income families. The other 80 percent is tax expenditures enjoyed by wealthier families who are able to deduct mortgage interest, property taxes, capital gains, and other investor-homeowner "perks" from their tax liabilities. The result of this unjust, inequitable housing policy: Over 70 percent of the families who qualify for low-income housing assistance are not receiving it.

Without regard to this imbalance in Federal housing policy, H.R. 2 would blatantly ignore those Americans who truly need housing assistance. H.R. 2 would mandate that housing authorities reserve a paltry 35 percent of new public housing units for families earning 30 percent or less of the median income in a local area (i.e., the very low-income). The remaining slots would be reserved for families earning up to 80 percent of the area's median income. (Under current law, 85 percent of public housing units must be provided to families with incomes at or below 50 percent of the area's median income.) In most communities, 30 percent of the area's median income is roughly equivalent to the poverty line. (In New York City, 30 percent of median income equals $11,700 for a two-person household.) To reserve such a small percentage of public housing for our poorest families, given the dramatic evidence of unaddressed needs, is an unforgivable act by my Republican colleagues.

To add insult to injury, H.R. 2 includes a "fungibility" clause that would create a loophole that further weakens targeting provisions. H.R. 2 would allow public housing authorities to satisfy their meager 35 percent targeting reserve for the very low-income by counting the number of Section 8 vouchers granted to such families. (The Section 8 Program would be required to reserve only 40 percent of the slots for the very low-income.) Thus, if a public housing authority gives 75 percent of Section 8 vouchers to the very poor, it would NOT be required to make public housing units available to such families. In effect, public housing would be offered to higher-income families, while the very low-income would be offered housing vouchers. On the surface it appears that public housing would then become more diversely populated and the very low-income would be free to secure housing outside of the traditional public authority "warehouse." However, it is unreasonable to assume the private housing market could reasonably accommodate the elderly, disabled and large low-income families who have very special housing needs.

H.R. 2 would cleverly erode the protections of the Brooke Amendment. Under current law, this amendment sets the maximum percentage that tenants could be charged for rent at 30 percent of adjusted gross income (AGI). However, H.R. 2 would introduce a deceitful practice touted as giving the tenant a "choice" in rent calculations. H.R. 2 would allow the tenant to choose between two different calculations: (1) the tenant could choose a rent calculation based on income, in which case the rent could not exceed the 30 percent cap; or (2) the tenant could choose a flat-rate determined by the housing authority based on the rental value of the housing. This leads to an obvious question: What assurances are there that the tenant will not mistakenly choose the rate that will be more costly to him or her?

Moreover, H.R. 2 would require housing authorities to set monthly minimum rents at $25 to $50, and authorities could grant hardship exemptions from such minimum rent requirements. To individuals who make more than $100,000 per year, a minimum rent of $25 to $50 may seem reasonable. Such reasoning only illustrates how out of touch supporters of this bill are with the people they represent. For the state of New York, a $50 minimum rent would affect 900 households, and a $25 minimum rent would affect 1,828 households. For homeless families utilizing special rent assistance, but who have no income, this minimum rent would be a hardship. For large families receiving AFDC in low benefit states, this minimum rent would be a hardship. For families awaiting determination of eligibility for public benefits, this minimum would be a hardship. For individuals and families transitioning from homelessness to housing, this minimum rent would be a hardship. Yes, many of the people that we represent have little to no income at all. The Congress should be compassionate enough to grant these families some leeway. Support the Velázquez amendment that would only allow a minimum rent up to $25 and would grant the U.S. Department of Housing and Urban Development (HUD) the authority to define eligibility for the exemption.

Finally, H.R. 2 would permit the shortsighted, misguided practice of turning over state public housing funds to local governments in the form of a block grant without regard to vital protections. The Home Rule Flexibility Grant could be utilized by cities and towns to develop and administer their own low-income housing programs. Again, the perverse possibilities of such a fund are crystal clear. Local governments, already grappling with fiscal viability, may choose to use federal housing funds for other city needs. Local governments would be free to establish their own rules and regulations regarding income targeting provisions, 30 percent rent ceilings and other tenant protections.

Undoubtedly, H.R. 2 is a bad bill. It is not a marked improvement over last year's failed effort to reform the nation's public housing policy. It contains minor provisions that do some overall good for the community development and housing needs of our most vulnerable: permitting HUD to take over chronically troubled housing authorities; permitting the demolition of obsolete, dilapidated urban public housing; and permitting "elderly only" or "disabled only" public housing buildings. However, these are crumbs compared to the overall famine in housing face by 5.3 million poor families who pay more than 50 percent of their income for rent and/or live in substandard housing. This bill does little to provide "a housing opportunity" for our vulnerable citizens and abdicates a great deal of federal "responsibility." Vote "no" on the so-called "Housing Opportunity and Responsibility Act."

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. STEARNS) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

SALUTING THE SPIRIT OF VOLUNTEERISM AND THE WORK OF LEO FRIGO OF GREEN BAY, WI

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

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to salute the spirit of volunteerism, and to bring to Members' attention the work of one Leo Frigo of Green Bay, WI.

Leo Frigo exemplifies the very spirit of volunteerism that inspired a national volunteer summit last month in Philadelphia I was privileged to attend. In my city, Leo Frigo makes a difference to the community and to our country. He was honored last night with a 1997 Green Bay Rotary Free Enterprise Award.

In business, Leo Frigo led a successful cheesemaking company in Wisconsin, but in retirement he set an amazing example for a community; 14 years in retirement focused on feeding the hungry.

He convinced the local St. Vincent de Paul Society into making space at its store for food donations. Thus was born Paul's Pantry. Today it is a thriving food pantry for the hungry.

Leo Frigo's title is volunteer executive director, but what he does every day is more remarkable: collecting food, sorting food, driving a forklift. Leo does whatever is required so others in need may eat. Last year he directed more than 5,000 volunteers in giving out millions of dollars' worth of food, feeding families who otherwise would go hungry.

Leo Frigo is a great example of volunteer citizen service at its purest. He is an inspiration to us all, and I join all of northeast Wisconsin in thanking him for his tremendous work.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 9, 1997, TO FILE REPORT ON H.R. 1486, FOREIGN POLICY REFORM ACT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until midnight, Friday, May 9, 1997, to file a report on the bill, H.R. 1486, the Foreign Policy Reform Act.

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

There was no objection.

ADJOURNMENT TO MONDAY, MAY 12, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 13, 1997

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 12, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, May 13, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

HONORING THE TEACHERS OF THE TITLE I RESOURCE PROGRAM AT THE MT. HOPE/NANJEMOY ELEMENTARY SCHOOL

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

Mr. HOYER. Mr. Speaker, this is National Teacher Recognition Week. I rise today to recognize three very special teachers in my district: Debbie Lane, Kathleen Donahue, and Deborah Walker. Together they run the title I resource program at Mt. Hope/Nanjemoy Elementary School in Nanjemoy, MD. The Mt. Hope/Nanjemoy Elementary School placed almost a full three points above the countywide average in the Maryland school performance assessment program. This improvement over last year's below average score is due in part to the efforts of these three very distinguished teachers.

The Department of Education joins me in recognizing the Mt. Hope/Nanjemoy Elementary School. This title I program is part of a select group honored by the Department of Education this week.

I salute, Mr. Speaker, these three teachers and the title I resource program for its outstanding success. They touch the future, and the future will be better for their efforts.

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.

TAX FREEDOM DAY

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

Mr. GOSS. Mr. Speaker, it has been a long day. The Chamber is thinning out. Members are on their way back to their districts. But tomorrow is coming. Tomorrow, May 9, is Tax Freedom Day, the day that working Americans can finally begin to keep the money they earn rather than paying it to the Government in taxes.

The fact is the tax burden most Americans face has been increasing every year. I am pleased that Congress, through the balanced budget agreement reached with the President, is actively pursuing some relief in the areas of the family tax credit, capital gains, and estate tax relief.

The budget agreement provides for a total of $135 billion in tax relief over the next 5 years. That is a big step. I hope this will be a first step on a longer road toward true tax relief, including real tax reform. Congress has to find ways to provide additional relief and give due consideration to alternatives to the current tax system, which is unfair and inefficient.

Mr. Speaker, dare we look forward to a day when the average American no longer spends more in total taxes than on food, clothing, and housing combined? We are spending more on taxes than we are spending on food, clothing, and housing for our families. Something is wrong.

Washington speaks of this beginning tax relief as Washington's generosity. I have a bulletin for taxpayers: It is not Washington's money, it is your money. Yes, most Americans agree we should pay some taxes; a safety net for the less fortunate, national defense, things like that we all understand. Most Americans also agree we are now taxed too much to support too much government.

But I think all Americans, every American, agrees that not every hard-earned dollar sent to Washington is well spent by Washington. There is waste and fraud and abuse and redundancy and patronage and other spending foolishness, and we all know it. So spend smarter and less, and tax smaller and fairer. That would be a very good wake-up call tomorrow morning across our land on Tax Freedom Day.

I wonder how many Americans, Mr. Speaker, remember back to New Year's Eve, December 31, 1996? I wonder how many Americans know that ever since then, every dollar earned by the average American worker has been taken for taxation by the Government. I wonder how many Americans are as disgusted by that fact as I am.

PUBLIC SERVICE RECOGNITION WEEK

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

Mr. HOYER. Mr. Speaker, I rise today to join my colleagues in commemorating National Public Service Recognition Week. I spoke earlier tonight of teachers. This more general recognition week was established in 1986. It is a week of national effort to educate and inform Americans about the range and quality of services provided by our public employees on the Federal, State, and local level.

As part of the national recognition effort, this weekend down on the Mall there are scores of exhibits that allow everyone to explore and learn more about the important work our civil servants perform across the country. I encourage any who can to attend.

Mr. Speaker, it gives me great pleasure to have this opportunity to pay tribute to the hundreds of thousands of hardworking civil servants across the country, many of whom devote their entire careers to serving others and strengthening this great Nation.

At the outset I would like to commend the efforts of my friend, the gentleman from Baltimore, MD, Mr. ELIJAH CUMMINGS, the new ranking member of the Subcommittee on Civil Service. I would also like to thank the members the Bipartisan Federal Government Task Force, which I cochair, for continuing to fight for the hard-working Federal employees.

Mr. Speaker, in describing our Nation's civil servants, President Clinton recently noted, and I quote, "Each day in schools and offices across the country, in hospitals, parks, museums, and on military installations, America's public employees dedicate their time, energy, and talent to create a brighter future for their fellow citizens and for our Nation."

I could not agree with the President more. Of course, I hold a special affinity for our Nation's Federal work force. I represent thousands of Federal employees and retirees. I have worked hard to protect and preserve their pay and benefits over the years. Mr. Speaker, I will continue to do so.

Last Friday, I joined President Clinton to announce the balanced budget deal at a press conference in Baltimore. While it is not the deal that I would have written, I am pleased that the final package will apparently not contain a delay in cost of living adjustments for Federal retirees or require Federal employees to pay a higher percentage of the overall contribution to their health benefit package. I hope that ends up being in the agreement. We are working toward that end.

Over the last 20 years the Federal work force, Mr. Speaker, has lost an estimated $220 billion in pay and benefits to which it was entitled under law existing in 1980.

□ 1830

Let me repeat that for those who are listening. We have a budget deficit. The Federal work force has contributed mightily to solving that deficit by facing changes in law affecting their pay and benefits to the extent that they have received in pay and benefits $220 billion less over the last 17 years than they would have if the law had not been changed.

We must remain vigilant to ensure that we do not single out our Federal employees for cuts to pay and benefits. We must not balance the budget on the backs of hard-working Americans, hard-working Americans who work for the Federal Government.

Mr. Speaker, all too often some paint a picture of our public servants as incompetent, uncaring paper pushers. At times we even vilify our hard-working Government employees, sometimes with tragic results.

Mr. Speaker, last month we paid tribute to the men and women who lost their lives in the tragic Oklahoma City bombing. The majority of these people, the overwhelming majority were hard-working Federal employees. They were not nameless, faceless, presumably defenseless bureaucrats, as some would say.

Let me be perfectly clear and to the point. I get angry, and I hope many Members in this House do, over those who would denigrate our civil servants. All too often it is the prevailing habit of this body to attack the character and devotion of our Federal employees, even our own.

Mr. Speaker, we must stop the senseless scapegoating and needless bashing of our civil servants. Federal employees play an integral, albeit often invisible, role in our daily lives. Federal employees make sure that our senior citizens get their monthly Social Security checks and that our veterans get the care and treatment they need. Federal employees are responsible for printing our money and even insuring it when it makes deposits at the bank.

Mr. Speaker, I appreciate this time to stand and say that we appreciate the efforts of those who work for our Federal Government, including most specifically those who work for this House of Representatives.

DISASTER ASSISTANCE NOW

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentleman from South Dakota [Mr. THUME] is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, I am very disturbed by what has been going on around here lately. We have a disaster bill that is awaiting action by this body, but it is getting bogged down by all kinds of shenanigans, every shenanigan known to man. Granted, a supplemental appropriations bill always ends up being a Christmas tree that everybody tries to hang their favorite ornament on, but in the meantime we have people who are desperately in need of assistance.

I have seen in my home State of South Dakota and the States of North Dakota and Minnesota the displaced families, the devastated homes and businesses, the dead livestock, some 200,000 in my State alone. I have seen the roads and bridges that have been obliterated by this year's weather. If we are going to help these people, then let us get on with it. Construction season in my State is very short. We have a limited amount of time to get the work done that is necessary to get our people back on their feet.

I would be the first one in this body to admit that we have a budget process that is broken. In fact I am willing to lead the charge to fix it. An automatic continuing resolution has been suggested as a possible solution. I am the cosponsor of a bill that I think is a better solution, a budget reform act that would change the 1974 Budget Act and make it workable. But I do not think this is the time or the place to have a discussion about this issue. We are going to have an automatic continuing resolution. It may be good policy, but it is bad timing.

I would suggest to this body that the people of my home State of South Dakota—and those like them in North Dakota and Minnesota and around this country who have been affected by disasters and are waiting the assistance that is in this disaster package—deserve to have that assistance. I am getting tired of all the games that are being played, the political games. We have loaded up this bill to the point that we cannot even recognize it anymore.

The supplemental appropriations bill has desperately needed disaster assistance in it, and I think that it is high time that we took the action that is necessary to move the disaster bill forward through the House. The bill came out of the Senate today. Let's get it to conference and get the assistance to the people who really need it. If we do not do that, the people who have been affected by this disaster are going to be the real losers.

I urge my colleagues in the House to move quickly and decisively next week to see that we in a very expeditious way get disaster assistance in the hands of the people in our States who are desperately in need of assistance.

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

Mr. THUNE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I just wanted to comment on the gentleman's statement, as I just spoke about Federal employees. Obviously the shutdown of Government which the continuing resolution to which he speaks attempts to preclude that from happening, but I want to join the gentleman in his remarks that getting this disaster relief and getting this bill to the President as soon as possible ought to be our priority. Then he and I and others who want to make sure that the Federal Government does stay in operation so that not only employees but, as important if not more important, those who government serves are not adversely affected, will continue. But I agree with the gentleman that we ought to stop trying to load up this supplemental and move it as quickly as possible. I hope the gentleman's efforts are successful in that regard.

Mr. THUNE. Mr. Speaker, I would say to the gentleman from Maryland that I very much want to avert any future Government shutdowns. This is not the appropriate vehicle to deal with that.

EXCHANGE OF SPECIAL ORDER TIME

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to claim the time

of the gentleman from Maryland [Mr. WYNN].

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

There was no objection.

ANNUAL COMMEMORATION OF PUBLIC SERVICE RECOGNITION WEEK

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

Mr. CUMMINGS. Mr. Speaker, I wish to call attention of our colleagues to the annual commemoration of Public Service Recognition Week and to related activities occurring here in Washington this week. As I do so, however, I wish to take just a moment to point out that, as we celebrate the good news about Federal employees achievements, they have just received a dose of bad news from the budget negotiators who have agreed to cut Federal pay in order to reduce the deficit.

I am opposed to this cut and I along with the gentleman from Maryland [Mr. HOYER] have recently introduced House Resolution 71, which rejects it. The gentleman from Maryland [Mr. HOYER] is to be commended for his tireless work on behalf of Federal employees. I thank him for his leadership in this area.

Mr. Speaker, each May the President's Council on Management Improvement and the Public Employees Roundtable launch activities in cities across our Nation which highlight excellence in public service at the Federal, State, and local government levels. The organization's objectives are to inform Americans about the contributions of public employees, to the quality of our lives, to encourage excellence in Government and to promote public service careers.

Activities in my own hometown were kicked off last Friday by the Baltimore Federal Executive Board which held its 30th annual excellence in Federal career awards program at Martin's West in Baltimore County. Forty-one Federal agencies submitted a total of 202 nominations for the board's consideration. Among the 13 first-place gold award winners were Henry Powell, a customer service representative with the IRS who was recognized for community service; Mary Lisa Ward, a special agent with the U.S. Customs Service, who was recognized as an outstanding administrator; and Richard Laughlin, a quality assurance specialist at the Defense Contract Management Command, who was recognized as an outstanding technician.

Mr. Speaker, while I only have time to call a few names out, I believe that each award recipient and each person nominated deserve recognition and our thanks. This past Monday, the Public Employees Roundtable held a ceremony here on Capitol Hill and presented its breakfast of champions awards to representatives of exceptional programs at each level of Government.

Among the 1997 award winners at the Federal level were the Internal Revenue Service telefile program and the Department of State's Overseas Citizens Service. Other programs receiving special recognition this year were the Defense Personnel Center in Philadelphia, PA, the Veterans Benefits Administration in Muskogee, OK, and the U.S. Army Europe's foreign military interaction program.

Beginning today, May 8, and continuing through May 11, over two dozen Federal agencies and employee organizations will have exhibits set up in large tents on the national Mall at Third and Independence Avenues here in Washington. The public is invited to come out to learn more about the functions of these agencies and the services that each provides. Some of our military bands and other groups will provide entertainment during this family oriented event.

Mr. Speaker, Public Service Recognition Week offers all Americans, especially young people, the opportunity to learn more about the Government and the rewarding careers available. It also provides the opportunity to thank those who serve us daily for their efforts. I believe that our public service employees should be valued and respected by all Americans, and the activities occurring this week across the Nation make it crystal clear why this is so.

AVOIDING ANOTHER GOVERNMENT SHUTDOWN

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 about an important initiative that I will be supporting next week and have been supporting up until now, which is an effort to avoid another Government shutdown. There is a disaster appropriations bill that should be coming to the floor next week, and I support an initiative to attach a feature to that appropriations bill that would be a safety measure to avoid another Government shutdown. The gentleman from Pennsylvania [Mr. GEKAS] has been the primary mover behind this, and I rise to speak out strongly in support of this initiative.

I believe that the Government shutdowns that we had last year were generally agreed by people on both sides of the aisle as well as the President and the Vice President to have been counterproductive and to have been something that we should have avoided. And we have an excellent opportunity right now to attach an amendment to this appropriations bill that simply stated what it would do is, it would in the event that we cannot reach agreement with the White House on an appropriations bill, that the Government would stay open at a given funding level, whether it is 100 percent or 98 percent of the previous year's funding level, so that we do not get into this scenario where the Government is shut down.

Mr. Speaker, as many Americans know, on September 30, the previous year's appropriation bill expires, and we need a new appropriations bill to go into effect on October 1. This continuing resolution or safety measure that I am talking about tonight would simply keep the Government open. A safety CR would ensure that on October 1 all of the appropriations bills that have not been signed into law, such as those that fund the Veterans' Administration, NASA, the Social Security Administration, to make sure Social Security checks continue to get funded, as well as other programs that affect retirees, all Federal agencies that would be covered by this safety CR would be able to stay open at that level of funding which they received last year or, if it is agreed, to be slightly below the previous year's level of funding.

I think that this measure has several good, important features, one of which, it ensures that both Congress and the President negotiate in good faith and that they do not use a threat of a Government shutdown as a bargaining tool or bargaining chip, so to speak.

Let me answer a couple of questions first off. Many people are asking, is this a new concept? Is passing a continuing resolution a new concept? No, it is not. We have passed 53 different continuing resolutions in the Congress since 1982. So this is not a new concept at all. I believe that this is good preventative medicine.

Some people are asking, why is it really needed? Well, last year we experienced several Government shutdowns, and we all agreed that it was just a very, very ineffective thing to do. I believe that this continuing resolution attached to the disaster bill makes good sense. I believe that the Government shutdowns in many ways was a disaster for many of the agencies that were affected by it. And by passing this safety CR, attaching it to the supplemental bill that will come up next week, we will make sure that the Government stays open and many of the people who are dependent on the Federal Government in many ways will continue to be able to have, whether it is in the form of a Social Security check or whether it is in the form of disaster relief, they will be able to continue to use those resources. Therefore, I encourage all of my colleagues on both sides of the aisle as well as the White House to support the safety CR.

□ 1845

LEGISLATION CORRECTING FLAWS IN NEW WELFARE LAW

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today we debated new ways to punish juvenile offenders, but last Congress the Republican majority enacted a welfare reform law that punishes children whose only crime is being poor. It is time for us to address the problems in the new welfare law.

So today I, along with my colleague, Delegate ELEANOR HOLMES NORTON from the District of Columbia, introduced two pieces of legislation that would correct some of the flaws in the new welfare legislation. We did this to give parents and kids on welfare a fighting chance.

Mr. Speaker, I am a former welfare mother, so I understand what goes on inside a welfare mother's mind. The main thing is anxiety. Will there be enough food for our children? Are my kids safe at home and at school? Am I doing what is best for them? Will I ever be able to get out of this mess?

These questions have always been tough to answer, but the new welfare law has made it even tougher. Parts of this law actually penalize moms who are trying to protect their children and improve their prospects for a better future.

So today, Delegate NORTON and I introduced two essential bills aimed at correcting serious flaws in the law. Our bills give welfare moms a fighting chance. One bill helps ensure that the children of welfare mothers are safe, as we wish all of our children to be; the other gives moms on welfare the educational opportunities that the rest of us take for granted.

The first bill is called the home alone bill. It is called that because it is aimed at preventing kids from being left home alone, unsupervised and unsafe. Right now, under this welfare bill that was passed, moms with kids age 6 and above can be forced to leave their children at home while they work, even if there is no suitable child care available. In fact, if they do not go to work, no matter that they have to leave their children home alone, they lose their welfare benefits.

Our bill is very simple. It raises the age from 6 years old to 11 years old. It protects kids and it protects their moms. This is really not asking too much. Would any of us put up with being required to leave a 6-year-old home alone? No, we would not.

Mr. Speaker, welfare recipients generally live in the poorest neighborhoods, neighborhoods where child care is not always available. That leaves children to the school of the streets, a tough school, a school known for its lessons in drugs, violence and crime. Home alone, if we are to protect a generation of children, should not be. There should be no place like it for our children.

The second bill, one that we introduced today also, allows welfare recipients to meet the work requirements of the new welfare law by acquiring the skills needed for permanent employment. It lets education qualify as work under the new welfare law. Americans have long realized that education is the door to success, but our new welfare law has basically told welfare recipients that the only door open to them is the employees' entrance to McDonald's. And, Mr. Speaker, statistics show that, even though low-paying jobs are easily lost during bad economic times.

How did I get off welfare? I had determination and I had an education. But only 32 percent of welfare recipients have a high school diploma. Only 10 percent ever attended a college class. Let us not condemn people who are striving to get off welfare to a lifetime of low wages and drudgery. Let us not condemn their children to the rules of the streets.

If we want welfare recipients to work, let us make welfare reform work for them. If we want the poor to aspire to a better life, let us make it attainable for them. That is what our bill does, Mr. Speaker. It makes education qualify as work under the new welfare law. It moves us closer to what welfare reform is supposed to be, permanent self-sufficiency.

These two bills are just the start. In coming months to Progressive Caucus will introduce other legislation designed to assist welfare recipients to get off welfare permanently, and they will be intended to help people get off welfare through jobs that pay a livable wage, jobs that they can support their families on.

These two bills that we introduced today correct some of the flaws in the welfare law, and we plan to fight hard to see that these laws in these bills will be enacted. I personally plan to keep fighting for welfare moms and their families.

WELFARE REFORM BILL NEEDS REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from California [Ms. WOOLSEY] for the way in which she has worked to put welfare reform back on the 105th Congress' map and to leave no stone unturned and to put on notice this Congress that reform of the welfare system has yet to come.

"If at first you do not succeed," the cliche goes. Well, we have not succeeded and what we are going to do is try harder. The welfare reform bill needs reform. The only question is when are we going to do it. The flaws that are revealing themselves are already legion.

Congress has taken a wait for the crisis attitude. That is of course the way we do business in a number of areas. When it comes to children, particularly given all the pro-family rhetoric that adorns this hall every day, one would think that we must move before the crisis.

The gentlewoman from California, who is cochairing with me a task force to introduce an omnibus bill of reforms, has given an indication of the kinds of bills the omnibus bill will contain. Rather than repeat more about those bills, let me give other examples as well.

Let us do first things first. The President has offered forth 10,000 jobs he controls in his executive agencies for welfare recipients. It is Congress' move now. What will we do?

I have a bill that I have introduced on March 12 that would encourage every Member to offer a full-time job in her office to a welfare recipient. In order to accommodate this, the House would increase staff allotments by one, but not our budget. Many Members could then hire a welfare recipient. They might not otherwise be able to do so, especially Members who come from districts that are broadly spaced through rural areas or large States.

But if we said to the Member, or if the Member knows that she has the money but needs the staff member, at no cost to the government, we could do our part. I do not see how in the world we can continue to monitor welfare reform if we do not step up the way the President has. We must lead by example. If we mean it, we have to do it first.

I expect that the omnibus bill will contain a number of correctives. Let me give examples.

I will be introducing an anti-displacement bill. There is a perverse effect here, Mr. Speaker. What we are finding is that people who have gone out and gotten their own low-paying jobs are being displaced by welfare recipients. If that is not a perverse effect, I do not know what is.

Two similarly situated youngsters in the District of Columbia gets pregnant at 16. One goes and finds her own job in the hotel industry and the other sits at home. Maybe she sits at home because she does not have a babysitter, maybe she does it for other reasons. But the fact is there is an incentive for employers to hire the young woman who went out and got her own job, so the employer displaces the woman who went out and got it herself. We cannot have that. It is not what anybody intended.

I will be introducing an anti-displacement bill so that similarly situated people will not feel that I have to go get on welfare in order to get a job; that is the way to do it. The message is go out and get your own job, and only if you cannot get one should you be on welfare at all.

Mr. Speaker, I have a bill that pertains to the District of Columbia, which does not have a State but has a State quota which it cannot possibly meet. By 2002 every State has to have 50 percent of all its families in work or work activities. The State of New York or the State of California or the State of Wyoming, for that matter, will gather them from all over the State. No other State has to gather that whole 50 percent from a central city. It cannot be done.

My bill would give the District no preference. It would simply say that using a formula, which we extract from what other inner cities have done, we say that the District has to fill that number and not a number that is given to an entire State.

I will be introducing a bill to exempt relative caretakers from the 20 percent rule. Twenty percent of cost can be exempted from work activity. Surely we do not mean to say that a grandmother has to go out and find a job. These are effects that are beginning to come through. These are reforms that need to be done. I expect to do so.

CELEBRATING THE ROLE OF WOMEN IN AMERICAN FAMILY LIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, on Sunday we will observe Mother's Day, a day when we pause to celebrate the role of women in the life of American families. While celebrating the roles of women we also essentially celebrate infant and children, the true symbol of motherhood.

It is, therefore, appropriate, in light of this celebration, that we examine the Federal programs that affect women, infants and children. It is appropriate at this time when we revere mothers, their infants, their children, the foundation of American families, that we examine the impact of our relevant action in Congress.

The most relevant action is the current debate over funding for the nutritional program for women, infants and children, the WIC program. Mr. Speaker, WIC works. The data shows that for every dollar spent on the WIC program, between $2 and $4 are saved in health care costs, yet some 180,000 women and children face the loss of this vital support that has been proven effective because some would imbalance the lives of thousands of women, infants and children in order to balance the book of a few.

On April 24 of this year the majority on the House Committee on Appropriations voted to provide only $38 million in special supplementary funds for the WIC program. The President had asked for $76 million as a compromise for the $100 million in his original request.

If the supplemental funding is not provided at the level requested, thousands of current participants will be dropped from the program. The shortfall in funding could not be anticipated. Milk prices, for example, have grown faster than was projected. Consequently, program costs have grown. The additional $38 million needed to reach the $76 million request is a sound investment in the future of our Nation.

The WIC program provides nutritional assistance to poor women, infants and children up to the age of 5 who are at nutritional risk. This assistance, as I indicated, has proven to be effective in reducing low birth weight babies, infant mortality, and child anemia.

WIC program funding has also been cited as a source of improving early learning abilities in children. In short, Mr. Speaker, the WIC program really pays for itself and advantages America.

Of the 104 million women in America within the age range of childbearing, some 74 million are mothers. On average, these women bear close to three children during their lifetime. They produce the children who become the laborers and leaders for the future. They produce the children who become the Members of Congress generation after generation.

Mother's Day, therefore, is not about a few flowers, a box of candy or a restaurant dinner. Mother's Day is about honoring and respecting those persons, the women of America, who play a significant role in the life of our Nation.

It seems to me that the best way to celebrate Mother's Day is to honor all mothers. Poor mothers have produced productive children. The WIC program is not charity, the WIC program is a chance, a chance for our children who happen to be born in poverty to have sufficient nurturing to carry the oppression of poverty to the opportunity that America is offered. It is the chance any child has when a healthy start is available to them.

□ 1900

Mr. Speaker, the WIC Program works. Let us make it work for all of our children who are also in poverty. Let us make Mother's Day a day when we commit to the cause of all women, infants and children.

IN SUPPORT OF INCREASED FUNDING FOR CRIME PREVENTION

The SPEAKER pro tempore (Mr. STEARNS). Under a previous order of the House, the gentlewoman from California [Ms. MILLENDER-MCDONALD] is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, today this body was presented with legislation that was called the Juvenile Crime Act of 1997, long on language but short on a balanced approach to this problem.

I recognize that violent crime must be met with punitive actions. But nonviolent crime must give juvenile delinquents an opportunity to change. That is why I tried to influence and offer this amendment that I had today calling on more funding for preventive measures, but I was unable to submit it. So I objected to H.R. 3, because no juvenile crime bill will be worth the paper it is written on without full and adequate resources for juvenile crime prevention. There is no way we can lock up or imprison a generation of troubled young people. We must provide meaningful alternatives to deter our young people from a life of crime.

In California, the total juvenile arrests in 1994 were 257,389 young folks. Of those arrested, only 22,053 or 8 percent were violent offenders. That leaves 235,336 nonviolent juvenile arrests. Those are the young people we can save and that we must reach out and work with.

Mr. Speaker, we must be tough with violent criminals, even young violent criminals. But in California only 8 percent of all juvenile offenders are violent, and we must deal with them appropriately. They must be locked up. But the 235,336 whom we can save, we must provide the programs for those in a way that we can turn their lives around.

That is why my amendment would increase funding for crime prevention programs by $2.3 billion. We have got to reach at-risk juveniles before they begin committing violent offenses. Our communities must reach out to them through education and crime deterrent programs when they cry out for attention through infractions of the law.

My amendment would also make sure that funds would be there for crime prevention. It places our Federal priorities first on crime prevention, not building more prisons. We have more prisons in California than any other State, but our crime rates are not the lowest. Prisons alone will not solve the problem. Crime prevention is what we need.

Mr. Speaker, we must provide more resources for drug prevention, for nonviolent crime; we must have more education initiatives. We must increase the penalty for the transfer of a handgun to a juvenile or for a juvenile who possesses a handgun. This is why I introduced my bill, the Firearm Child Safety Lock Act of 1997, which prohibits the transfer of a firearm without a child safety lock as an integral component.

I am committed to helping the juvenile delinquents who are nonviolent in Watts, Willowbrook, Compton, Lynwood, Long Beach, Wilmington and all over my district who have had minor infractions with the law; to seek and help them, through preventive measures, to turn their devious behaviors into more positive outcomes. We can do that, Mr. Speaker. We must do that. They are asking for our help. We must be there to provide that safety net before they become violent offenders. We can do no less.

SALVAGING SOCIAL SECURITY

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

Mr. SANFORD. Mr. Speaker, I learned yesterday afternoon of an awfully interesting woman, a woman by the name of Osceola McCarthy of Hattiesburg, Mississippi. I think to a great degree she represents what the American dream is all about, because the American dream is built around the very simple idea of being able to get ahead, of actually being able to build something, of actually being able to build wealth.

Because what is interesting about Osceola McCarthy, a woman of age 87, is that she worked her entire lifetime as a washer woman. Yet toward the end of her life, she went to the local college and said, "I'd like to help out." They were thinking, well, maybe she will give us a cloth doily or maybe a bath mat or something that she had made. Instead she gives them a couple of hundred thousand dollars. The New York Times found this story so interesting that it actually went down and asked her, "How did you end up with a couple of hundred thousand dollars only working as a washer woman?" She said, "Well, I put a little bit away whenever I got a chance, and I put it away for a long time." I think in doing so, she hints at what could be one of the keys to, I think, saving Social Security as we know it. Because Einstein was once asked, "What is the most powerful force in the universe?" His reply was, "Compound interest."

As we all know, it is amazing what one can end up with at the end of a working lifetime by simply putting a little bit away over a long enough period of time. Because what the Social Security trustees have said is that if we do nothing, Social Security goes bankrupt in 2029, and it begins to run deficits in 2012, such that either we have got to look at raising payroll taxes by about 16 percent or we have got to look at cutting benefits by about 14 percent. Neither one of those seem to me to be acceptable options. If we look at the other options that are out there, I think they are non-options as well because the other options basically are driven by the fact the demographics have changed. A, as a country we are living longer. That is a great thing. Every year that I grow older, I hope that medicine keeps making medical advances such that they keep moving it out on that front. Average life expectancy when Social Security was created was 62. Today it is 76. That creates a real strain on a pay-as-you-go system. The other demographic fundamental that we are not going to change is that we have gone from having big families on the farm to having relatively small families today. We have gone from having 42 workers for every retiree to having 3.2 workers for every retiree, to being well on our way to having 2 workers for every retiree. Again, that is a fundamental that we are not going to change. So the question I think we are all left with is what do you do? I think that what Osceola McCarthy did has a lot to do with what we can do. That is, build a system that is based on the simple power of compound interest.

When one talks about changing Social Security, we need to define what that change might be, what it might look like. Change for me does not mean in any way yanking the rug out from underneath seniors. My mom is retired. She has no ability to alter her income. You do not go and yank the rug out from under people like my mom. What it means is we leave people 65 and older alone. But what I think it can also mean is we give people below that age simply the choice. If you want to stay on existing Social Security, great, do so. But if you want to look at the idea of personal savings accounts, to build on Einstein's power of compounding, then you can do that, too.

What are some of the benefits that might come with that? One benefit that I think is definitely worth noting is that you could choose for you your retirement age. If you think about it, our existing system comes at a tremendous cost in terms of human happiness. Because in my home State, we have got STROM THURMOND who wants to work until he is 100, yet I have got plenty of other friends that say, "Work is great but fishing is even better. I want to retire when I'm 50." With your own personal savings account, you could decide for you when you want to retire rather than a Congressman or a Senator or a bureaucrat defining for you your retirement age. I think that to be a big benefit. Again we have so many choices in America, we can choose between 25 different kinds of toothpaste, 30 different kinds of detergent, but you cannot choose for you when you want to retire.

Mr. Speaker, I can see I am beginning to rub up against my 5 minutes, I will yield back the balance of my time, but again want to leave in everybody's thoughts the idea of Osceola McCarthy and this simple theme of compound interest.

DEDICATION OF ETERNITY HALL

The SPEAKER pro tempore (Mr. RIGGS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 60 minutes as the designee of the minority leader.

Mr. ABERCROMBIE. Mr. Speaker, it is a matter of some coincidence that today is Humanities on the Hill Day, and we had an opportunity, many of us, to meet with the representatives of the Endowment for the Humanities in our local jurisdictions from all over the country.

In that context, I had the privilege of addressing the group who came here this morning for a few minutes, and had a chance to comment to them about a recent event in Hawaii at Schofield Barracks where I had the opportunity to deliver remarks at the dedication of Eternity Hall, Eternity Hall in Quadrangle D at Schofield Barracks. That occasion was on April 2, 1997.

Tomorrow, Mr. Speaker, marks the 20th anniversary of the death of James Jones, the author of "From Here to Eternity." I would like to take this opportunity, then, today to deliver yet again the comments that were made on that occasion, to indicate to my colleagues that tomorrow the film "From Here to Eternity" will be shown at Schofield Barracks, because the young soldiers that are there have taken a renewed interest in their history, have taken a renewed interest in Schofield Barracks and in World War II and, by extension, the author who made it possible for us to understand more about ourselves as a result of the great art that is "From Here to Eternity."

Mr. Speaker, "From Here to Eternity," like all great works of art, transcends its form. In this instance, the novel. Like all great works of art, it transforms those who experience it, its readers. It transposes its content, the characters and their actions, into a larger vision of life itself, a dimension of depth beyond the story itself.

Schofield Barracks is the stage upon which the story unfolds. But it is not events of which we learn. Rather, we learn the meaning of integrity, honesty, honor, and above all, what it takes to be human. This is what it meant to me. "From Here to Eternity" shaped the basic values I hold to this day.

So it was with a sense of outrage that I read a sneering, wounding article about James Jones just before leaving for Europe in 1967 on a backpack trek around the world. I had no idea I would literally walk into him in Paris some weeks later.

I knew it was him the moment I saw this short, square block of a man plowing down the avenue. In my mind's eye

now I see a cigar clamped in his clenched jaw, but perhaps it is only because I like to believe it was there. All I really saw were his eyes. How could such gentle eyes be locked into such a rugged mug of a face?

To his friend William Styron, and I quote, "was there ever such a face, with its Beethovenesque brow and lantern jaw and stepped-upon-looking nose. A forbidding face until one realized that it only seemed to glower, since the eyes really projected a skeptical humor that softened the initial impression of rage."

On impulse, I spoke to him.

"Don't pay any attention to the critics. You write for us, for me. We're the readers. Pruitt, Warden, Maggio, they're real for us. "From Here to Eternity" means everything for us. What you write is important to us. To hell with the critics. Keep writing for us." Or some such blither.

□ 1915

I felt a total fool. He stared at me, and I bolted away. A few days later I found myself outside his home on the Ile St. Louis behind Notre Dame. The San Francisco Diggers who fed the homeless during those years had published a directory of Americans worldwide who could be counted on to be kind to American travelers in need. I had come upon it in a Left Bank book store, and Jones's name and address were in it.

I rang the bell on impulse out of both a desire to apologize and yet tell him again more clearly how much he meant to us as readers. A suspicious housekeeper somehow agreed to tell him that the man who stopped him on the Right Bank the other day wanted to see him.

Amazingly she returned animated. By all means Mr. Jones would see me. He was anxious to see me. Please come up. Would it be possible to wait a few minutes while he finished his writing for the day. Please don't leave.

I was a bit dazed as I sat on a stool on what appeared to be a tiny bar and library area. Suddenly he burst through a door, barrel-chested, huge smile, moving like a pulling guard on a halfback sweep.

"Am I glad to see you. I told Gloria," his wife Gloria, "I told Gloria all about our meeting. I've been writing on the energy of it for the past two weeks. I never seem to meet readers any more. It's always somebody who wants something from me. How about a drink?"

From that moment, I ceased to be a fan. I became a fierce partisan. I had never met anyone so nakedly honest in his observations and inquiries, so plain-spokenly straight. No rhetorical brilliance, just easy-fit words and thoughts expressed as solid and simple as a beating heart, just like From Here to Eternity.

In 1951, the Los Angeles Times said:

James Jones has written a tremendously compelling and compassionate story. The scope covers the full range of the human condition, man's fate and man's hope. It is a tribute to human dignity.

The book was From Here to Eternity. Its author was 30 years old. In March of 1942, he had written to his brother Jeff from his bunk at Schofield Barracks.

Sometimes the air is awfully clear here. You can look off to sea and see the soft, warm, raggedy roof of clouds stretching on and on and on. It almost seems as if you can look right on into eternity.

It is 20 years tomorrow since James Jones died, leaving his work to speak for him and to us.

Biographer George Garret said,

Boy and man, Jones never lost his energetic interest, his continual curiosity, the freshness of his vision. It was these qualities, coupled with the rigor of his integrity, which defined the character of his life's work.

Others, of course, recognize these qualities and wish to speak for and about James Jones on this anniversary of his passing.

Winston Groom, George Hendrick, Norman Mailer, William Styron, whose Forward to To Reach Eternity: The letters of James Jones, I include here in its totality and from which I will read, Mr. Speaker, excerpts, and Willie Morris, friend and biographer of his last days, all are represented in the remarks which follow.

First is a letter to me from Winston Groom:

Dear Congressman ABERCROMBIE: Gloria Jones asked me to write to you regarding the dedication of a building in Schofield Barracks in honor of her late husband, James Jones.

This is a wonderful and fitting tribute to a fine soldier and a great writer who contributed perhaps more than any other to the public understanding of the military during the World War II era.

Long before I wrote Forrest Gump I began a friendship with Jim Jones which was cut far too short by his untimely death. He was always kind and giving to the younger generation of writers and took time to help me with my first novel, Better Times Than These, which was about the Vietnam War. In fact, I dedicated that book to Jim.

I congratulate you and all the others who worked to create this very appropriate memorial to a great American patriot and champion of the common soldier.

Respectfully yours, Winston Groom.

I received a letter from George Hendrick, a professor of English at the University of Illinois, Urbana-Champaign.

Dear Neil: I'm sending along, as promised, the statement for the Schofield Barracks ceremony. I am certainly pleased to know about this important event and to play some small part in it.

The university library has acquired the manuscript of From Here To Eternity and The Pistol, and they will be on exhibit at the next meeting of the James Jones Literary Society in Springfield on November 4 of this year. I hope you can attend.

Professor Hendrick's comments are as follows:

Pvt. James Jones, then a member of the air corps, transferred to the 27th Infantry Regiment at Schofield Barracks in September of 1940. Jones, not yet 19 years old, was already an aspiring novelist, and he was later to have a clear recollection of life in F Company in Quad D, of the lives of officers and enlisted men, and of the landscape around Schofield. In From Here to Eternity he made this peacetime army uniquely his own.

When Jones was finishing Eternity in 1949 he wrote a chapter about the events of December 7, 1941, at Pearl Harbor, with emphasis on the strafing of Schofield Barracks that day. He wrote his editor about the chapter.

And I quote:

Here is the piece de resistance, the tour de force, the final accolade and calumnity, the climax, peak, and focus.

Here, in a word, is Pearl Harbor . . . I personally believe it will stack up with Stendhal's Waterloo or Tolstoy's Austerlitz. That is what I was aiming at, and wanted it to do, and I think it does it. I don't think it does, send it back, and I'll rewrite it. Good isn't enough, not for me, any way; good is only middling fair. We must remember people will be reading this book a couple of hundred years after I'm dead . . .

The chapter did not need rewriting. In fact, his intent throughout the novel had been to aim high and capture for all time the complex world of Schofield Barracks as it was in 1940 and 1941.

From Here To Eternity is now a classic American novel, and Schofield Barracks is preserved in it as if in amber.

Norman Mailer, along with William Styron and James Jones, the great trio of writers to come out of World War II said, and I quote:

The only one of my contemporaries who I felt had more talent than myself was James Jones, and he has also been the one writer of my time for whom I felt any love. We saw each other only six or eight times over the years, but it always gave me a boost to know that Jim was in town. He carried his charge with him, he had the talent to turn a night of heavy drinking into a great time. I felt then and can still say now that From Here To Eternity has been the best American novel since of the Second World War, and if it is ridden with faults, and ignorances, and a smudge of the sentimental, it has the force that few novels one could name. What was unique about Jones was that he had come out of nowhere, self-taught, a clunk in his lacks, but the only one of us who had the guts of a broken-glass brawl.

William Styron faxed to me his introduction to the volume of Jim Jones's letters. He asked that certain passages, those which he thought were most effective for illuminating James Jones, be read at the ceremony. He invited me to feel free to use any part of the essay, not just the circled passages, and I think that I have the essence of it here from William Styron:

From Here To Eternity was published at a time when I was in the process of completing my own first novel. I remember reading Eternity when I was living and writing in a country house in Rockland County, not far from New York City, and as has so often been the case with books that have made a large impression on me, I can recall the actual reading, the mood, the excitement, the surroundings. I remember the couch I lay on while reading, the room, the wallpaper, white curtains stirring and flowing in an indolent breeze, and cars that passed on the

road outside. I think that perhaps I read portions of the book in other parts of the house, but it is that couch what I chiefly recollect, and myself sprawled on it, holding the hefty volume aloft in front of my eyes as I remained more or less transfixed through most of the waking hours of several days enthralled, to the story's power, its immediate narrative authority, its vigorously peopled barracks and barrooms its gutsy humor and its immense harrowing sadness.

The book was about the unknown world of the peace time army. Even if I had not suffered some of the outrages of military life, I am sure I would have recognized the book's stunning authenticity, its burly artistry, its sheer richness as life. A sense of permanence attached itself to the pages. This remarkable quality did not arise from Jones's language, for it was quickly apparent that the author was not a stylist, certainly not the stylist of refinement and nuance that former students of creative writing classes had been led to emulate.

The genial rhythms and carefully wrought sentences that English majors had been encouraged to admire were not on display in Eternity, nor was the writing even vaguely experimental; it was so conventional as to be premodern. This was doubtless a blessing, for here was a writer whose urgent, blunt language with its off-key tonalities and hulking emphasis on adverbs wholly matched his subject matter. Jones's wretched outcasts and the narrative voice he had summoned to tell their tale had achieved a near-perfect synthesis. What also made the book a triumph were the characters Jones had fashioned—Prewitt, Warden, Maggio, the officers and their wives, the Honolulu whores, the brig rats, and all the rest. There were none of the wan, tentative effigies that had begun to populate the pages of postwar fiction during its brief span, but human beings of real size and arresting presence, believable and hard to forget. The language may have been coarse-grained but it had Dreiserian force, and the people were as alive as those of Dostoevski.

It has been said that writers are fiercely jealous of one another. Kurt Vonnegut has observed that most writers display towards one another the edgy mistrust of bears. This may be true, but I do recall that in those years directly following World War II, there seemed to be a moratorium on envy, and most of the young writers who were heirs to the Lost Generation developed, for a time at least, a camaraderie, or a reasonable compatibility, as if there were glory enough to go all around for all the novelists about to try to fit themselves into the niches alongside those of the earlier masters.

When I finished reading From Here to Eternity, I felt no jealousy at all, only a desire to meet this man just four years older than myself, who had inflicted on me such emotional turmoil in the act of telling me authentic truths about an underside of American life I barely knew existed. I wanted to talk to the writer who had dealt so eloquently with those lumpen warriors and who had created scenes that tore at the guts. Jim was serious about fiction in a way that now seems a little old-fashioned and ingenuous, with the novel for him in magisterial reign. He saw it as sacred mission, as icon, as Grail. Like so many American writers of distinction, Jim had not been granted the benison of a formal education, but like these dropouts he had done a vast amount of impassioned and eclectic reading; thus while there were gaps in his literary background that college boys like me had filled, he had absorbed an impressive amount of writing for a man whose schoolhouse had been at home or in a barracks. He had been, and still was, a hungry reader, and it was fascinating in those dawn sessions with him to hear this fellow built like a welterweight boxer, speak in his gravelly drill sergeant's voice about a few of his more recherche loves. Virginia Woolf was one, I recall; Edith Wharton another. I did not agree with Jim much of the time, but I usually found that his tastes and judgments were, on their own terms, gracefully discriminating and astute.

Basically it had to do with men at war, for Jim had been to war, he had been wounded on Guadalcanal, had seen men die, had been sickened and traumatized by the experience. Hemmingway had been to war too, and had been wounded, but despite the gloss of misery and disenchantment that overlaid his work, Jim maintained he was at heart a war lover, a macho contriver of romantic effects, and to all but the gullible and wishful, the lie showed glaringly through the fabric of his books and in his life.

□ 1930

He therefore had committed the artist's chief sin by betraying the truth. Jim's opinions of Hemingway, justifiable in its harshness or not, was less significant than what it revealed about his own view of existence, which at its most penetrating, as in From Here to Eternity and later in The Pistol and The Thin Red Line, was always seen through the soldier's eye, in a hallucination where the circumstances of military life cause men to behave mostly like beasts and where human dignity, while welcome and often redemptive, is not the general rule.

Jones was among the best anatomists of warfare in our time, and in his bleak, extremely professional vision he continued to insist that war was a congenital and chronic illness from which we would never be fully delivered. War rarely ennobled men and usually degraded them. Cowardice and heroism were both celluloid figments, generally interchangeable, and such grandeur as could be salvaged from the mess lay at best in pathos, in the haplessness of men's mental and physical suffering.

Living or dying in war had nothing to do with valor, it had to do with luck. Jim had endured very nearly the worst. He had seen death face to face. At least partially as a result of this, he was quite secure in his masculinity and better able than anyone else I have known to detect muscle-bound pretense and empty bravado. It is fortunate that he did not live to witness Rambo or our high-level infatuation with military violence. It would have brought out the assassin in him.

The next major work of war was The Thin Red Line, a novel of major dimensions whose rigorous integrity and disciplined art allowed Jim once again to exploit the military world he knew so well. Telling the story of GIs in combat in the Pacific, it is squarely in the gritty, no-holds-barred tradition of American realism, a genre that even in 1962, when the book was published, would have seemed oafishly out of date had it not been for Jim's mastery of the narrative and his grasp of sun-baked milieu of bloody island warfare, which exerted such a compelling hold on the reader that he seemed to breathe new life into the form.

Romain Gary had commented about the book: "It is essentially a love poem about the human predicament and like all great books it leaves one with a feeling of wonder and hope." The rhapsodic note is really not all that overblown.

Upon rereading, The Thin Red Line stands up remarkably well, one of the best novels written about American fighting men in combat. The Thin Red Line is a brilliant example of what happens when a novelist summons strength from the deepest wellsprings of his inspiration. In this book, along with From Here to Eternity and Whistle, a work of many powerful scenes that suffered from the fact that he was dying as he tried unsuccessfully to finish it, Jim obeyed his better instincts by attending to that forlorn figure whom in all the world he had cared for most and understood better than any other writer alive, the common foot soldier, the grungy enlisted man.

His friend at the end, Willie Morris, wrote these words:

Dear Congressman ABERCROMBIE, I hope this is what you had in mind. My friend Jim Jones was sent to Schofield Barracks at the age of 18 in 1939 as a private in the old Hawaii Division, which later became the 25th Tropical Lightning Infantry Division. He was a member of Company F. It would be the division of the memorable characters in Jones's classic novel From Here to Eternity: Prewitt and Maggio and Warden and Chief Choate and Stark and Captain Dynamite Holmes and the others, and it would go through Guadalcanal and New Georgia and the liberation of the Philippines all the way to the occupation of mainland Japan, although Jim's own fighting days would end when he was wounded at Guadalcanal.

Schofield Barracks resonates with the memory of James Jones and the imperishable characters and events he placed here in his fiction, the sounds of the drills, the echoes of Private Robert E. Lee Prewitt's Taps across the quadrangle, the Japanese planes swooping over the barracks of the fateful morning of December 7, 1941.

On the morning of December 7, after the attack started, Jim went to the guard orderly desk outside the colonel's office of the old 27th Regiment quadrangle to carry messages for distraught officers, wearing an issue pistol he was later able to make off with as his fictional Private Mast did in The Pistol.

In mid-afternoon of that day his company, along with hundreds of others, pulled out of Schofield for their defensive beach positions. As they passed Pearl Harbor, they could see the rising columns of smoke for miles around. Jones wrote:

"I shall never forget the sight as we passed over the lip of the central plateau and began the long drop down to Pearl City. Down toward the towering smoke columns as far as the eye could see, the long line of Army trucks would serpentine up and down the draws of red dirt through the green of cane and pineapple. Machine guns were mounted on the cab roofs of every truck possible. I remember thinking with the sense of the profoundest awe that none of our lives would ever be the same, that a social, even a cultural watershed had been crossed which we could never go back over, and I wondered how many of us would survive to see the end results. I wondered if I would. I had just turned 20 the month before."

It is fitting that Eternity Hall be dedicated to James Jones. He was one of the greatest writers of World War II. Many consider him the foremost one. His spirits will dwell forever on these grounds.

On my last night in Paris heading for Africa and beyond, I left Jim and Gloria vowing someday somehow would I see From Here to Eternity and Jim honored at Schofield Barracks.

James Jones had said to his brother in 1942,

I would like to leave books behind me to let people know what I have lived. I'd like to think that people would read them avidly, as I have read so many, and would feel the sadness and frustration and joy and love I tried to put in them, that people would think about that guy James Jones and wish they had known the guy that could write like that.

They know you at Schofield Barracks, Jim, today, in Eternity Hall. The ghosts of all those who came before to this quadrangle and the shades of all those who will come, know you and they know you love them.

As he neared death, he struggled to finish Whistle, to complete what he had begun with Eternity. The final scene of the novel became the ultimate expression of his passion. Facing the end, he wrote of "taking into himself all the pain and anguish and sorrow and misery that is the lot of all soldiers, taking it into himself and into the universe as well."

The universe for James Jones in From Here to Eternity began and ended at Schofield Barracks. The measure of this universe and the final judgment of and about James Jones is to be found in the simple declaration of his dedication:

To the United States Army. I have eaten your bread and salt. I have drunk your water and wine. The deaths ye died I have watched beside, and the lives ye led were mine. From Rudyard Kipling.

"I write," Jim said, "to reach eternity." You made it, Jim. Today in Eternity Hall, in Quadrangle D, in Schofield Barracks, you made it. Welcome home, Jim.

THE BUDGET

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

Mr. OWENS. Mr. Speaker, the session has now truly begun. We are now contemplating the parameters of the budget. There has been a budget agreement reached between the President and the Members of the House and the Senate, and now we can go forward in a session that has sort of been marking time up to now.

Nothing is more important than the discussion of the budget. Our Nation's values are all locked up into the way it proceeds with its budget. What we really care about we can discover by watching the figures in the budget and understanding that what is really important to this Nation will be reflected in how we score our budget.

The parameters are there. Discussion will go forward. Maybe we will restore the Democratic deliberation process back to the Congress. We were beginning to lose it because discussions were taking place out of sight, off center. Most of the Members were being excluded. There is a budget committee, which we assume would be the primary focus of deliberations on the budget, but that did not happen.

I am told by my colleagues that serve on the Budget Committee that very little discussion has taken place on the Budget Committee about the budget. It was off limits for most of the Members. We have experienced a lot of that this year. It seems that after 1994 and the 104th Congress, when we had the Contract with America, everything was laid out as to where the majority Republicans wanted to take us.

It was refreshing to see clearly what the goals and objectives were. The American people behaved accordingly. Knowing fully well what the party and power wanted to do, they reacted, they responded. There had to be a lot of adjustments and corrections before the election, and things proceeded as they proceeded.

But at least there was a dynamic interaction, a public discussion. We knew that there was a proposal to eradicate the Department of Education, and the republic reacted to that. We knew that there was a proposal to cut Head Start drastically, to cut title 1 programs. We knew those things. The reactions of the public helped to guide what was happening, including guiding the party and powers, to the point where they reversed themselves and changed their minds on some of those critical areas.

This time it is a stealth process, it is a stealth operation, it is an underground operation, it is a guerilla operation. Very little is discussed and laid on the table. We find out about it later. Not only in the discussions of the budget do you have a situation where you have a closed circle, a commanding control group somewhere, at the White House probably most of the time, deciding what the parameters of the budget would be, but the whole process is repeated throughout the entire Congress.

In both parties it seems that there is a great love affair with oligarchists and kleptocracists, whatever you want to call them, small groups that have the power to make decisions. They think they have the power to make the decisions, they make the decisions and then they hand them down to the body, both Republicans and Democrats.

I understand there is more and more of that happening at the committee level, instead of the whole committee operating the way it did previously at the level of the subcommittee. A subcommittee is a small working group. We have committees, and then the committees are broken down into subcommittees. The whole idea is that you need to get down to a level where it is reasonable for people who are here for the process of deliberation to conduct themselves in a process of Democratic deliberation and come out of it with practical results.

But this year you have subcommittees being upstaged by working groups, small groups selected by somebody, oligarchists and kleptocracists at the lowest level, and then they come back and announce to everybody else that we have made this decision, take it or leave it. We do not want it disturbed. Here is the manna from heaven; eat.

It runs contrary to the democratic process. I hope that now we have had enough of that in the budget discussions and that we are now going to have a chance really to talk about what it is that the White House has agreed with the Congress to do and how can we really discard some of it and adopt some of it, expand on some of it and go forward to do the business that we were elected to do. We are all Members of Congress. We all come from a district about the same size. We are all elected and we are all basically equal. We ought to have the right, we ought to have the opportunity to at least deliberate.

The majority party has the votes and eventually they will decide what happens. But let us have the dialogue. Let

us have the chance to have the discussion. Let us have the American people hear the discussion. Your common sense out there is probably far more valuable than anything that can be done or said in these closed circles.

The average American is superior to the oligarchy that people seem to set up. We always criticize these command and control processes. The Soviet Union collapsed because it had a command and control secret, closed-circle operation. So good sense, common sense could never get into that circle. They kept doing things and making decisions that were out of touch with reality. The reality of the economy, the reality of the Soviet people where they were, all of that was lost because the oligarchy, the kleptocracy, the closed central committee circle made the decisions and everybody else was shut out.

So let us go forward in the budget making process and let everybody have an opportunity to see how the process goes and where we are in this Nation. The President has said that we are the indispensable nation. I really agree.

In this critical 1997, just a few years away from the year 2000, the next century, I think we are the indispensable nation. I really think we ought to think about that responsibility of being the indispensable nation as we shape a budget for this year and for the next year. We are the indispensable nation.

The whole world does not depend on us, but we have a pivotal role. Some things will never happen for the good of the world unless we make them happen. Some things will never happen for the good of our own Nation unless we make them happen, this pivotal generation we are in. Some things will not happen for our own constituency that ought to happen that are positive unless we make them happen.

We have a burden on us and we have an opportunity that we never have had before. We do not have the burden of the cold war on our backs anymore. We do not have to carry the burden of an arms race to the extent we had to carry it before. We do not have to carry the burden of secrecy and suspicion among the largest nations of the world. Most of the industrialized nations of the world are not at war, cold war, hot war with each other. So we can jettison that and go forward.

□ 1945

We ought to realize that probably few Congresses in the history of the United States have had such an abundance of resources and an atmosphere in which to utilize those resources which might do so much for the world and maybe for the universe. We are every day discovering more and more about the universe, and maybe life is out there and maybe we are going to be colonizing moons and planets, and so forth. But here is an opportunity, a golden opportunity.

I had a delegation of the women's group that wanted to get more resources to fight breast cancer. Breast cancer, they say, is escalating, that there is a great increase, geometrical increase in the number of cases of breast cancer. Breast cancer not only is increasing in America and in the developed nations, which always thought that they had the highest incidence, but now they see an increase in breast cancer in places that did not have so much breast cancer before; and other kinds of cancer of course also seem to be on the rise.

I do not see why the meager resources that are available for this kind of research, research of other presently incurable diseases, or diseases with a high rate of fatalities, I do not see why we should hesitate, I do not see why we do not have crash programs, I do not see why we do not dedicate ourselves to the proposition that everything that can be done to eliminate, eradicate, or reduce the damage done by these diseases can be done.

Mr. Speaker, we are the indispensable Nation, we are the pivotal generation within an indispensable nation with the resources available. There has never been a nation as rich as the United States of America, never the kind of resources available. I do not see why we cannot look at the President's education proposals and say that those are part of our responsibility as an indispensable nation. Let us look at the fact that we are in a position to educate more people than any other nation in the world, educate people in the sciences that relate to health care, that relate to finding cures for diseases like breast cancer or diseases like AIDS, et cetera.

We do not have to carry the burden on our backs totally for the whole world. We should not be so arrogant as to believe we do, but we are pivotal. We can do more than anybody else, and to do less is to fail the world at a point in history where it needs us very badly.

If we had an education agenda which said we are going to go forward and educate as many young people as possible, give them everything that they need in order to fully realize their capabilities and their abilities all the way, so that they can become the scientists, the technicians, the writers, whatever we need in order to help guide the world, they can become that.

In the area of science, in the area of biology, in the area of medicine, we know that if we have more people working, looking for the solution, working toward a solution, looking for a solution, if we have more people doing research, if we have all of the combinations and permutations being examined and reviewed, tested, then we are more likely to get a cure, we are more likely to get close to the kind of protocols which reduce the damage, et cetera. We know that there is a cause and effect, not a cause and effect, but if we take certain steps with respect to putting researchers out there with the proper equipment, with the proper guidance, we get a result. So we should have no less than we can.

Our schools and our universities should be turning out more students at every level, and when we get to the university level and the graduate level and the level where people do research, we should not have pools of people who are scarce, but the maximum number should be involved. That is what the Nation should dedicate itself toward.

Mr. Speaker, we should have a budget which is not apologizing for the amount of money in it for education. True, we do not know always the best ways to spend money, but I think there is a clear need in certain areas that we ought to address. We ought to address the areas that are obvious first, and we ought to address the areas that are experimental, the areas that have to be tested, and address those with greater gusto. I mean we ought to have more experiments, not less. We ought to have more attempts to examine what does work and to take what works and expand it, to examine the things that are basic to any workability of an education process and expand those.

Mr. Speaker, I want to talk maybe about education and some new developments in education that we ought to be very happy about. I want to talk about the education budget and some disappointments in the budget agreement related to education, but I think we need to see it in the context of the bigger budget. The bigger budget is that this great rich Nation of ours is going to be spending billions of dollars, and is it moving to focus the expenditure of those dollars in the wisest direction. How much discussion is there, there is almost none, by the way, of the defense budget and the waste in that budget. How long are we going to continue to waste billions of dollars on defense while we force other programs into a discussion of scarcity? We make it appear that there is an environment of scarcity, of poverty for domestic programs, for programs that really are designed to help people. At the same time, we are flagrant in our waste. Nobody wants to even challenge the obvious waste that takes place in the defense budget. The CIA budget, we are wasting billions of dollars, and in this discussion we are not even talking about it, we are talking about wasting Medicaid or wasting Medicare, and there is always some waste in any program where human beings are involved.

I will not stand here and say that there is no waste. The problem is, the greatest waste is where the greatest amount of money is, and that is in the defense budget. And yet, there is no discussion of why we are going to continue to waste money on defense.

We could get the money we need for breast cancer research. We could get the money we need for HIV research; there are a lot of different causes which are human causes, causes which uplift humanity and will carry us to a new dimension as we go into the 21st century, and they are going to bleed. They are going to compete with each other while we continue to waste money on the expenditure of aircraft that we do not really need, on the expenditure of forces that we do not need overseas, or if we need them overseas, then certainly the countries where they are stationed are the ones who benefit most by their presence, the countries that ought to be the ones who pay for the overseas bases.

We have said this many times, of course, on this floor, but I am going to continue to say it because I think it will get through to the common sense of the American people. There is something that takes place in the atmosphere of Washington that makes people timid about expressing the obvious truth. We do not have a command and control situation here. It is not as tight as the Soviet Union, but I can understand how the go-along-to-get-along theory that Sam Rayburn or some of the other Speakers have counseled young people who come in here, get along to go along or go along to get along theories infect people who come into this body. And there are certain things that become off limits, certain things that they will not challenge.

The young child who saw the emperor was really naked is a good example for us to always keep in mind. Hans Christian Andersen's story of the Emperor's New Clothes, somebody told the emperor he had the best clothes possible and he was finely dressed and they had a cloth that was invisible. And the emperor fell for it, he walked out naked, and everybody was afraid to say what was obvious; everybody was afraid of the emperor, they were afraid of his guards, they were afraid of the whole system, they did not want to be ostracized, they did not want to be called troublemakers. And of course it took a little kid to point, with obvious amazement, that the emperor is naked, the emperor has no clothes on.

The tax structure of the United States is an abominable structure. I have said it many times here and I must repeat it. It is not under discussion. Corporate welfare is rampant as it was before and it still is now. After years of discussion, nobody has the guts to stand up to corporate welfare.

We heard from the chairman of the Committee on the Budget, the majority party's chairman, make some very bold and brave statements months ago about cutting corporate welfare. Well, where are the proposed cuts to corporate welfare in the proposed budget agreement? We do not see any cuts to corporate welfare. Where are the cuts? Where is the attempt to begin to equalize the tax burden between corporations and individuals? Corporations now pay a little more than 11 percent of the income tax burden where individuals are paying 44 percent, individuals and families, and we have talked about this many times before. It was not always that way. They once had a situation where corporations were paying more, and then there was a tremendous shift under Ronald Reagan where corporations went down as low as 6 percent of the overall tax burden and individuals shot up to 48 percent. They made an adjustment, and now it is individuals and families are paying a little more than 44 percent and corporations are paying between 11 and 12 percent.

That discussion is not allowed, it is off limits. We cannot obviously pursue that at all, and there is no discussion whatsoever of doing something about the tax burden, adjusting it, in this budget.

There are some additional goodies for the people who benefit most from corporate wealth. The gap in income is continuing to grow, and whereas we were once a nation that had one of the smallest gaps between the richest people and the poorest people, we now have the largest gap between the rich and the poor. And the gap is growing all the time, but yet we have focused on capital gains tax cuts in this budget agreement. Capital gains tax cut cost us $112.4 billion over a 10-year period, according to some calculations that have been done by some Democratic colleagues of mine; $112.4 billion over a 10-year period will go to the people who are already the richest people in America. Why are we preoccupied with those people, while at the same time we are cutting the budget for Medicare and Medicaid, while at the same time we say we cannot increase the budget for research on incurable diseases.

□ 2000

In the case of the National Institutes of Health, those kind of constructive budgets for life, we cannot increase them but we can decrease the revenue in order to give a tax cut and more money to the richest people.

The estate and gift tax credit will cost us about $40 billion over a 10-year period. The people who will benefit by this particular new provision in the code, the Tax Code, if it is passed, are people who already are the richest people in America. About 3 percent of the people in America would benefit from this gift of $40 billion over a 10-year period.

Why are we doing this in this indispensable nation? Why is the pivotal generation, the people who have a chance to do so much for the world, piling dollars on top of dollars for people who already leave the most dollars? The common sense of the American voters is the only salvation we have, possible salvation. Now is the time for the common sense of the American voters to come to our aid; look at the budget very closely, follow these discussions very closely.

It is confusing, I know, because we have not really made any decisions yet. The budget is behind schedule, and we do not even have an alternative proposed by the majority party.

The President produced a budget in February. The alternative budget or the budget to counter that budget that the majority party usually produces was not produced this time. They decided not to have a budget. It is part of the stealth policy.

Speaker GINGRICH says politics is war without blood. In the theater of war, they decided to try a new tactic, the stealth policy. The gorilla warfare is not to put your cards on the table, so we did not have the majority Republicans producing a budget. They went to the White House instead and said, we will negotiate something and come out with an agreement first.

That has kept it out of sight, off center stage, and now we have an agreement which a lot of people in America think is finalized. It is not. The agreement is not final. There are some things that this oligarchy of negotiators have decided which will not hold, necessarily. The Members of Congress certainly are not puppets. Members of Congress are certainly not paralyzed. It is possible to make this oligarchy back down, and to have some things done with this budget which have not been done. Nothing is impossible, and certainly a lot of things are possible.

There are going to be a lot of changes. We would like to have those changes be made in favor of the people who have the greatest needs. We do not need anymore tax cuts for the richest people in America. We do need to address Medicare and Medicaid in a new way, and stop the assumption that that is the place where most of the money is, and therefore we can keep cutting Medicare and Medicaid.

Members might have heard and read in the newspapers that this budget is good because it restored disability benefits to legal immigrants. Let us applaud that. Let us celebrate that. Members might have heard that Medicare recipients will pay a higher premium, also, $4 more each month; it does not sound like much, does it; or $4.50 per month. It does not sound like much, but why, in the richest Nation in the world, the richest Nation that ever existed, why are we cutting money on the one hand, cutting taxes for the richest people, and on the other hand, we are going to make Medicare recipients pay $4.50 more per month?

The savings that Medicare will yield will come from cutting payments to providers, mainly hospitals and health

care plans, as well as the savings that will be gained by the increase in monthly premiums. Why? Why are we being forced to move in a way which will penalize the elderly and the poorest people?

Members might have read also that budget negotiators have agreed to expand health care for about 5 million poor children. That is, again, good news. But there are people who do not agree with that. That is what the negotiators have agreed to do, and it is still in jeopardy because there is a great deal of disagreement about how that should be done.

Five million poor children is one-half the estimated number of children who need coverage. They say there are about 10 million children who need coverage. We think the estimate is much higher, but let us be grateful for a small step forward. Half of the children, 5 million of the 10 million who need coverage, half will be covered with this $17 billion over 5 years.

Will it be coverage by Medicaid, or will they give the money to the States, which is always a very dangerous proposition, and let the States decide? Because States are notorious for ignoring the people with the least amount of power in their States, within their borders. They are notorious for ignoring the poor, and the New Deal and all the programs that were generated by Franklin Delano Roosevelt in the 1930's were designed to make up for what the States had refused to do to compensate.

So when you are giving money to the States, always be aware of the fact that they are part of the problem, not part of the solution. If the money to cover children is handed to them totally, without any oversight, which is quite strict, I fear many children who need the coverage will not get coverage.

Administration officials said this budget deal also will cover disabled legal immigrants who were in the country on August 22, when the bill was passed. That is another bright spot. We have proposals to deal with a problem that has overwhelmed some of the congressional offices. I have more people seeking help with immigration problems and problems relating to the immigration reform than any other problem in my office. There are just hundreds of people who fear that they are in dire straits, and are. The threat to their well-being is tremendous.

There are nursing homes that will not admit elderly people who are not citizens, even before the September cutoff point goes into effect. They do not want to have people in the nursing home who are not eligible for Medicaid and then they have to kick them out, so they are just preempting the situation by refusing to admit them. Anybody who is a legal immigrant who needs nursing home care cannot get it, because of the fear that they will not be able to get reimbursed for their services, and already they have begun the tragic course of triage; throwing the elderly overboard.

I just want to break in with a note of optimism, some good news. In the budget the agreement still calls for an increase in the funds for telecommunications and for revamping our schools, so the schools can make full use of the new educational technology efforts. Technology literacy will be promoted as never before, and schools will be all wired early in the next century. All that is very optimistic language, and I prefer to believe we can make that happen.

In connection with that, there was a development which should help schools and students all over the country that took place yesterday. I want to pause from my review of some of the negative elements of this budget agreement to point out the fact that something amazing happened yesterday, and we should all take note of it. It helped the children in Brooklyn in the 11th Congressional District and everywhere else across America. That was an agreement reached by the FCC.

The FCC voted to implement a mandate of Congress. When Congress passed the 1996 Telecommunications Act they mandated that the FCC should make provisions for the provision of discounted or free services to libraries and schools. The FCC acted on a subcommittee recommendation yesterday, and we are off and moving. It is a historic occasion.

The Federal Communications Commission has adopted the joint board's recommendations for providing eligible schools and libraries discounts on the purchase of all commercially available telecommunications services, Internet access, and internal connections. Eligible schools and libraries will enjoy discount rates ranging from 20 to 90 percent, with the higher discounts being provided to the most disadvantaged schools and libraries and those in high-cost areas.

Total expenditures for universal service support for schools and libraries is capped at $2.25 billion per year, with a rollover into the following years of funding authority, if necessary, for funds not dispersed in any one year. That means that $2.25 billion is available for schools and libraries, and those that are in the richest neighborhoods or the more affluent neighborhoods can get a discount of at least 20 percent off the telecommunications service. That includes telephone, by the way.

Most schools in my district have only a few telephones, because telephones at present charge the business rate to schools. They cannot afford to have even enough telephones. There is already technology related to telephones which will allow a school to program their phones so every child who is absent and does not show up, the home of that child can be called off the program that is set up over the phone. But we do not have, in many cases, the adequate phones to do that. We do not have phones adequate enough for the teacher to make the trip to the phone and make the call, because there are not enough available. The teacher would have to stand in line, they would have to go downstairs, in many cases, and deal with lining up at the office, et cetera. Just more telephones would greatly improve the ability of our schools to function.

But more than telephones are involved here. The internal connections, wiring of the schools inside, that can be part of the discounted cost. You can engage a contractor and the contractor can get paid from the funds from the telecommunications industry. In a poor school in an inner city the community, the neighborhood of Brownsville, parts of East Flatbush and parts of Bedford-Stuyvesant, they would be paying only 10 cents for every dollar's worth of services. A 90-percent discount would mean, and I hope I am not oversimplifying it, on your phone bill related to this process you would be paying only 10 cents for every dollar's worth of service. That is a great step forward.

The high cost of wiring internally, the high cost of hooking up to the Internet and maintaining on-line services, all that will be discounted for the poorest schools down to the level of a 90-percent discount. This is not just for this year or next year, it is for eternity. Theoretically it goes on forever.

That is a revolution. That is a monumental achievement, to have that kind of opportunity provided for the schools of America, and the libraries. Schools and libraries are all eligible; not just public school, private schools. Everything that falls in the category of providing an education to elementary and secondary education students is eligible.

This is a great revolution. It is a revolutionary action, in my opinion. We did not hear any fireworks yesterday, there was no great celebration, only a few people announced it on the television news. McNeil/Lehrer did have a special discussion of it. But it is revolutionary.

It is like the Morrill Act which established the land grant colleges in every State. The Morrill Act is unknown to most Americans. The Morrill Act is unknown. Morrill himself was a congressman who was unknown, but the Morrill Act established land grant colleges in every State in the United States. Every State has a land grant college now, and some of the great universities of America are those land grant colleges. It had an explosion of higher education over a short period of time, relatively.

Morrill proposed it during the Civil War, when America was at its lowest

ebb in terms of its attention being focused on education. It was proposed during the Civil War, and later on enacted after the Civil War and fully given appropriations, and it took off.

Practical education was the emphasis. They copied the model of Thomas Jefferson at the University of Virginia, where practical education was the emphasis. Agricultural and mechanical colleges they were called at first, but they understood that they had to teach literature, English, et cetera.

So everything the higher education institutions were responsible for, the land grant colleges became responsible for them, too. They just had an emphasis which was different. They emphasized practical education. The great experiments in agriculture that we have had in this country which put our agricultural industry way ahead of all other economies with respect to the ability to grow food and produce food at a cheaper cost resulted as a result of the Morrill Act.

The Morrill Act created the colleges which set up the experimental stations. They created the colleges which established the county agents who went out to the farmers and got the farmers to make use of the theoretical knowledge that the universities had produced, a great revolution that most of us do not know about, but it was a government action. It was a government action with ramifications and results that continue to flow to the benefit of the American people.

What was done yesterday by the FCC in my opinion will have the same kind of impact and effect. There was another government action when they decided the transcontinental railroad. Most people do not know, it was not private industry that built the railroads across America.

Private industry has always run the railroads and private industry has always been up front, but the government made the contracts and the government offered the prizes to those companies that could build the railroads and link the east coast with the west coast.

□ 2015

They came through mountains and swamps, and they did all kinds of things, but they were paid by the Congress. And Congress had a bonus. If you were going through difficult territory, mountainous terrain, Congress gave more money to the companies than they gave to those who were going across the plains.

The great transcontinental railroad was a government project, and it unified the country in a way which, if we had not had the transcontinental railroad, the country would never have been unified. It made America America, from the Atlantic to the Pacific.

That was a government action. The Morrill Act, the transcontinental railroad and then the GI bill following World War 2.

The GI bill was another one of those governmental actions with revolutionary implications and impact on the American economy in terms of large numbers of men returning to the peacetime economy who got a chance to get an education and who boosted America's industrial might, technological know-how, carried us forward in ways that we never would have gone forward if those men had not had the opportunity to be educated in all walks of life.

I meet lots of millionaires who got their start with the GI Bill of Rights. So governmental action.

Yesterday the FCC took another governmental action which really has to be carried out mostly by private enterprise, but it started with the Congress. It was the Congress that mandated that you have to do this. The mandate to the FCC came from the Telecommunications Act of 1996, and the FCC has followed through on that.

I am very optimistic about the impact of that, because the President of the United States knows the value of telecommunications on education. They have taken steps already. We have funds flowing already to the State education departments and down to the local education agencies to get ready for this technological revolution and take advantage of it.

Any teacher will tell you that their presentation in the classroom can be greatly enhanced if they can use some of the material that comes via the Internet or if they can use videotape of a key moment or if they can use a CD ROM at a key moment. It can be greatly enhanced.

We talk a lot about doing things in the area of education assistance, which gets down to the classroom. Here is one that really can get down to the classroom.

One of the unfortunate things in New York City is that we did a survey several years ago and found that two-thirds of the teachers of math and science in the junior high schools had never majored in math and science. Things have not gotten any better since then, because New York City has had a great program of encouraging the most experienced teachers to retire. In order to save money, the teachers at the upper end of the pay scale had been encouraged to get out of the system. They have been given buyouts and all kinds of inducements.

We have drained some of our best teachers away in the last 3 or 4 years. So the teaching of math and science certainly has not improved as a result of these buyouts and the people leaving the system.

It is as bad as it was 3 or 4 years ago. One way to compensate for that is to have teachers who are not as experienced in teaching math and science, even some who did not major in math and science, have the benefit of the back up of some of the courses that they can get on the Internet or the courses that they can get via educational television or via videos. There are ways to supplement what happens in the classroom, as we try to get over this period of the scarcity of teachers in the classroom, particularly in inner city communities where there are other hardships and problems. Teachers continue to be in great shortage.

The number of teachers who are substitute teachers in my district is far greater than the number of substitute teachers in most other school districts across the country, because they cannot find the teachers who are really qualified and meet all the requirements and can pass the State tests, et cetera. So what you end up with is people in the classrooms, but they are really not the best quality teachers.

We keep imposing new curriculum requirements on the students. We insist that they must take tests, but we have not solved the problem of getting decent teachers.

Finally the biggest problem we have not solved is the problem of physical space and equipment and supplies. It is the most basic problem. One would think that in the richest Nation that ever existed on the face of the earth every student, every citizen could be guaranteed that you can go to school in a safe environment, free of health hazards. That is a basic. That is a basic that we thought the President would help us with in terms of the construction initiatives, school construction initiative that was in the budget before the negotiators finished.

Somehow mysteriously it got kicked out. The President's education initiatives are 80 percent intact after the budget negotiations. We have a lot of things to be happy and optimistic about, but the school construction initiative probably is the one that would have helped the poorest children in America the most.

School construction initiative would have helped to guarantee that the revolution that took place yesterday, revolutionary decision with respect to telecommunications, becomes a reality in the inner city schools. There are inner city schools, there are schools in my district that will not be able to use the 90 percent discount for telecommunications, because the wiring in the school is such that they cannot be wired for modern telecommunications.

There are some others where they can be wired. However, they have an asbestos problem. If you bore holes, you will find asbestos and the law says that you have to have a certified asbestos removal contractor there. And that is very costly, because we do not have any place in the city to store asbestos. They have to store it in expensive places. It becomes a big problem.

We had NetDay in New York State in September 1996. And in New York City, which is half the population of New York State, very little happened with NetDay. NetDay is a day where you have volunteers come out, and they wire the schools for $500. They get a package which includes all the equipment they need, all the wiring. And they have enough equipment and wiring to wire the library of the school plus five classrooms. So a school is considered wired for NetDay if it wires its library plus five classrooms.

In New York City we could not get even 5 of the 1,000 schools in New York wired in the way in which NetDay really dictates. They claim they wired some schools because they put a special telephone line in. We later found that they were calling that wiring of schools, and it was far removed from the kind of thing that NetDay should produce in terms of the wiring for telecommunications. An enhanced set of telephone lines was not enough. We had far too few schools in a city with 1,000 schools that were wiring for NetDay.

As a result of being disappointed with the results of NetDay, during National Education Funding Day, which was October 23 of last year, the Central Brooklyn Martin Luther King Commission, which is my advisory committee for education, pledged to wire 10 schools in 10 weeks to overcome the problems experienced on NetDay. We picked our 10 schools and said we would wire them in 10 weeks.

We had the assistance of a group called the Hussain Institute of Technology, a volunteer group that has set up a computer practicing center with about 20 computers, free instruction. And they have done wonders with helping people learn how to use computers on the Internet and those people who already knew how to use them have improved their skills so they could get promotions on their jobs and are going to better jobs somewhere else.

The combination of the Hussain Institute of Technology, Martin Luther King Commission seeking to wire 10 schools in 10 weeks has run into all kinds of obstacles, mostly related to asbestos. And we have not wired a single school since October 23. It is now May 8. We have not completed a single school because the wiring cannot go forward until we solve the asbestos problem.

We do not have the money to pay an asbestos contractor to come in. We wrote letters to the board of education, have been on television appealing for help. All kinds of things have happened. All we have gotten is a response from one asbestos contractor who wanted the publicity and said he would provide free service, but when we went to get the free service, he changed his mind.

That kind of cynical playing with children resulted from publicizing our plight. One thousand schools are in New York City and we cannot wire 10. In my district there are 70 schools. Those schools, I only wanted to wire 10, and I cannot get even one wired as of today. We hope we will have a breakthrough soon. The breakthrough will come in the form of giving up on going into the walls, a technique where you wire by stringing the wire outside. It is ugly. It alters the way the building looks. It is another way you communicate to children that your school is not like the others, but it would get the job done.

The proposal is to wire some schools by stringing the wire outside the walls in full view and, of course, the danger is they will be tampering with the wires, but we will go forward and try to get it done. But across the country in all of the inner city communities, you have the same kind of problems: old schools, asbestos problems.

In New York City you have many schools that still have coal burning boilers, boilers that are burning coal. We recently had an announcement by the mayor, this is an election year in New York City, and the mayor, following the precedent set by the White House, is sort of doing what you call the continuing campaign, the continuing campaign as focused on education and schools. Because when the polls were taken, the one area that the mayor of New York City was clearly graded with an F was in the area of education.

The mayor of the city had cut the school budget dramatically by almost a billion and a half dollars. The mayor had waged war on the previous school chancellor. We do not have a superintendent. We are so large we have a chancellor. The previous chancellor had a plan for renovating, building and repairing schools over a 7-year period. He produced a plan that would cost $7 billion, I think. And the mayor literally ran him out of town. He kept after him until finally the previous chancellor resigned, went out of town. Gave up.

The building plan for construction, for renovation, for repairs that the previous superintendent, Mr. Ray Cortines, had prepared, is sitting there on the shelf and still needed because when schools opened last September, September 1996, there were 91,000 children in New York who did not have a place to sit, 91,000 who could not be safely seated.

They say they have solved most of the problems now and when you go to investigate what is happening with the 91,000 that could not be seated, most schools will say, we have taken care of it.

What they have done is they have put children in closets, hallways. They are even a few cases where bathrooms have been converted to classrooms. They say they have solved the problem and school is not overcrowded. But when you go and you ask the question, how many lunch periods do you have, the lunch period is an indicator that it is overcrowded, they cannot feed children within a reasonable period of time. You know they have too many. Some schools, most schools have three lunch periods, three lunch periods. Children start eating at 10:30.

One school I found had five lunch periods. Children started eating lunch at 9:45. They say they are not overcrowded, but if they are forced to start children eating lunch at 9:45 in order to accommodate them, they are overcrowded. We have gotten so used to abominable conditions, conditions which are atrocities against children, until we take them for granted. It is quite all right to feed children lunch at 9:45.

We are moving to try to get some kind of regulation installed or health department edict, something to stop feeding children at 9:45 or even at 10:30. It is bad enough, the period between 11:30 and 1:30, to have children, that is more reasonable, but to go to 9:45 for children who are in junior high school and say you have to eat lunch is child abuse. And it seems to me that something about the physiology of the child is greatly impaired if they are being forced to cram in lunch, and they just had breakfast. But the atrocities are great.

□ 2030

Overcrowding and the lack of attention to facilities, the lack of money for construction over the years. They have been scrimping and refusing to put the money forward for construction. We have had to close down some buildings because they literally were really falling apart.

Recently the mayor launched an offensive to prove that he really cares about schools, although he ran the chancellor out of town. He did not come forward with another plan. He is now saying he has a long-term plan for the renovation and repair of schools.

Looking at an article that appeared in one of my favorite community papers, the Flatbush Courier Life, it has a very lengthy article describing what happened to the schools, what may happen to the schools in Brooklyn as a result of the mayor's election year initiative.

They had $275 million. The mayor's long-term plan opens up with $275 million allocated to schools for the entire city. When we talk to people across the country about New York City schools, they always get bewildered because the figures are so great. We are talking about a thousand schools. We are talking about a million students. We are talking about 60,000 teachers. So I know one can get dizzy, and that $275 million seems like a lot of money to help renovate and repair schools.

Brooklyn received 44 percent of the allocation, according to the Flatbush Courier Life; $121 million, again, looks like big money but it will only pay for 78 projects in 48 schools. Forty-eight elementary, intermediate and high schools in Brooklyn will get some of the money to pay for 78 projects within their schools.

Now, remember, I have 70 elementary, intermediate and high schools in my district. I have 70. The Borough of Brooklyn has 2.5 million people. So we can see we would have many, many more. Only 48 of our schools will be able to get the assistance for 78 projects.

In Brooklyn we still have more than 100 schools that have coal burning boilers. That should be a first priority, because coal burning boilers produce pollutants. We all know about that. We have the highest asthma rate of any large city in the country in New York City, and we wonder why we have a large asthma rate among children if they are sitting in schools which are burning coal.

New York City is broken down into 32 different school districts. There is a chancellor and then 32 superintendents and one of the superintendents, John Comer, community superintendent of District 22, said, "We were delighted to receive the preliminary plan which will only enhance our buildings for the children and professional staff. It was long overdue. Hopefully, we can get money every year to restore the buildings in this great city to what they once were. Money like this hasn't come in a long, long time."

It is just a tiny amount for Brooklyn, $12.1 million. Everyone is singing the praises, but with this piecemeal approach we will fall further and further behind because these are buildings that are 100 years old. In many cases they need new roofs, new boilers, and on and on it goes.

Mitch Wesson, another superintendent for district 21, a school in my Congressional District, "stressed the importance of boiler replacement. He said about a third of the district's schools were still heated by coal." In his part of the district there is a concentration of these coal burning furnaces or boilers. "We are looking forward to having our coal-fired buildings converted," he said. "Obviously, we're pleased the work is being done. Our superintendent and school board pushed the issue. We hope these repairs are accelerated not just for three of our buildings, but for all of our buildings."

Desperately everybody is hanging on to hope that the mayor's small beginning will become a reality. It will not be a reality unless we get some help from the Federal Government. It will not be a reality if the President continues to go along with the negotiation that has been reached.

The school construction initiative is no longer on the table, and we are told it cannot be restored. The Congressional Black Caucus pledged that this will be our No. 1 priority. We will fight to get it back into the budget. The school construction initiative must go forward. And if people in certain parts of the country feel it is not needed, let us have an emergency school construction initiative in the inner city schools where these atrocities against children are being committed.

Phyllis Gonon, superintendent of District 18, District 18 has a large number of schools in my Congressional District, he said "Most of our schools need capital improvements. Most of our schools are falling apart. This building as well." The one she is in. "The roof has leaked for 18 years." I repeat, the roof has leaked for 18 years.

District 18 offices are located in the P.S. 279 Annex building, prospective repairs to which she is referring, that is the building where the roof has been leaking for 18 years. She added, "We haven't been satisfied with the work that has been done on District 18's buildings in the past. Even where they're doing expansions, she continued, at P.S. 233, for instance, which isn't listed, the work has to be done over and over again."

The buildings are so old. It would be better in some cases to tear them down and start all over again because the repairs do not hold.

Eric Ward, community superintendent of District 17, District 17 has about 26,000 students, it is the largest one of the local districts in my Congressional District, it is wholly within my Congressional District, District 17's superintendent says, "We are grateful for any capital improvement that occurs in the District. But for every one that has been approved, I have about five others that need to be done. New York City, Mr. Ward adds, has many historic buildings that are beautiful. The city needs to have in place a system for updating, renovating and repairing them. Until the city devises a systematic plan, they will be behind the eight ball."

Now, Chancellor Cortinez had a systematic plan prepared. Mayor Giuliani has only discovered education is important in this election year. We are going to elect a new mayor in the fall of 1997 and suddenly education is on the agenda of the mayor. But even with city hall making it a priority, the amount of money we can see in comparison with the magnitude of the problem is far too small.

David Gulob, who is a spokesman for the board of education, when he was questioned as to how did they select 48 schools out of a thousand—48 are in Brooklyn, I am sorry, but for the whole city the number will not be more than a 100. A hundred schools in the city at this rate would receive some kind of emergency help.

How did they select them? It appears that there were two pieces to this selection process. Schools that had needs and had submitted those needs were considered because they were on record. And then the board of education sent the list over to city hall and to the city council and they made political decisions about which of the victims would be salvaged first.

We are into a situation where it is so horrendous. The school construction problem, the problem of providing a safe and decent place for children to go to school is such that it has become a political football.

The scarcity of the resources are such that they have to run it past the political process. There is no system where they have an objective list which says that the emergencies are greater here and they have some kind of prioritization of the emergency so that we get the worst situations first. No, it is run by the city council and the mayor, so that political decisions can be made in this great economy of scarcity.

I want to close on a note of optimism. We welcome the revolutionary decision of the FCC to provide telecommunication services to all the schools and libraries in the country at a great discount rate, the discount rate being weighted so that the poorest areas will get the biggest discount. That can do a great deal for the children with the greatest needs.

If they do not have, however, the complementary program of the school construction initiatives proposed by the President, many of the schools who have the greatest needs will not have the buildings in position to take advantage of this great revolutionary achievement of the government and the private sector.

We hope that all Members will hear the common sense of the people out there and understand children need safe places to sit. The school construction initiative of the President must be supported by both parties as we go forward in a bipartisan quest to improve education in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEFNER (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. COSTELLO (at the request of Mr. GEPHARDT), for today, after 12 noon, on account of the death of his mother.

Mr. SKELTON (at the request of Mr. GEPHARDT), for May 13, 14, 15, and 16, on account of a personal family matter.

Ms. MCKINNEY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. PICKERING (at the request of Mr. ARMEY), for today after 12 noon, on account of a previously scheduled constituent meeting.

Mr. DIAZ-BALART (at the request of Mr. ARMEY), for today after 12:15 p.m., on account of official business in the district.

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. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Mr. HOYER, for 5 minutes, today.
Mr. WYNN, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.
Mr. DELAY, for 5 minutes on May 14.
Mr. BUYER, for 5 minutes, today.
Ms. GRANGER, for 5 minutes, today.
Mr. COBLE, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, today.
Mr. GOODLATTE, for 5 minutes, today.
Mr. DEAL of Georgia, for 5 minutes, today.
Mr. PEASE, for 5 minutes, today.
Mr. BRADY, for 5 minutes, today.
Mr. WELDON of Florida, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SANFORD, 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. GOSS) and to include extraneous matter:)

Mr. GOODLING.
Mr. BURR.
Mr. RADANOVICH.
Mr. BURTON of Indiana.
Mr. SESSIONS.
Mr. FORBES.
Mr. MICA.
Mr. OXLEY.
Mr. FOX of Pennsylvania.
Mr. ARCHER.
Mr. COX of California.
Mr. WELLER.
Mr. CRANE.
Mr. COBLE.
Mrs. MORELLA.
Mr. STEARNS.
Mr. QUINN.

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mr. TORRES.
Mr. KUCINICH.
Mr. CONDIT.
Ms. FURSE.
Mrs. MALONEY of New York.
Mr. SAM JOHNSON of Texas.
Ms. CHRISTIAN-GREEN.
Mr. LANTOS.
Mr. TOWNS.
Ms. SANCHEZ.
Mr. BORSKI.
Mr. HOYER.
Mr. BAESLER.
Mr. TRAFICANT.
Mr. MILLER of California.
Mr. FROST.
Mr. CAPPS.
Mrs. MEEK of Florida.
Mr. BERMAN.
Mr. SHERMAN.
Mr. POMEROY.
Mr. MENENDEZ.
Mr. ABERCROMBIE.
Mr. STARK.
Mr. FOGLIETTA.
Mr. MURTHA.
Ms. BROWN of Florida.
Mr. VISCLOSKY.
Mr. BENTSEN.
Mr. ENGEL.
Ms. DEGETTE.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. CUNNINGHAM.
Ms. JACKSON-LEE of Texas.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

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.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until Monday, May 12, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3179. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tobacco Inspection; Grower's Referendum Results [Docket No. TB-97-01] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3180. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's "Major" final rule—Importation of Pork from Sonora, Mexico [APHIS Docket No. 94-106-6] (RIN: 0579-AA71) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3181. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Accredited Veterinarians; Optional Digital Signature [APHIS Docket No. 96-075-2] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3182. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Agency's final rule—Pork and Pork Products from Mexico Transiting the United States [APHIS Docket No. 96-076-2] received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3183. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyfluthrin; Pesticide Tolerance [OPP-300484; FRL-5175-6] (RIN: 2070-AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3184. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Plant Extract Derived From Opuntia Lindheimeri (Prickly Pear Cactus), Quercus falcata (Red Oak), Rhus aromatica (Sumac), and Rhizophoria mangle (Mangrove): Exemption from the Requirement of a Tolerance [OPP-300472; FRL-5600-1] (RIN: 2070-AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3185. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Aminoethoxyvinylglycine; Pesticide Tolerances [OPP-300480; FRL-5713-5] (RIN: 2070-AB78) received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3186. A letter from the Secretary of Agriculture, transmitting the annual report on the Youth Conservation Corps program in the Department for fiscal year 1996, pursuant to 16 U.S.C. 1705; to the Committee on Agriculture.

3187. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case No. 96-08, which totaled $1.3 million, occurred in the fiscal year 1990 Military Construction, Army National Guard appropriation at the Mobile District of the U.S. Army Corps of Engineers in Mobile, AL, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3188. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Navy violation, case No. 94-05, which totaled $7.9 million, occurred in the Phoenix missile program at the Naval Air Systems Command [NAVAIR], pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3189. A letter from the Secretary of Defense, transmitting the Department's annual report to the President and the Congress, April 1997, pursuant to 10 U.S.C. 113; to the Committee on National Security.

3190. A letter from the Under Secretary of Defense, transmitting certification with respect to the Chemical Demilitarization

major defense acquisition program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on National Security.

3191. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration [MARAD] for fiscal year 1996, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

3192. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification that the 1998 Defense Manpower Requirements Report will be submitted by July 1, 1997; to the Committee on National Security.

3193. A letter from the Secretary of Defense, transmitting the Department's report on the state of the Reserves and their ability to meet their missions, pursuant to Public Law 104–201, section 1212 (110 Stat. 2691); to the Committee on National Security.

3194. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Bretton Woods Agreements Act in order to carry out the purposes of the decision of January 27, 1997, of the Executive Board of the International Monetary Fund relating to the new arrangements to borrow, pursuant to 31 U.S.C. 1110; to the Committee on Banking and Financial Services.

3195. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

3196. A letter from the Acting President and Chairman, Export-Import Bank of the United States, transmitting the semiannual report on tied aid credits, pursuant to Public Law 99–472, section 19 (100 Stat. 1207); to the Committee on Banking and Financial Services.

3197. A letter from the Director, Office of Thrift Supervision, transmitting the Office of Thrift Supervision's 1996 annual report to Congress on the preservation of minority savings institutions, pursuant to 12 U.S.C. 1462a(g); to the Committee on Banking and Financial Services.

3198. A letter from the Assistant Secretary, Department of Education, transmitting notice of final funding priorities for fiscal year 1997–98 for a knowledge dissemination and utilization project, research and demonstration projects, and rehabilitation research and training centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3199. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on technology innovation challenge grants, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3200. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on final funding priorities for fiscal years 1997–98 for research and demonstration projects, rehabilitation research and training centers, and a knowledge dissemination and utilization project, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3201. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled the "Adult Basic Education and Literacy for the Twenty-First Century Act"; to the Committee on Education and the Workforce.

3202. A letter from the Secretary of Energy, transmitting the Department's annual report for the Strategic Petroleum Reserve, covering calendar year 1996, pursuant to 42 U.S.C. 6245(a); to the Committee on Commerce.

3203. A letter from the Secretary of Transportation, transmitting the Department's 21st annual report to Congress entitled "Automotive Fuel Economy Program," pursuant to 49 U.S.C. 32916; to the Committee on Commerce.

3204. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report "Uranium Industry Annual 1996," pursuant to section 1015 of the Energy Policy Act of 1992; to the Committee on Commerce.

3205. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Redesignation; Maine; Redesignation of Millinocket to Attainment for Sulfur Dioxide [ME3–1–5258a; A–1–FRL–5815–2] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3206. A letter from the Acting Inspector General, Environmental Protection Agency, transmitting the annual report to Congress summarizing the Office of Inspector General's work in the Environmental Protection Agency's Superfund Program for fiscal 1996, pursuant to Public Law 99–499, section 120(e)(5) (100 Stat. 1669); to the Committee on Commerce.

3207. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees [OPP–30113; FRL–5714–1] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3208. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Allotment of Drinking Water State Revolving Fund Monies; Notice [FRL–5708–2] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3209. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program [Region II Docket No. NJ23–1–164; FRL–5823–9] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3210. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—15 Percent Rate of Progress Plan [DE027–1006; FRL–5823–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3211. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Delaware; Enhanced Motor Vehicle Inspection and Maintenance Program [DE–28–1009; FRL–5823–4] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3212. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and State Operating Permit Programs; State of Missouri [MO 021–1021; FRL–5817–5] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3213. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Delaware—Regulation 24—Control of Volatile Organic Compound Emissions, Section 47—Offset Lithographic Printing [DE026–1005; FRL–5820–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation, Maintenance Plan, and Emissions Inventories for Reading; Ozone Redesignations Policy Change [PA036–4060; FRL–5819–8] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3215. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio Ozone Maintenance Plan [OH104–1a; FRL–5822–5] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3216. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of a Revision to a State Implementation Plan; Oklahoma; Revision to Particulate Matter Regulations [OK–13–1–7080a; FRL–5822–3] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3217. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Missouri [MO 023–1023(a); FRL–5822–9] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3218. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wake Village, Texas) [MM Docket No. 96–236, RM–8907] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3219. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Charlevoix, Michigan) [MM Docket No. 97–42, RM–8988] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3220. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Poplar Bluff, Missouri) [MM Docket No. 97–54, RM–8989] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3221. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section

73.202(b), Table of Allotments, FM Broadcast Stations (Garden City, Missouri) [MM Docket No. 97-53, RM-9003] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3222. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Forest City, Pennsylvania) [MM Docket No. 96-235, RM-8909] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3223. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Clear Lake, South Dakota) [MM Docket No. 96-224, RM-8906] received May 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3224. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's report entitled "Evaluation of the Grant Program for Rural Health Care Transition," report to Congress 1997, pursuant to 42 U.S.C. 1395ww note, to the Committee on Commerce.

3225. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1997, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

3226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Malaysia (Transmittal No. DTC-48-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3227. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Removal of Entry (Office of Foreign Assets Control) [31 CFR Part V] received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3228. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Narcotics Traffickers, and Blocked Vessels: Additional Designations and Supplemental Information (Office of Foreign Assets Control) [31 CFR Part V] received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Visa Fees [Public Notice 253] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3230. A letter from the Director, United States Information Agency, transmitting a copy of the Broadcasting Board of Governors' 1996 annual report, pursuant to 22 U.S.C. 6204; to the Committee on International Relations.

3231. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code, section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

3232. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Travel and Relocation Expenses Cases [48 CFR Part 6104] (RIN: 3090-AG06) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3233. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Transportation Rate Cases [48 CFR Part 6103] (RIN: 3090-AG05) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3234. A letter from the Chairman, Board of Contract Appeals, transmitting the Board's final rule—Rules of Procedure for Decisions Authorized Under 31 U.S.C. 3529 [48 CFR Part 6105] (RIN: 3090-AG29) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3235. A letter from the Chairman, Cost Accounting Standards Board, Office of Federal Procurement Policy, transmitting the seventh annual report of the Cost Accounting Standards Board, pursuant to Public Law 100-679, section 5(a) (102 Stat. 4062); to the Committee on Government Reform and Oversight.

3236. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Employment (General) [5 CFR Part 300] (RIN: 3206cAH71) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3237. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Official Duty Station Determinations for Pay Purposes [5 CFR Parts 530, 531, and 591] (RIN: 3206-AH84) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3238. A letter from the Director, Financial Services, Library of Congress, transmitting activities of the U.S. Capitol Preservation Commission fund for the 6-month period which ended on December 31, 1996, pursuant to Public Law 100-696, section 804 (102 Stat. 4610); to the Committee on House Oversight.

3239. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

3240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Environmental Impact Assessment of Nongovernmental Activities in Antarctica [FRL-5818-81] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3241. A letter from the Acting Chair, National Indian Gaming Commission, transmitting a draft of proposed legislation that would allow the National Indian Gaming Commission [NIGC] to assess fees on tribes for class II and class III, casino, gaming; to the Committee on Resources.

3242. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1995 annual report on the activities and operations of the Department's Public Integrity Section, Criminal Division, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

3243. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco, and Firearms, transmitting the Bureau's final rule—Residency Requirements for Persons Acquiring Firearms [T.D. ATF-389] (RIN: 1512-AB66) received April 22, 1997, pursuant to the Committee on the Judiciary.

3244. A letter from the Assistant Attorney General, Department of Justice, transmitting a report on the availability of bomb making information, the extent to which its dissemination is controlled by Federal law, and the extent to which such dissemination may be subject to regulation consistent with the first amendment to the U.S. Constitution, pursuant to Public Law 104-132, section 709(b) (110 Stat. 1297); to the Committee on the Judiciary.

3245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas [Public Notice 2538] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3246. A letter from the Chairman, Federal Election Commission, transmitting the text of final regulations adopted by the Commission, pursuant to 2 U.S.C. 438(d); to the Committee on the Judiciary.

3247. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the post authorization change report on the San Luis Rey River, CA, local flood protection project, pursuant to Public Law 104-303, section 301(a)(3) (110 Stat. 3707); to the Committee on Transportation and Infrastructure.

3248. A letter from the Secretary of Transportation, transmitting the Department's third annual report on the activities of the Department regarding the guarantee of obligations issued to finance the construction, reconstruction, or reconditioning of eligible export vessels; to the Committee on Transportation and Infrastructure.

3249. A letter from the Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Schedule of Fees for Access to NOAA Environmental Data and Information and Products Derived Therefrom [Docket No. 970306046-7046-01] (RIN: 0648-ZA25) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3250. A letter from the Administrator, Small Business Administration, transmitting the annual report on minority small business and capital ownership development for fiscal year 1996, pursuant to Public Law 100-656, section 408 (102 Stat. 3877); to the Committee on Small Business.

3251. A letter from the Secretary of Defense, transmitting the Department's report on small business loans for members released from Reserve service during contingency operations, pursuant to Public Law 104-201, Section 1234 (110 Stat. 2697); to the Committee on Veterans' Affairs.

3252. A letter from the Acting Secretary of Labor, transmitting the 12th report on trade and employment effects of the Caribbean Basin Economic Recovery Act, pursuant to 19 U.S.C. 2705; to the Committee on Ways and Means.

3253. A letter from the Secretary of Defense, transmitting the Department's report concerning incentives to employers of members of the Reserve components, pursuant to Public Law 104-201, Section 1232 (110 Stat. 2697); to the Committee on Ways and Means.

3254. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Disposition of Excluded Articles Pursuant to the Anticounterfeiting Consumer Protection Act [T.D. 97-30] (RIN: 1515-AC09) received April 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3255. A letter from the Assistant Secretary for Civil Rights, Office for Civil Rights, transmitting the annual report summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems, pursuant to 20 U.S.C. 3413 (b)(1); jointly, to the Committee on Education and the Workforce and the Judiciary.

3256. A letter from the Acting Administrator, Agency for International Development, transmitting notification of the Agency's continuation of support for the activities of PVO's in Yemen is in the national interest of the United States; jointly, to the Committee on International Relations and Appropriations.

3257. A letter from the Director, Office of Personnel Management, transmitting the Office's report on congressional recommendations on certain personnel decisions in the executive branch; jointly, to the Committees on Government Reform and Oversight and Appropriations.

3258. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification that Brazil has adopted a regulatory program governing the incidental taking of certain sea turtles, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

3259. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's certification to the Congress regarding the incidental capture of sea turtles in commercial shrimping operations, pursuant to Public Law 101-162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

3260. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the act of May 13, 1954, Public Law 358 (33 U.S.C. 981, et seq.), as amended, to improve the operation, maintenance, and safety of the St. Lawrence Seaway, within the territorial limits of the United States, by establishing the Saint Lawrence Seaway Development Corporation as a performance based organization in the Department of Transportation; jointly, to the Committees on Transportation and Infrastructure and Government Reform and Oversight.

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. GOODLING: Committee on Education and the Workforce. H.R. 1385. A bill to consolidate, coordinate, and improve employment, training, literacy, and vocational rehabilitation programs in the United States, and for other purposes; with an amendment (Rept. 105-93). 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. BURTON of Indiana (for himself, Mr. WAXMAN, and Mr. STOKES):

H.R. 1553. A bill to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998; to the Committee on Government Reform and Oversight, 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. HUTCHINSON (for himself, Mr. BLUNT, Mr. SANDLIN, and Mr. EDWARDS):

H.R. 1554. A bill to amend the Internal Revenue Code of 1986 to provide that the commercial activities of an Indian tribal organization shall be subject to the unrelated business income tax; to the Committee on Ways and Means.

By Mr. FATTAH (for himself, Mr. CONYERS, Ms. JACKSON-LEE, Mrs. MEEK of Florida, Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. PAYNE, Mr. FROST, Mr. RUSH, Mr. CLAY, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Mr. FORD, Mr. JEFFERSON, Ms. CARSON, Mr. BLUMENAUER, Mr. GEPHARDT, Mr. CLYBURN, Mr. SHAYS, Mr. HASTINGS of Florida, Ms. DEGETTE, Mr. DELLUMS, Mr. FILNER, Mr. MARTINEZ, Mr. EVANS, Mr. BORSKI, Mr. HILLIARD, Mr. MASCARA, Mr. FALEOMAVAEGA, Mr. WAXMAN, Ms. KILPATRICK, Mr. FOGLIETTA, Mr. COYNE, Mr. BROWN of California, Mr. LEWIS of Georgia, Ms. CHRISTIAN-GREEN, Mr. FLAKE, Ms. KAPTUR, Mr. ALLEN, Mr. TOWNS, Ms. WATERS, Mr. SNYDER, and Mr. RANGEL):

H.R. 1555. A bill to amend the Housing and Community Development Act of 1974 and the Federal Home Loan Bank Act to authorize Federal Home Loan Banks to make guaranteed advances for community development activities to units of general local government and advances of future community development block grant entitlement amounts, and to expand the community participation requirements relating to community development loan guarantees to include participation of major community stakeholders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BOUCHER (for himself and Mr. GILCHREST):

H.R. 1556. A bill to provide for protection of the flag of the United States; to the Committee on the Judiciary.

By Mr. ARCHER:

H.R. 1557. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on the exclusion under section 911 of such Code to reflect inflation since the current limitation was imposed; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. LIVINGSTON, Mr. TAUZIN, Mr. MCCRERY, Mr. COOKSEY, and Mr. JOHN):

H.R. 1558. A bill to authorize the relocation of the Gillis W. Long Hansen's Disease Center, to provide for the transfer to the State of Louisiana of the current site of such center, and for other purposes; to the Committee on Commerce.

By Mr. BARTLETT of Maryland (for himself, Mr. WATTS of Oklahoma, Mr. BONO, Mr. GRAHAM, Mr. HUNTER, Mr. HILLEARY, Mr. MCKEON, Mr. STUMP, Mr. LIVINGSTON, Mr. DELAY, Mr. SOLOMON, Mr. SAM JOHNSON, Mrs. CUBIN, Mr. WELDON of Florida, Mr. BURTON of Indiana, Mrs. CHENOWETH, Mr. LARGENT, Mr. SMITH of New Jersey, Mr. LEWIS of Kentucky, Mr. JONES, Mr. SNOWBARGER, Mr. DICKEY, Mr. HOSTETTLER, Mr. PETERSON of Pennsylvania, Mr. COBURN, Mr. PITTS, Mr. HERGER, Mr. DOOLITTLE, Mr. MCINTOSH, Mrs. NORTHUP, Mr. STEARNS, Mr. SCARBOROUGH, Mr. MCHALE, Mr. TAYLOR of North Carolina, Mr. COLLINS, Mr. CRANE, Mr. SALMON, Mr. FOX of Pennsylvania, Mr. BACHUS, Mr. WHITFIELD, Mr. CRAPO, Mr. DEAL of Georgia, Mr. TRAFICANT, Mr. SHUSTER, Mr. TAYLOR of Mississippi, Mr. ROHRABACHER, Mr. METCALF, Mr. HALL of Texas, Mr. BARCIA of Michigan, Mr. GILCHREST, Mr. CAMPBELL, Mr. WATKINS, Mr. MICA, Mr. BARR of Georgia, Mr. HASTERT, Mr. KNOLLENBERG, Mr. BLILEY, Mr. EHRLICH, Mr. COBLE, Mr. EHLERS, Mr. PACKARD, Mr. SKEEN, Mr. SAXTON, Mr. BUNNING of Kentucky, Mr. WICKER, Mr. BATEMAN, Mr. HUTCHINSON, Mr. BRYANT, Mr. BARTON of Texas, Mr. COOKSEY, Mr. CALVERT, Mr. SENSENBRENNER, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. WAMP, Mr. BROWN of California, Mr. PARKER, Mr. BALLENGER, Mr. SHADEGG, Mr. EVERETT, Mrs. EMERSON, and Mr. ISTOOK):

H.R. 1559. A bill to amend title 10, United States Code, to require that recruit basic training in the Army, Navy, Air Force, and Marine Corps be conducted separately for male and female recruits; to the Committee on National Security.

By Mr. BEREUTER:

H.R. 1560. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. CHRISTIAN-GREEN (for herself, Mr. FALEOMAVAEGA, and Mr. UNDERWOOD):

H.R. 1561. A bill to amend the National Highway System Designation Act of 1995 and title 23, United States Code, to allow the Virgin Islands and the other territories to participate in the State infrastructure bank program and to use surface transportation program funds for construction of certain access and development roads; to the Committee on Transportation and Infrastructure.

By Mr. CLAY (for himself and Mr. KILDEE):

H.R. 1562. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the national educational goals for all citizens, and for other purposes; to the Committee on Education and the Workforce.

By Mr. COSTELLO:

H.R. 1563. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself, Mr. DINGELL, Mr. BROWN of Ohio, and Mr. WAXMAN):

H.R. 1564. A bill to amend title XIX of the Social Security Act to permit presumptive eligibility for low-income children under the Medicaid Program; to the Committee on Commerce.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. WATTS of Oklahoma, Mr. FOX of Pennsylvania, and Mr. GRAHAM):

H.R. 1565. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed, and for other purposes; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1566. A bill to amend the Cuban Liberty and Democratic Solidarity [LIBERTAD] Act of 1996 relating to the exclusion from the United States of certain aliens; to the Committee on International Relations.

By Mr. HANSEN (for himself, Mr. SMITH of Oregon, Ms. DUNN of Washington, Mr. CRAPO, Mr. MCKEON, Mr. SKEEN, Mr. HILL, Mr. HASTINGS of Washington, Mr. HAYWORTH, and Mrs. CHENOWETH):

H.R. 1567. A bill to provide for the designation of additional wilderness lands in the eastern United States; to the Committee on Resources.

By Mr. HOYER:

H.R. 1568. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on National Security.

By Mrs. JOHNSON of Connecticut:

H.R. 1569. A bill to require the same distribution of child support arrearages collected by Federal tax intercept as collected directly by the States, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself and Mrs. MALONEY of New York):

H.R. 1570. A bill to amend the Arms Export Control Act to remove an exemption from the prohibition on imports of certain firearms and ammunition; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. SHAYS, Ms. MOLINARI, Ms. WATERS, Ms. PELOSI, Mrs. MEEK of Florida, Mr. BOEHLERT, Mr. DELAHUNT, Mr. CUMMINGS, Mr. GILCHREST, Mr. MCDERMOTT, Mr. FILNER, Mr. HORN, Mr. HINCHEY, Mr. PAYNE, Mrs. MALONEY of New York, Ms. LOFGREN, Mr. BOUCHER, Mr. CONYERS, Ms. CHRISTIAN-GREEN, Ms. WOOLSEY, Mr. STARK, Mr. THOMPSON, and Ms. BROWN of Florida):

H.R. 1571. A bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of infection with the human immunodeficiency virus; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. LEACH, Mrs. JOHNSON of Connecticut, Mr. DAVIS of Virginia, Mrs. TAUSCHER, Mr. FORD, Mr. GEJDENSON, Mr. ENGLISH of Pennsylvania, and Mr. BOEHLERT):

H.R. 1572. A bill to provide for teacher technology training; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Mr. HYDE, Mr. CONYERS, Mr. BURTON of Indiana, Mr. DELLUMS, Mr. FROST, Mr. KLUG, Mr. RAHALL, Mr. CLEMENT, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mrs. MALONEY of New York, Ms. LOFGREN, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. MCDERMOTT, Mr. GEJDENSON, Ms. STABENOW, Mr. GUTIERREZ, and Ms. NORTON):

H.R. 1573. A bill to provide equal leave benefits for parents who adopt a child or provide foster care for a child; to the Committee on Education and the Workforce.

By Mr. SALMON (for himself, Mr. MICA, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. CAMPBELL, Mr. CANNON, Mr. COOKSEY, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. ENSIGN, Mr. FOLEY, Mr. GOSS, Mr. HAYWORTH, Mr. HILLEARY, Mrs. KELLY, Mr. KOLBE, Mr. MCCRERY, Mr. NETHERCUTT, Mr. NORWOOD, Mr. PACKARD, Mr. PAUL, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. SKEEN, Mr. SOUDER, Mr. STUMP, and Mr. WALSH):

H.R. 1574. A bill to amend chapter 89 of title 5, United States Code, to permit Federal employees and annuitants to elect to receive contributions into medical savings accounts under the Federal Employee Health Benefits Program [FEHBP]; to the Committee on Government Reform and Oversight.

By Mr. SAXTON:

H.R. 1575. A bill to establish a limitation on the vessels that may engage in harvesting Atlantic mackerel or Atlantic herring within the exclusive economic zone; to the Committee on Resources.

By Mr. STARK (for himself, Mr. BROWN of California, Mr. DELLUMS, Mr. FILNER, Mr. MATSUI, Ms. ESHOO, Mrs. TAUSCHER, Mr. MILLER of California, Mr. BERMAN, and Mr. TORRES):

H.R. 1576. A bill to provide for the continuation of the operations of the California Urban Environmental Research and Education Center; to the Committee on Education and the Workforce, and in addition to the Committee on Science, 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. TIAHRT (for himself, Mr. ROYCE, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. KASICH, Mr. SOLOMON, Mr. LIVINGSTON, Mr. COBURN, Mr. BARTLETT of Maryland, Mr. HOSTETTLER, Mr. SHADEGG, Mr. NEUMANN, Mr. SCARBOROUGH, Mr. SMITH of Michigan, Mr. ROHRABACHER, Mrs. MYRICK, Mr. HERGER, Mr. KLUG, Mr. BLUNT, Mr. GRAHAM, Mr. SANFORD, Mr. SOUDER, Mr. CHRISTENSEN, Mr. PAPPAS, Mr. LARGENT, Mr. LATHAM, Mr. DOOLITTLE, Mr. MCINTOSH, Mr. RYUN, Mr. GOSS, Mr. RADANOVICH, Mr. LOBIONDO, Mr. SNOWBARGER, Mr. SAM JOHNSON, Mr. PITTS, Mr. PAUL, Mr. MCCOLLUM, Mr. HILL, Mr. POMBO, Mr. PARKER, Mr. PETRI, Mr. MILLER of Florida, Mr. PETERSON of Pennsylvania, Mrs. KELLY, and Mr. MORAN of Kansas):

H.R. 1577. A bill to abolish the Department of Energy; to the Committee on Commerce, and in addition to the Committees on National Security, Science, Resources, Rules, and 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. ISTOOK (for himself, Mr. BISHOP, Mr. ADERHOLT, Mr. ARMEY, Mr. BACHUS, Mr. BAKER, Mr. BALLENGER, Mr. BARCIA of Michigan, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. BLUNT, Mr. BONILLA, Mr. BUNNING of Kentucky, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMPBELL, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. COBURN, Mr. COLLINS, Mr. COMBEST, Mr. CONDIT, Mr. COOK, Mr. CRANE, Mr. CRAPO, Mrs. CUBIN, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DIAZ-BALART, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FLAKE, Mr. GINGRICH, Mr. GOODE, Mr. GOODLING, Mr. GRAHAM, Mr. HALL of Texas, Mr. HANSEN, Mr. HAYWORTH, Mr. HEFLEY, Mr. HERGER, Mr. HILL, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. SAM JOHNSON, Mr. JONES, Mr. KASICH, Mr. KIM, Mr. KINGSTON, Mr. LAHOOD, Mr. LARGENT, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. LUCAS of Oklahoma, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MICA, Mrs. MYRICK, Mr. NEUMANN, Mr. NORWOOD, Mr. PACKARD, Mr. PAPPAS, Mr. PARKER, Mr. PAUL, Mr. PAXON, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. PITTS, Mr. POMBO, Mr. RADANOVICH, Mr. RAHALL, Mr. RILEY, MR. ROGERS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SKEEN, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STENHOLM, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. THORNBERRY, Mr. THUNE, Mr. TIAHRT, Mr. TRAFICANT, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, and Mr. YOUNG of Alaska):

H.J. Res. 78. Joint resolution proposing an amendment to the Constitution of the United States restoring religious freedom; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H. Con. Res. 77. Concurrent resolution expressing the sense of the Congress that Federal civilian and military retirement cost-of-living adjustments should not be delayed; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, 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.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 66: Mr. ETHERIDGE, Ms. MCCARTHY of Missouri, Mr. WALSH, and Mr. MCGOVERN.

H.R. 96: Mr. LAHOOD and Mr. HILL.

H.R. 122: Mr. SNOWBARGER, Mr. CHRISTENSEN, and Mrs. MYRICK.

H.R. 127: Mr. DAVIS of Illinois and Ms. DELAURO.

H.R. 145: Mr. BARRETT of Wisconsin, Mr. KANJORSKI, Mr. BOSWELL, Mr. FAZIO of California, Mr. BONIOR, and Mr. GEJDENSON.

H.R. 158: Mr. TORRES and Mrs. CHENOWETH.

H.R. 159: Mr. CAMP.

H.R. 160: Mr. ENSIGN.

H.R. 165: Ms. WOOLSEY.

H.R. 176: Ms. STABENOW, Mr. MARTINEZ, Mr. BRYANT, Ms. WOOLSEY, Mr. WALSH, and Mr. DELLUMS.

H.R. 192: Mr. REYES, Mr. TAYLOR of North Carolina, Mr. KILDEE, and Mr. MINGE.

H.R. 218: Mr. GALLEGLY, Mr. TRAFICANT, and Mr. WELDON of Pennsylvania.

H.R. 230: Mr. BLUNT.

H.R. 335: Mr. WHITFIELD.

H.R. 339: Mr. HASTINGS of Washington.

H.R. 399: Mr. LATOURETTE and Mr. POSHARD.

H.R. 402: Mr. FROST.

H.R. 404: Mr. HINCHEY, Mr. BONIOR, and Mr. WISE.

H.R. 406: Mr. FOX of Pennsylvania.

H.R. 407: Mr. GRAHAM, Mr. MCDADE, Mr. ROGERS, Mr. ENGLISH of Pennsylvania, and Mr. CUNNINGHAM.

H.R. 409: Mr. MANTON, Mr. REGULA, Mr. WATTS of Oklahoma, Mr. ROHRABACHER, Mr. CLEMENT, Mr. HINCHEY, and Mr. CUNNINGHAM.

H.R. 411: Mr. MATSUI, Mr. PAYNE, Mr. Hilliard, and Mr. OLVER.

H.R. 414: Mr. REYES, Mr. TAYLOR of North Carolina, and Mr. KILDEE.

H.R. 426: Mr. HOUGHTON, Mr. FOLEY, Mr. EDWARDS, Ms. HOOLEY of Oregon, and Mr. WALSH.

H.R. 450: Mr. SKEEN.

H.R. 465: Mr. WELLER.

H.R. 471: Mr. KIM.

H.R. 475: Mr. HILLIARD.

H.R. 479: Mr. KOLBE.

H.R. 530: Mr. SPENCE, Mr. BAKER, and Mr. PITTS.

H.R. 535: Mr. CLYBURN.

H.R. 536: Mrs. MCCARTHY of New York.

H.R. 548: Mr. ENGEL.

H.R. 563: Ms. SLAUGHTER, Mr. OWENS, Mr. BURR of North Carolina, Ms. RIVERS, and Mr. THOMPSON.

H.R. 586: Ms. HOOLEY of Oregon, Mr. MOAKLEY, and Mr. WATT of North Carolina.

H.R. 598: Mr. ADAM SMITH of Washington.

H.R. 604: Mr. MCGOVERN and Mr. ABERCROMBIE.

H.R. 611: Mr. PRICE of North Carolina, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. GONZALEZ, Ms. NORTON, Mr. MALONEY of Connecticut, Mr. COSTELLO, Mr. SKAGGS, Mr. FAZIO of California, Mr. RANGEL, and Mr. DELAHUNT.

H.R. 614: Mr. SOLOMON, Mr. MEEHAN, and Mr. GOSS.

H.R. 630: Ms. ROYBAL-ALLARD.

H.R. 659: Ms. GRANGER, Mr. BALLENGER, Mrs. MYRICK, and Mr. COBLE.

H.R. 687: Mr. DEFAZIO.

H.R. 695: Mr. WEXLER and Mr. WELLER.

H.R. 716: Mr. PACKARD and Mr. NEUMANN.

H.R. 724: Ms. WOOLSEY.

H.R. 753: Mr. SPRATT, Mr. SKAGGS, and Mr. MALONEY of Connecticut.

H.R. 755: Mr. ENGEL, Mr. FATTAH, Mr. MALONEY of Connecticut, and Mr. ENGLISH of Pennsylvania.

H.R. 777: Mr. UNDERWOOD, Mr. BAKER, Mr. GREENWOOD, Mr. SANDERS, Mr. THOMPSON, Mr. GONZALEZ, Mr. MALONEY of Connecticut, and Ms. BROWN of Florida.

H.R. 778: Mr. CAPPS.

H.R. 780: Mr. CAPPS.

H.R. 784: Mr. HORN.

H.R. 794: Mr. MARKEY.

H.R. 818: Ms. KILPATRICK.

H.R. 819: Ms. KILPATRICK.

H.R. 840: Mr. TORRES.

H.R. 850: Ms. DEGETTE.

H.R. 871: Ms. KAPTUR and Mr. LEWIS of Georgia.

H.R. 877: Mr. PARKER, Mr. MARTINEZ, Mr. SNOWBARGER, Mr. LEACH, Mr. PAYNE, Mr. GILMAN, Mrs. NORTHUP, and Mr. DEFAZIO.

H.R. 902: Mr. TAUZIN and Mr. PORTER.

H.R. 907: Mr. WICKER and Mr. HUTCHINSON.

H.R. 911: Mrs. FOWLER, Mr. LEWIS of Kentucky, Mr. NEUMANN, and Mr. SHAW.

H.R. 937: Mr. COYNE.

H.R. 950: Ms. CHRISTIAN-GREEN.

H.R. 955: Mr. HILLEARY, Mr. CHRISTENSEN, Mr. TIAHRT, and Mr. FOX of Pennsylvania.

H.R. 988: Mr. ENGEL and Mr. PAYNE.

H.R. 989: Mr. KIND, Mr. BARRETT of Wisconsin, Ms. LOFGREN, Mr. ACKERMAN, Mr. EVENS, Mr. STARK, Mr. LIPINSKI, Mr. RUSH, Mr. MCGOVERN, Mr. MANTON, Mr. CASTLE, Mr. LAFALCE, Ms. MOLINARI, Mr. KLUG, and Mr. GILMAN.

H.R. 992: Mr. RADANOVICH, Mr. MCHUGH, and Mr. SKEEN.

H.R. 1009: Mr. CANNON and Mr. SMITH of Michigan.

H.R. 1010: Mr. MCINTYRE, Mr. SMITH of New Jersey, Mr. GOSS, Mr. BARCIA of Michigan, Mr. GRAHAM, and Mrs. NORTHUP.

H.R. 1037: Mrs. JOHNSON of Connecticut, Mr. CHRISTENSEN, Mr. ENSIGN, Mr. WATKINS, and Mr. HOUGHTON.

H.R. 1043: Ms. BROWN of Florida and Mr. PARKER.

H.R. 1053: Mr. NORWOOD and Mr. LEWIS of Georgia.

H.R. 1054: Mr. GRAHAM and Mr. ROGAN.

H.R. 1059: Mr. KING of New York, Mr. BUNNING of Kentucky, Mr. DAVIS of Virginia, Mr. NEUMANN, Mr. OXLEY, and Mr. WAMP.

H.R. 1062: Mr. YOUNG of Alaska.

H.R. 1064: Mr. LIPINSKI.

H.R. 1068: Mr. CRANE, Mr. ENSIGN, and Mr. PETERSON of Minnesota.

H.R. 1070: Mr. STRICKLAND, Mr. FOX of Pennsylvania, Mrs. MCCARTHY of New York, Mr. KLUG, Mr. ENGEL, Mr. FILNER, and Mr. WAXMAN.

H.R. 1077: Mr. MCGOVERN and Mr. MOAKLEY.

H.R. 1125: Mr. ENGEL.

H.R. 1130: Mr. CONYERS and Mr. POSHARD.

H.R. 1151: Ms. STABENOW.

H.R. 1162: Mr. GRAHAM.

H.R. 1169: Mr. LEWIS of California, Mr. WELLER, and Ms. DUNN of Washington.

H.R. 1188: Mr. MARTINEZ.

H.R. 1219: Mr. KUCINICH, Ms. DEGETTE, Ms. KILPATRICK, Mr. BOUCHER, and Mr. MALONEY of Connecticut.

H.R. 1248: Mr. BISHOP and Mr. WHITFIELD.

H.R. 1263: Ms. KILPATRICK.

H.R. 1285: Mr. SAM JOHNSON, Mr. MCCOLLUM, Ms. HARMAN, and Mr. MCINNIS.

H.R. 1299: Mr. SHUSTER and Mrs. NORTHUP.

H.R. 1315: Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, and Mr. FOX of Pennsylvania.

H.R. 1323: Mr. QUINN.

H.R. 1329: Ms. BROWN of Florida.

H.R. 1333: Mr. SENSENBRENNER.

H.R. 1348: Mr. HUNTER, Mr. COBLE, Mr. GILCHREST, Mr. WHITFIELD, Mr. CONDIT, Mr. PARKER, Mr. MORAN of Virginia, Mr. LEWIS of California, and Mr. CUNNINGHAM.

H.R. 1353: Mr. PETERSON of Minnesota.

H.R. 1362: Mr. SOLOMON, Mr. HOLDEN, Mr. SANDERS, Mr. METCALF, Mr. HINCHEY, Mr. WATTS of Oklahoma, Mr. LIPINSKI, Mr. BLUNT, Mr. GOODE, Mr. CLEMENT, and Mr. BLUMENAUER.

H.R. 1367: Mr. THOMPSON.

H.R. 1369: Mr. GRAHAM.

H.R. 1375: Mr. DELLUMS.

H.R. 1382: Ms. SLAUGHTER and Mr. BORSKI.

H.R. 1383: Mr. EVANS, Ms. LOFGREN, Mr. SANDLIN, Ms. DELAURO, Mr. DOYLE, Ms. ESHOO, and Mr. RANGEL.

H.R. 1395: Mr. LEWIS of Georgia.

H.R. 1430: Mr. MCINTYRE.

H.R. 1432: Ms. LOFGREN, Mr. FROST, Mr. ENGEL, Mr. FOX of Pennsylvania, and Mrs. MALONEY of New York.

H.R. 1434: Mr. BUNNING of Kentucky, Mr. HOUGHTON, Mr. RAMSTAD, Mr. COLLINS, Mr. FROST, and Mr. HEFLEY.

H.R. 1438: Mr. DELLUMS.

H.R. 1441: Mr. BARCIA of Michigan.

H.R. 1468: Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. RAHALL, Mr. SAWYER, Mr. MEEHAN, Mr. FILNER, Mr. GONZALEZ, Mr. FROST, Ms. CHRISTIAN-GREEN, Mr. THOMPSON, and Mr. KENNEDY of Rhode Island.

H.R. 1475: Mr. RAMSTAD and Mr. MILLER of Florida.

H.R. 1492: Mr. LINDER.

H.R. 1493: Mr. LIPINSKI.

H.R. 1496: Mr. NETHERCUTT.

H.R. 1503: Ms. GRANGER.

H.R. 1505: Mrs. THURMAN, Mr. NEY, Mr. WALSH, Mr. CAMPBELL, and Mr. YATES.

H.R. 1506: Ms. CHRISTIAN-GREEN, Ms. RIVERS, Mr. FORD, Mr. FATTAH, Mr. MCGOVERN, and Mr. SCHUMER.

H.R. 1526: Mr. BONO, Mr. GORDON, Mr. HOUGHTON, Mr. DOYLE, Mr. BONILLA, Mr. CLEMENT, Mrs. ROUKEMA, Mr. BOSWELL, and Mrs. TAUSCHER.

H.R. 1532: Mr. LIPINSKI, Mr. BERRY, Mr. PASTOR, Mr. CLEMENT, Mr. KILDEE, Mr. KUCINICH, Mr. METCALF, Mr. CONDIT, and Mr. VISCLOSKY.

H.R. 1543: Mr. COOK.

H.R. 1549: Mr. HALL of Ohio.

H.J. Res. 72: Mr. BOB SCHAFFER.

H. Con. Res. 54: Mr. LIPINSKI.

H. Con. Res. 65: Mr. DEFAZIO, Mr. MALONEY of Connecticut, Mr. VISCLOSKY, Mr. KUCINICH, Mr. PASTOR, Ms. CHRISTIAN-GREEN, Mr. JOHN, Mr. COOKSEY, and Mr. LOBIONDO.

H. Con. Res. 75: Ms. KAPTUR and Mr. POSHARD.

H. Res. 37: Mr. PORTER and Mr. SHAYS.

H. Res. 61: Mr. LUTHER.

H. Res. 103: Mr. ACKERMAN, Mr. WATTS of Oklahoma, Mr. MILLER of Florida, Mr. OXLEY, and Mr. WHITFIELD.

H. Res. 111: Mr. BONO, Mr. LINDER, Mr. STUMP, and Mr. PACKARD.

H. Res. 138: Ms. STABENOW.

PETITIONS, ETC.

Under clause 1 of rule XXII,

12. The SPEAKER presented a petition of the Mayor's Council of Guam, relative to Council Resolution No. 97-01, relative to expressing the sentiment of the mayors and vice mayors of Guam in welcoming the U.S.S. *Independence;* which was referred to the Committee on National Security.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. TOWNS

AMENDMENT NO. 53: Page 256, after line 9, insert the following:

(10) Whether the agency has conducted and regularly updated an assessment to identify

any pest control problems in the public housing owned or operated by the agency and the extent to which the agency is effective in carrying out a strategy to eradicate or control such problems, which assessment and strategy shall be included in the local housing management plan for the agency under section 106.

Page 256, line 10, strike "(10)" and insert "(11)".

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 2: Page 51, after line 23, insert the following new title:

TITLE IV

UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

SEC. 4001. SHORT TITLE.

This title may be cited as the "United States Armed Forces in Bosnia Protection Act of 1997".

SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2) if—

(A) the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise applicable under subsection(a); and

(B) a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term "joint resolution" means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on _____", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution approving the request by the President for an extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.".

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calender of the House involved.

(d) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ("Bosnian Entities").

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4006. REPORT.

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovnia. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States

portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

SEC. 4007. DEFINITIONS.

As used in this Act:

(1) BOSNIAN ENTITIES.—The term "Bosnian Entities" means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(4) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term "Stabilization Force" means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1469

OFFERED BY: MR. HILLEARY

AMENDMENT NO. 3: At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE IV

UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA

SEC. 4001. SHORT TITLE.

This title may be cited as the "United States Armed Forces in Bosnia Protection Act of 1997".

SEC. 4002. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by September 30, 1997.

SEC. 4003. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(A) PROHIBITION.—None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after September 30, 1997.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after September 30, 1997, but not later than October 31, 1997, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 90 days after the date otherwise application under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4004, specifically approving such request.

SEC. 4004. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 90-DAY EXTENSION OF DEPLOYMENT.

(a) TERMS OF THE RESOLUTION.—For purposes of section 4003, the term "joint resolution" means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: "That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997, as submitted by the President on _____", the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: "Joint resolution approving the request by the President for an extension of the deployment on the grounds of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than December 31, 1997.".

(b) REFERRAL.—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 4003, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calender of the House involved.

(d) CONSIDERATION.—(1) On or after the third day after the date on which the committee to which such a resolution is referred has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without such prior announcement if the motion is made by direction of the committee to which the resolution was referred. All points of order

against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION BY OTHER HOUSE.—(1) If, before the passage by one House of a resolution of that House described in subsection (a), that House receives from the other House a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in subsection (a), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 4005. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

None of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ("Bosnian Entities").

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

SEC. 4006. REPORT.

(a) IN GENERAL.—Not later than June 30, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

SEC. 4007. DEFINITIONS.

As used in this Act:

(1) BOSNIAN ENTITIES.—The term "Bosnian Entities" means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term "Dayton Peace Agreement" means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term "Implementation Force" means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as "IFOR"), authorized under the Dayton Peace Agreement.

(4) NATO.—The term "NATO" means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term "Stabilization Force" means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as "SFOR"), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

H.R. 1486

OFFERED BY: MR. GILMAN

(Amendment in the Nature of a Substitute

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Policy Reform Act".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into two divisions as follows:

(1) Division A—International Affairs Agency Consolidation, Foreign Assistance Reform, and Foreign Assistance Authorizations.

(2) Division B—Foreign Relations Authorizations.

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.

DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN ASSISTANCE REFORM, AND FOREIGN ASSISTANCE AUTHORIZATIONS

TITLE I—GENERAL PROVISIONS

Sec. 101. Short title.
Sec. 102. Declaration of policy.

TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

CHAPTER 1—GENERAL PROVISIONS

Sec. 201. Short title
Sec. 202. Definitions.

CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

SUBCHAPTER A—ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Sec. 211. Abolition of United States International Development Cooperation Agency.
Sec. 212. Transfer of functions to United States Agency for International Development.
Sec. 213. Transition provisions.

SUBCHAPTER B—CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE

Sec. 221. Continuation of United States Agency for International Development and placement of Administrator of Agency under the direction of the Secretary of State.

SUBCHAPTER C—CONFORMING AMENDMENTS

Sec. 231. Conforming amendments.
Sec. 232. Other references.
Sec. 233. Effective date.

TITLE III—FOREIGN ASSISTANCE REFORM

Sec. 301. Graduation from development assistance.
Sec. 302. Limitation on government-to-government assistance.
Sec. 303. Micro- and small enterprise development credits.
Sec. 304. Microenterprise development grant assistance.
Sec. 305. Private sector enterprise funds.
Sec. 306. Development credit authority.
Sec. 307. Foreign government parking fines.
Sec. 308. Withholding United States assistance to countries that aid the Government of Cuba.

TITLE IV—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—NARCOTICS CONTROL ASSISTANCE

Sec. 401. Definition.
Sec. 402. Authorization of appropriations.
Sec. 403. Authority to withhold bilateral assistance and oppose multilateral development assistance for major illicit drug producing countries, drug-transit countries, and money laundering countries.

CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS

Sec. 411. Nonproliferation, Antiterrorism, Demining, and Related Programs.

CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM

Sec. 421. Authorization of appropriations.
Sec. 422. Assistance for Israel.
Sec. 423. Assistance for Egypt.
Sec. 424. Authorization of assistance to facilitate transition to NATO membership under NATO Participation Act of 1994.
Sec. 425. Loans for Greece and Turkey.
Sec. 426. Limitations on loans.
Sec. 427. Administrative expenses.

CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING

Sec. 431. Authorization of appropriations.
Sec. 432. IMET eligibility for Panama and Haiti.

CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

Sec. 441. Authority to transfer naval vessels.
Sec. 442. Costs of transfers.
Sec. 443. Expiration of authority.
Sec. 444. Repair and refurbishment of vessels in United States shipyards.

CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

Sec. 451. Short title.
Sec. 452. Findings.
Sec. 453. Limitation on military assistance to the Government of Indonesia.
Sec. 454. United States military assistance and arms transfers defined.

CHAPTER 7—OTHER PROVISIONS

Sec. 461. Excess defense articles for certain European countries.
Sec. 462. Transfer of certain obsolete or surplus defense articles in the war reserve allies stockpile to the Republic of Korea.
Sec. 463. Additional requirements relating to stockpiling of defense articles for foreign countries.
Sec. 464. Delivery of drawdown by commercial transportation services.
Sec. 465. Cash Flow Financing Notification.
Sec. 466. Multinational arms sales code of conduct.

TITLE V—ECONOMIC ASSISTANCE

CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE

Sec. 501. Economic support fund.
Sec. 502. Assistance for Israel.
Sec. 503. Assistance for Egypt.
Sec. 504. International Fund for Ireland.
Sec. 505. Assistance for training of civilian personnel of the Ministry of Defense of the Government of Nicaragua.
Sec. 506. Availability of amounts for Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 and the Cuban Democracy Act of 1992.

CHAPTER 2—DEVELOPMENT ASSISTANCE

SUBCHAPTER A—DEVELOPMENT ASSISTANCE AUTHORITIES

Sec. 511. Authorization of appropriations.
Sec. 512. Child survival activities.
Sec. 513. Requirement on assistance for Russian Federation.
Sec. 514. Humanitarian assistance for Armenia and Azerbaijan.
Sec. 515. Agricultural development and research assistance.
Sec. 516. Activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region.
Sec. 517. Support for agricultural development assistance.

SUBCHAPTER B—OPERATING EXPENSES

Sec. 521. Operating expenses generally.
Sec. 522. Operating expenses of the Office of the Inspector General.

CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM

Sec. 531. Urban and environmental credit program.

CHAPTER 4—THE PEACE CORPS

Sec. 541. Authorization of appropriations.
Sec. 542. Activities of the Peace Corps in the former Soviet Union and Mongolia.
Sec. 543. Amendments to the Peace Corps Act.

CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

Sec. 551. Authority to provide reconstruction assistance.
Sec. 552. Authorizations of appropriations.

CHAPTER 6—DEBT RELIEF

Sec. 561. Debt restructuring for foreign assistance.
Sec. 562. Debt buybacks or sales for debt swaps.

CHAPTER 7—OTHER ASSISTANCE PROVISIONS

Sec. 571. Exemption from restrictions on assistance through nongovernmental organizations.
Sec. 572. Funding requirements relating to United States private and voluntary organizations.
Sec. 573. Documentation requested of private and voluntary organizations.
Sec. 574. Encouragement of free enterprise and private participation.
Sec. 575. Sense of the Congress relating to United States cooperatives and credit unions.
Sec. 576. Food assistance to the Democratic People's Republic of Korea.
Sec. 577. Withholding of assistance to countries that provide nuclear fuel to Cuba.

TITLE VI—TRADE AND DEVELOPMENT AGENCY

Sec. 601. Authorization of appropriations.

TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS

CHAPTER 1—SPECIAL AUTHORITIES

Sec. 701. Enhanced transfer authority.
Sec. 702. Authority to meet unanticipated contingencies.
Sec. 703. Special waiver authority.
Sec. 704. Termination of assistance.
Sec. 705. Local assistance to human rights groups in Cuba.

CHAPTER 2—REPEALS

Sec. 711. Repeal of obsolete provisions.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

TITLE X—GENERAL PROVISIONS

Sec. 1001. Short title.
Sec. 1002. Statement of history of legislation.
Sec. 1003. Definitions.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

Sec. 1101. Administration of Foreign Affairs.
Sec. 1102. International organizations, programs, and conferences.
Sec. 1103. International commissions.
Sec. 1104. Migration and refugee assistance.
Sec. 1105. Asia Foundation.
Sec. 1106. United States informational, educational, and cultural programs.
Sec. 1107. United States arms control and disarmament.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

Sec. 1201. Revision of Department of State rewards program.
Sec. 1202. Foreign Service National Separation Liability Trust Fund.
Sec. 1203. Capital Investment Fund.
Sec. 1204. International Center reserve funds.
Sec. 1205. Proceeds of sale of foreign properties.
Sec. 1206. Reduction of reporting.
Sec. 1207. Contracting for local guards services overseas.
Sec. 1208. Preadjudication of claims.
Sec. 1209. Expenses relating to certain international claims and proceedings.

Sec. 1210. Establishment of fee account and providing for passport information services.
Sec. 1211. Establishment of machine readable fee account.
Sec. 1212. Retention of additional defense trade controls registration fees.
Sec. 1213. Training.
Sec. 1214. Recovery of costs of health care services.
Sec. 1215. Fee for use of diplomatic reception rooms.
Sec. 1216. Fees for commercial services.
Sec. 1217. Budget presentation documents.
Sec. 1218. Extension of certain adjudication provisions.
Sec. 1219. Grants to overseas educational facilities.
Sec. 1220. Grants to remedy international child abductions.

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

Sec. 1241. Use of certain passport processing fees for enhanced passport services.
Sec. 1242. Consular officers.
Sec. 1243. Repeal of outdated consular receipt requirements.
Sec. 1244. Elimination of duplicate publication requirements.

CHAPTER 3—REFUGEES AND MIGRATION

Sec. 1261. Report to Congress concerning Cuban emigration policies.
Sec. 1262. Reprogramming of migration and refugee assistance funds.

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

Sec. 1301. Coordinator for counterterrorism.
Sec. 1302. Elimination of statutory establishment of certain positions of the Department of State.
Sec. 1303. Establishment of Assistant Secretary of State for Human Resources.
Sec. 1304. Establishment of Assistant Secretary of State for Diplomatic Security.
Sec. 1305. Special envoy for Tibet.
Sec. 1306. Responsibilities for bureau charged with refugee assistance.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

Sec. 1321. Authorized strength of the Foreign Service.
Sec. 1322. Nonovertime differential pay.
Sec. 1323. Authority of Secretary to separate convicted felons from service.
Sec. 1324. Career counseling.
Sec. 1325. Report concerning minorities and the Foreign Service.
Sec. 1326. Retirement benefits for involuntary separation.
Sec. 1327. Availability pay for certain criminal investigators within the diplomatic security service.
Sec. 1328. Labor management relations.
Sec. 1329. Office of the Inspector General.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Sec. 1401. Extension of au pair programs.
Sec. 1402. Retention of interest.
Sec. 1403. Center for Cultural and Technical Interchange Between North and South.
Sec. 1404. Use of selected program fees.
Sec. 1405. Muskie fellowship program.
Sec. 1406. Working group on United States Government sponsored international exchanges and training.
Sec. 1407. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
Sec. 1408. United States-Japan commission.
Sec. 1409. Surrogate broadcasting studies.
Sec. 1410. Authority to administer summer travel/work programs.
Sec. 1411. Permanent administrative authorities regarding appropriations.
Sec. 1412. Authorities of the broadcasting board of governors.

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

Sec. 1501. Service in international organizations.
Sec. 1502. Organization of American States.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

Sec. 1521. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.
Sec. 1522. Reports on efforts to promote full equality at the United Nations for Israel.
Sec. 1523. United Nations Population Fund.
Sec. 1524. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

Sec. 1601. Comprehensive compilation of arms control and disarmament studies.
Sec. 1602. Use of funds.

TITLE XVII—FOREIGN POLICY PROVISIONS

Sec. 1701. United States policy regarding the involuntary return of refugees.
Sec. 1702. United States policy with respect to the involuntary return of persons in danger of subjection to torture.
Sec. 1703. Reports on claims by United States firms against the Government of Saudi Arabia.
Sec. 1704. Human rights reports.
Sec. 1705. Reports on determinations under title IV of the Libertad Act.
Sec. 1706. Reports and policy concerning diplomatic immunity.
Sec. 1707. Congressional statement with respect to efficiency in the conduct of foreign policy.
Sec. 1708. Congressional statement concerning Radio Free Europe/Radio Liberty.
Sec. 1709. Programs or projects of the International Atomic Energy Agency in Cuba.
Sec. 1710. United States policy with respect to Jerusalem as the capital of Israel.
Sec. 1711. Report on compliance with the Hague Convention on International Child Abduction.
Sec. 1712. Sense of Congress relating to recognition of the ecumenical patriarchate by the government of Turkey.
Sec. 1713. Return of Hong Kong to People's Republic of China.
Sec. 1714. Development of democracy in the Republic of Serbia.
Sec. 1715. Relations with Vietnam.
Sec. 1716. Statement concerning return of or compensation for wrongly confiscated foreign properties.

DIVISION C—FUNDING LEVELS

Sec. 2001. Authorization of appropriations for certain programs.

DIVISION A—INTERNATIONAL AFFAIRS AGENCY CONSOLIDATION, FOREIGN ASSISTANCE REFORM, AND FOREIGN ASSISTANCE AUTHORIZATIONS

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Assistance Reform Act of 1997".

SEC. 102. DECLARATION OF POLICY.

The Congress declares the following:

(1) United States leadership overseas must be maintained to support America's vital national security, economic, and humanitarian overseas interests.

(2) As part of this leadership, United States foreign assistance programs are essential to support America's overseas interests.

(3) Following the end of the Cold War, foreign assistance programs must be reformed to take advantage of the opportunities for the United States in the 21st century.

TITLE II—CONSOLIDATION OF CERTAIN INTERNATIONAL AFFAIRS AGENCIES

CHAPTER 1—GENERAL PROVISIONS

SEC. 201. SHORT TITLE

This title may be cited as the "International Affairs Agency Consolidation Act of 1997".

SEC. 202. DEFINITIONS.

The following terms have the following meanings for the purposes of this title:

(1) The term "USAID" means the United States Agency for International Development.

(2) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(3) The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

CHAPTER 2—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Subchapter A—Abolition of United States International Development Cooperation Agency and Transfer of Functions to United States Agency for International Development

SEC. 211. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is hereby abolished.

(b) CONFORMING AMENDMENTS.—The following shall cease to be effective:

(1) Reorganization Plan Numbered 2 of 1979 (5 U.S.C. App.).

(2) Sections 1-101 through 1-103, sections 1-401 through 1-403, and such other provisions that relate to the United States International Development Cooperation Agency or the Director of such Agency, of Executive Order 12163 (22 U.S.C. 2381 note; relating to administration of foreign assistance and related functions).

(3) The International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), except for section 1-6 of such Delegation of Authority.

(4) Section 3 of Executive Order 12884 (58 Fed. Reg. 64099; relating to the delegation of

functions under the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, the Foreign Assistance Act of 1961, the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993, and section 301 of title 3, United States Code).

(c) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

SEC. 212. TRANSFER OF FUNCTIONS TO UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—There are transferred to the Administrator of the United States Agency for International Development all functions of the Director of United States International Development Cooperation Agency and all functions of such Agency and any officer or component of such agency under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title.

(b) EFFECTIVE DATE.—This section shall take effect 6 months after the date of the enactment of this Act.

SEC. 213. TRANSITION PROVISIONS.

(a) TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND UNEXPENDED BALANCES.—

(1) PERSONNEL, PROPERTY, AND RECORDS.—So much of the personnel, property, and records of the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of the Office of Management and Budget shall provide.

(2) UNEXPENDED BALANCES.—To the extent provided in advance in appropriations Acts, so much of the unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available to the United States International Development Cooperation Agency as the Director of the Office of Management and Budget shall determine shall be transferred to the United States Agency for International Development at such time or times as the Director of Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made.

(b) TERMINATING AGENCY AFFAIRS.—The Director of the Office of Management and Budget shall provide for terminating the affairs of the United States International Development Cooperation Agency and for such further measures and dispositions as such Director deems necessary to accomplish the purposes of this subchapter.

Subchapter B—Continuation of United States Agency for International Development and Placement of Administrator of Agency under the Direction of the Secretary of State

SEC. 221. CONTINUATION OF UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT AND PLACEMENT OF ADMINISTRATOR OF AGENCY UNDER THE DIRECTION OF THE SECRETARY OF STATE.

(a) CONTINUATION OF USAID AS FEDERAL AGENCY.—The United States Agency for International Development, established in the Department of State pursuant to the State Department Delegation of Authority Numbered 104 (26 Fed. Reg. 10608) and subsequently transferred to the United States International Development Cooperation Agency pursuant to the International Development Cooperation Agency Delegation of Authority Numbered 1 (44 Fed. Reg. 57521), shall be continued in existence as a Federal agency of the United States.

(b) PLACEMENT OF ADMINISTRATOR OF USAID UNDER DIRECTION OF SECRETARY OF STATE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a))—

(A) shall continue to head such Agency; and

(B) shall be under the direction of the Secretary of State.

(2) OTHER REQUIREMENTS.—Except to the extent inconsistent with other provisions of this Act, the Administrator—

(A) shall continue to exercise all functions that the Administrator exercised before the effective date of this Act; and

(B) shall exercise all functions transferred to the Administrator pursuant to section 212.

(c) OTHER OFFICERS OF AID.—The other officers of the United States Agency for International Development, appointed pursuant to section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall continue to exercise such functions as the Administrator deems appropriate.

Subchapter C—Conforming Amendments

SEC. 231. CONFORMING AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Section 7103(a)(2)(B)(iv) of title 5, United States Code, is amended by striking "the United States International Development Cooperation Agency" and inserting "the United States Agency for International Development".

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8A of the Inspector General Act of 1978 (5 U.S.C. App. 8A) is amended—

(1) in subsection (a)—

(A) by striking paragraph (2);

(B) by striking "Agency for International Development—" and all that follows through "shall supervise" and inserting "Agency for International Development shall supervise"; and

(C) by striking "; and" at the end and inserting a period;

(2) by striking subsection (c); and

(3) by striking subsection (f).

(c) INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1980.—Section 316 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 2151 note) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development"; and

(B) in the second sentence, by striking "Director" and inserting "Administrator"; and

(2) in subsection (b), by striking "Director" and inserting "Administrator".

(d) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—(1) Section 25(f) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2697(f)) is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(2) Section 26(b) of such Act (22 U.S.C. 2698(b)) is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(3) Section 32 of such Act (22 U.S.C. 2704) is amended in the second sentence by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(e) FOREIGN SERVICE ACT OF 1980.—(1) Section 202(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(1)) is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(2) Section 210 of such Act (22 U.S.C. 3930) is amended in the second sentence by striking "United States International Development Cooperation Agency" and inserting "United States Agency for International Development".

(3) Section 1003(a) of such Act (22 U.S.C. 4103(a)) is amended by striking "United States International Development Cooperation Agency" and inserting "United States Agency for International Development".

(4) Section 1101(c) of such Act (22 U.S.C. 4131(c)) is amended by striking "United States International Development Cooperation Agency" and inserting "United States Agency for International Development".

(f) TITLE 26, UNITED STATES CODE.—(1) Section 170(m)(7) of title 26, United States Code, is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(2) Section 2055(g)(6) of title 26, United States Code, is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(g) TITLE 49, UNITED STATES CODE.—Section 40118(d) of title 49, United States Code, is amended by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

(h) EXPORT ADMINISTRATION ACT OF 1979.—Section 6(g) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(g)) is amended—

(1) in the third sentence, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development";

(2) in the fourth sentence, by striking "Director" and inserting "Administrator"; and

(3) in the sixth sentence, by striking "Director of the United States International Development Cooperation Agency" and inserting "Administrator of the United States Agency for International Development".

SEC. 232. OTHER REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States International Development Cooperation Agency or any other officer or employee of the United States International Development Cooperation Agency shall be deemed to refer to the Administrator of the United States Agency for International Development; and

(2) the United States International Development Cooperation Agency shall be deemed to refer to the United States Agency for International Development.

SEC. 233. EFFECTIVE DATE.

This subchapter shall take effect 6 months after the date of the enactment of this Act.

TITLE III—FOREIGN ASSISTANCE REFORM

SEC. 301. GRADUATION FROM DEVELOPMENT ASSISTANCE.

Section 634 of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) is amended to read as follows:

"SEC. 634. CONGRESSIONAL PRESENTATION DOCUMENTS.

"(a) REQUIREMENT FOR SUBMISSION.—As part of the annual requests for enactment of authorizations and appropriations for foreign assistance programs for each fiscal year, the President shall prepare and transmit to the Congress annual congressional presentation documents for the programs authorized under this Act and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(b) MATERIALS TO BE INCLUDED.—The documents submitted pursuant to subsection (a) shall include—

"(1) the rationale and direct United States national interest for the allocation of assistance or contributions to each country, regional, or centrally- funded program, or organization, as the case may be;

"(2) a description of how each such program or contribution supports the objectives of this Act or the Arms Export Control Act, as the case may be;

"(3) a description of planned country, regional, or centrally-funded programs or contributions to international organizations and programs for the coming fiscal year; and

"(4) for each country for which assistance is requested under this Act or the Arms Export Control Act—

"(A) the total number of years since 1946 that the United States has provided assistance;

"(B) the total amount of bilateral assistance provided by the United States since 1946, including the principal amount of all loans, credits, and guarantees; and

"(C) the total amount of assistance provided to such country from all multilateral organizations to which the United States is a member, including all international financial institutions, the United Nations, and other international organizations.

"(c) GRADUATION FROM DEVELOPMENT ASSISTANCE.—

"(1) DETERMINATION.—As part of the congressional presentation documents transmitted to the Congress under this section, the President shall make a separate determination for each country identified in such documents for which bilateral development assistance is requested, estimating the year in which each such country will no longer be receiving bilateral development assistance.

"(2) DEVELOPMENT ASSISTANCE DEFINED.—For purposes of this section, the term "development assistance" means assistance under—

"(A) chapter 1 of part I of this Act;

"(B) chapter 10 of part I of this Act;

"(C) chapter 11 of part I of this Act; and

"(D) the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).".

SEC. 302. LIMITATION ON GOVERNMENT-TO-GOVERNMENT ASSISTANCE.

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999, the President should allocate an aggregate level to private and voluntary organizations and cooperatives under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) which reflects an increasing level allocated to such organizations and cooperatives under such Act since fiscal year 1995.

(b) DEFINITION.—For purposes of this section, the term "private and voluntary organization" means a private non-governmental organization which—

(1) is organized under the laws of a country;

(2) receives funds from private sources;

(3) operates on a not-for-profit basis with appropriate tax-exempt status if the laws of the country grant such status to not-for-profit organizations;

(4) is voluntary in that it receives voluntary contributions of money, time, or in-kind support from the public; and

(5) is engaged or intends to be engaged in voluntary, charitable, development, or humanitarian assistance activities.

(c) REPORT.—

(1) IN GENERAL.— Not later than September 30, 1997, the United States Agency for International Development shall submit a report to the Congress on the amount of its funding being channeled through and private and voluntary organizations.

(2) ADDITIONAL REQUIREMENTS.—(A) The report should use fiscal year 1995 as a baseline and include an implementation plan for steadily increasing the percentage of assistance channeled through such organizations, consistent with the funding commitment announced by Vice President Gore in March 1995.

(B) The report should also indicate the proportion of funds made available under the following provisions and channeled through such organizations:

(i) Chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.).

(ii) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(iii) Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346).

SEC. 303. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

Section 108 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f) is amended to read as follows:

"SEC. 108. MICRO- AND SMALL ENTERPRISE DEVELOPMENT CREDITS.

"(a) FINDINGS AND POLICY.—The Congress finds and declares that—

"(1) the development of micro- and small enterprise, including cooperatives, is a vital factor in the stable growth of developing countries and in the development and stability of a free, open, and equitable international economic system;

"(2) it is, therefore, in the best interests of the United States to assist the development of the private sector in developing countries and to engage the United States private sector in that process;

"(3) the support of private enterprise can be served by programs providing credit, training, and technical assistance for the benefit of micro- and small enterprises; and

"(4) programs that provide credit, training, and technical assistance to private institutions can serve as a valuable complement to grant assistance provided for the purpose of benefiting micro- and small private enterprise.

"(b) PROGRAM.—To carry out the policy set forth in subsection (a), the President is authorized to provide assistance to increase the availability of credit to micro- and small enterprises lacking full access to credit, including through—

"(1) loans and guarantees to credit institutions for the purpose of expanding the availability of credit to micro- and small enterprises;

"(2) training programs for lenders in order to enable them to better meet the credit needs of micro- and small entrepreneurs; and

"(3) training programs for micro- and small entrepreneurs in order to enable them to make better use of credit and to better manage their enterprises.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated the following amounts for the following purposes (in addition to amounts otherwise available for such purposes):

"(A)(i) $1,500,000 for each of the fiscal years 1998 and 1999 to carry out subsection (b)(1).

"(ii) Funds authorized to be appropriated under this subparagraph shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under such subsection.

"(B) $500,000 for each of the fiscal years 1998 and 1999 to carry out paragraphs (2) and (3) of subsection (b).

"(2) AVAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.".

SEC. 304. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 108, as amended by this Act, the following new section:

"SEC. 108A. MICROENTERPRISE DEVELOPMENT GRANT ASSISTANCE.

"(a) AUTHORIZATION.—(1) In carrying out this part, the Administrator of the United States Agency for International Development is authorized to provide grant assistance for programs of credit and other assistance for micro enterprises in developing countries.

"(2) Assistance authorized under paragraph (1) shall be provided through organizations that have a capacity to develop and implement microenterprise programs, including particularly—

"(A) United States and indigenous private and voluntary organizations;

"(B) United States and indigenous credit unions and cooperative organizations; or

"(C) other indigenous governmental and nongovernmental organizations.

"(3) Approximately one-half of the credit assistance authorized under paragraph (1) shall be used for poverty lending programs, including the poverty lending portion of mixed programs. Such programs—

"(A) shall meet the needs of the very poor members of society, particularly poor women; and

"(B) should provide loans of $300 or less in 1995 United States dollars to such poor members of society.

"(4) The Administrator should continue support for mechanisms that—

"(A) provide technical support for field missions;

"(B) strengthen the institutional development of the intermediary organizations described in paragraph (2); and

"(C) share information relating to the provision of assistance authorized under paragraph (1) between such field missions and intermediary organizations.

"(b) MONITORING SYSTEM.—In order to maximize the sustainable development impact of the assistance authorized under subsection (a)(1), the Administrator shall, in accordance with section 1115 of title 31, United States Code (relating to performance plans), establish a monitoring system that—

"(1) establishes performance goals for such assistance and expresses such goals in an objective and quantifiable form, to the extent feasible;

"(2) establishes performance indicators to be used in measuring or assessing the achievement of the goals and objectives of such assistance; and

"(3) provides a basis for recommendations for adjustments to such assistance to enhance the sustainable development impact of such assistance, particularly the impact of such assistance on the very poor, particularly poor women.".

SEC. 305. PRIVATE SECTOR ENTERPRISE FUNDS.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 601 the following new section:

"SEC. 601A. PRIVATE SECTOR ENTERPRISE FUNDS.

"(a) AUTHORITY.—(1) The President may provide funds and support to Enterprise Funds designated in accordance with subsection (b) that are or have been established for the purposes of promoting—

"(A) development of the private sectors of eligible countries, including small businesses, the agricultural sector, and joint ventures with United States and host country participants; and

"(B) policies and practices conducive to private sector development in eligible countries;

on the same basis as funds and support may be provided with respect to Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

"(2) Funds may be made available under this section notwithstanding any other provision of law, except sections 502B and 490 of this Act.

"(b) COUNTRIES ELIGIBLE FOR ENTERPRISE FUNDS.—(1) Except as provided in paragraph (2), the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act in the same manner and with the same limitations as set forth in section 201(d) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(d)).

"(2) The authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

"(c) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY.—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives Funds and support under this section. The officers, members, or employees of an Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members, or employees of the Enterprise Funds for Poland and Hungary under section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

"(d) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421(p)), that an Enterprise Fund shall be required to publish an annual report not later than January 31 each year, shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(e) FUNDING.—(1) Amounts made available for a fiscal year to carry out chapter 1 of part I of this Act (relating to development assistance) and to carry out chapter 4 of part II of this Act (relating to the economic support fund) shall be available for such fiscal year to carry out this section, in addition to amounts otherwise available for such purposes.

"(2) In addition to amounts available under paragraph (1) for a fiscal year, amounts made available for such fiscal year to carry out chapter 10 of part I of this Act (relating to the Development Fund for Africa) shall be available for such fiscal year to carry out this section with respect to countries in Africa.".

SEC. 306. DEVELOPMENT CREDIT AUTHORITY.

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 the following:

"SEC. 107A. DEVELOPMENT CREDIT AUTHORITY.

"(a) GENERAL AUTHORITY.—The President is authorized to use credit authority (loans, loan guarantees, and other investments involving the extension of credit) to achieve any of the development purposes of this part in cases where—

"(1) the borrowers or activities are deemed sufficiently creditworthy and do not otherwise have access to such credit; and

"(2) the use of credit authority would be appropriate to the achievement of such development purposes.

"(b) PRIORITY SECTOR POLICIES AND ACTIVITIES.—

"(1) IN GENERAL.—To the maximum extent practicable, preference shall be given to the use of credit authority to promote—

"(A) micro- and small enterprise development policies of section 108;

"(B) sustainable urban and environmental activities pursuant to the policy directives set forth in this part; and

"(C) other development activities that will support and enhance grant-financed policy and institutional reforms under this part.

"(2) DEVELOPMENT CREDIT AUTHORITY.—The credit authority described in paragraph (1) shall be known as the 'Development Credit Authority'.

"(c) GENERAL AUTHORITY.—

"(1) AUTHORITY.—Of the amounts made available to carry out this chapter, chapters 10 and 11 of this part, chapter 4 of part II of this Act, and the Support for East European Democracy (SEED) Act of 1989 for fiscal years 1998 and 1999, not more than $13,000,000 for each such fiscal year may be made available to carry out this section.

"(2) LIMITATIONS.—(A) Funds made available under paragraph (1) shall be used for activities in the same geographic region for which such funds were originally allocated.

"(B) The President shall notify the congressional committees specified in section 634A at least fifteen days in advance of each transfer of funds under paragraph (1) in accordance with procedures applicable to reprogramming notifications under such section.

"(3) SUBSIDY COST.—Amounts made available under paragraph (1) shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, for activities under this section.

"(4) ADMINISTRATIVE EXPENSES.—

"(A) AMOUNTS MADE AVAILABLE.—Of the amounts made available under paragraph (1) for a fiscal year, not more than $1,500,000 may be made available for administrative expenses to carry out this section.

"(B) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under subparagraph (A), there are authorized to be appropriated for administrative expenses to carry out this section and section 221 $6,000,000 for each of the fiscal years 1998 and 1999.

"(C) TRANSFER AUTHORITY.—Amounts made available under and subparagraph (A) and amounts authorized to be appropriated under subparagraph (B) may be transferred and merged with amounts made available for 'Operating Expenses of the Agency for International Development'.

"(5) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

"(d) GENERAL PROVISIONS APPLICABLE TO DEVELOPMENT CREDIT AUTHORITY.—

"(1) POLICY PROVISIONS.—In providing the credit assistance authorized by this section, the President should apply, as appropriate, the policy provisions in this part applicable to development assistance activities.

"(2) DEFAULT AND PROCUREMENT PROVISIONS.—

"(A) DEFAULT PROVISION.—The provisions of section 620(q) of this Act, or any comparable provisions of law, shall not be construed to prohibit assistance to a country in the event that a private sector recipient of assistance furnished under this section is in default in its payment to the United States for the period specified in such section.

"(B) PROCUREMENT PROVISION.—Assistance may be provided under this section without regard to section 604(a) of this Act.

"(3) TERMS AND CONDITIONS OF CREDIT ASSISTANCE.—(A) Assistance provided under this section shall be offered on such terms and conditions, including fees charged, as the President may determine.

"(B) The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single country or borrower, may not exceed $100,000,000.

"(C) No payment may be made under any guarantee issued under this section for any loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

"(4) FULL FAITH AND CREDIT.—All guarantees issued under this section shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations to the extent of the guarantee.

"(5) CO-FINANCING AND RISK SHARING.—

"(A) IN GENERAL.—(i) Assistance provided under this section shall be in the form of co-financing or risk sharing.

"(ii) Credit assistance may not be provided to a borrower under this section unless the Administrator of the United States Agency for International Development determines that there are reasonable prospects of repayment by such borrower.

"(B) ADDITIONAL REQUIREMENT.—The investment or risk of the United States in any one development activity may not exceed 80 percent of the total outstanding investment or risk.

"(6) ELIGIBLE BORROWERS.—

"(A) IN GENERAL.—(i) In order to be eligible to receive credit assistance under this section, a borrower shall be sufficiently credit worthy so that the estimated costs (as defined in section 502 of the Federal Credit Reform Act) of the proposed credit assistance for the borrower does not exceed 30 percent of the principal amount of credit assistance to be received.

"(ii)(I) In addition, with respect to the eligibility of foreign governments as an eligible

borrowers under this section, the Administrator of the United States Agency for International Development shall make a determination that the additional debt of the government will not exceed the debt repayment capacity of the government.

"(II) In making the determination under subclause (I), the Administrator shall consult, as appropriate, with international financial institutions and other institutions or agencies that assess debt service capacity.

"(7) ASSESSMENT OF CREDIT RISK.—(A) The Administrator of the United States Agency for International Development shall use the Interagency Country Risk Assessment System (ICRAS) and the methodology approved by the Office of Management and Budget to assess the cost of risk credit assistance provided under this section to foreign governments.

"(B) With respect to the provision of credit to nongovernmental organizations, the Administrator—

"(i) shall consult with appropriate private sector institutions, including the two largest United States private sector debt rating agencies, prior to establishing the risk assessment standards and methodologies to be used; and

"(ii) shall periodically consult with such institutions in reviewing the performance of such standards and methodologies.

"(C) In addition, if the anticipated share of financing attributable to public sector owned or controlled entities, including the United States Agency for International Development, exceeds 49 percent, the Administrator shall determine the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of such assistance by using the cost and risk assessment determinations of the private sector co-financing entities.

"(8) USE OF UNITED STATES TECHNOLOGY, FIRMS, AND EQUIPMENT.—Activities financed under this section shall, to the maximum extent practicable, use or employ United States technology, firms, and equipment.".

SEC. 307. FOREIGN GOVERNMENT PARKING FINES.

(a) IN GENERAL.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by this Act, is further amended by adding at the end the following new section:

"SEC. 620K. FOREIGN GOVERNMENT PARKING FINES.

"(a) IN GENERAL.—An amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia, Virginia, Maryland, New York, and New York City by the government of a foreign country as of the end of a fiscal year, as certified and transmitted to the President by the chief executive officer of each State, City, or District, shall be withheld from obligation for such country out of funds available in the next fiscal year to carry out part I of this Act, until the requirement of subsection (b) is satisfied.

"(b) REQUIREMENT.—The requirement of this subsection is satisfied when the Secretary of State determines and certifies to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia, Virginia, Maryland, and New York.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For purposes of this section, the term 'appropriate congressional committees' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fines certified as of the end of fiscal year 1998 or any fiscal year thereafter.

(c) TECHNICAL AMENDMENT.—The second section 620G of the Foreign Assistance Act of 1961, as added by section 149 of Public Law 104–164 (110 Stat. 1436)—

(1) is redesignated as section 620J of such Act; and

(2) is inserted after section 620I of such Act.

SEC. 308. WITHHOLDING UNITED STATES ASSISTANCE TO COUNTRIES THAT AID THE GOVERNMENT OF CUBA.

(a) IN GENERAL.—Except as provided in subsection (a), not later than 180 days after the date of the enactment of this Act, the President shall withhold assistance under the Foreign Assistance Act of 1961 to any foreign government providing economic, development, or security assistance for, or engaging in nonmarket based trade with the Government of Cuba.

(b) WAIVER.—The President may waive the provisions of subsection (a) if the President certifies to the appropriate congressional committees that the provision of United States assistance is important to the national security of the United States.

(c) NONMARKET BASED TRADE DEFINED.—For the purpose of this section, the term "nonmarket based trade" means exports, imports, exchanges, or other arrangements that are provided for goods and services on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

(1) exports to the Cuban Government on terms that involve a grant, concessional price, guaranty, insurance, or subsidy;

(2) imports from the Cuban Government at preferential tariff rates;

(3) exchange arrangements that include advance delivery of commodities, arrangements in which the Cuban Government is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs; and

(4) the exchange, reduction, or forgiveness of debt of the Cuban Government in exchange for a grant by the Cuban Government of an equity interest in a property, investment, or operation of the Cuban Government or of a Cuban national.

TITLE IV—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—NARCOTICS CONTROL ASSISTANCE

SEC. 401. DEFINITION.

(a) IN GENERAL.—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (A)(ii), inserting "or under chapter 5 of part II" after "(including chapter 4 of part II)"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

Section 482(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291a(a)(1)) is amended by striking "$147,783,000 for fiscal year 1993 and $171,500,000 for fiscal year 1994" and inserting "$230,000,000 for each of the fiscal years 1998 and 1999".

SEC. 403. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.

(a) IN GENERAL.—Section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j) is amended to read as follows:

"SEC. 490. AUTHORITY TO WITHHOLD BILATERAL ASSISTANCE AND OPPOSE MULTILATERAL DEVELOPMENT ASSISTANCE FOR MAJOR ILLICIT DRUG PRODUCING COUNTRIES, DRUG-TRANSIT COUNTRIES, AND MONEY LAUNDERING COUNTRIES.

"(a) IN GENERAL.—For every country identified in the report under section 489(a)(3), the President shall, on or after March 1, 1998, and March 1 of each succeeding year, to the extent considered necessary by the President to achieve the purposes of this chapter, take one or more of the following actions:

"(1) Withhold from obligation and expenditure any or all United States assistance allocated each fiscal year in the report required by section 653 for each such country.

"(2) Instruct the Secretary of the Treasury to instruct the United States Executive Director of each multilateral development bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any such country.

"(b) CONSIDERATIONS.—In determining whether or not take one or more actions described in subsection (a), the President shall consider the extent to which—

"(1) the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement;

"(C) reached agreement, or is negotiating in good faith to reach agreement, to ensure that banks and other financial institutions of the country maintain adequate records of large United States currency transactions;

"(D) reached agreement, or is negotiating in good faith to reach agreement, to establish a mechanism for exchanging adequate records on international currency transactions in connection with narcotics investigations and proceedings; and

"(E) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts; and

"(2) such actions will—

"(A) promote the purposes of this chapter; and

"(B) affect other United States national interests.

"(c) CONSULTATIONS WITH THE CONGRESS.—

"(1) CONSULTATIONS.—The President shall consult with the Congress on the status of

counter-narcotics cooperation between the United States and each major illicit drug producing country, major drug-transit country, or major money laundering country.

"(2) PURPOSE.—

"(A) IN GENERAL.—The purpose of the consultations under paragraph (1) shall be to facilitate improved discussion and understanding between the Congress and the President on United States counter-narcotics goals and objectives with regard to the countries described in paragraph (1), including the strategy for achieving such goals and objectives.

"(B) REGULAR AND SPECIAL CONSULTATIONS.—In order to carry out subparagraph (A), the President (or senior officials designated by the President who are responsible for international narcotics programs and policies) shall meet with Members of Congress—

"(i) on a quarterly basis for discussions and consultations; and

"(ii) whenever time-sensitive issues arise.

"(d) DEFINITION.—For purposes of this section, the term 'multilateral development bank' means the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.".

(b) CONFORMING AMENDMENTS.—(1) Section 481(e)(8) of such Act (22 U.S.C. 2291(e)(8)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(2) Section 485(b) of such Act (22 U.S.C. 2291d(b)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(3) Section 488(a)(3) of such Act (22 U.S.C. 2291g(a)(3)) is amended by striking "Committee on Foreign Affairs" and inserting "Committee on International Relations".

(4) Section 489(a) of such Act (22 U.S.C. 2291h(a)) is amended—

(A) in paragraph (3)(A), by striking "as determined under section 490(h)"; and

(B) in the matter preceding subparagraph (A) of paragraph (7), by striking "paragraph (3)(D)" and inserting "paragraph (3)(C)".

CHAPTER 2—NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS

SEC. 411. NONPROLIFERATION, ANTITERRORISM, DEMINING, AND RELATED PROGRAMS.

Part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) is amended by adding at the end the following (and conforming the table of contents accordingly):

"CHAPTER 9—NONPROLIFERATION, ANTITERRORISM, DEMINING AND RELATED PROGRAMS

"SEC. 581. NONPROLIFERATION AND DISARMAMENT FUND.

"(a) ESTABLISHMENT OF FUND.—The President shall establish a Nonproliferation and Disarmament Fund, which may be used notwithstanding any other provision of law, to promote bilateral and multilateral nonproliferation and disarmament activities—

"(1) to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons;

"(2) to dismantle and destroy nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

"(3) to prevent the diversion of weapons-related scientific and technical expertise; and

"(4) to support science and technology centers in Russia and the Ukraine.

"(b) PROHIBITED ACTIVITIES.—Amounts made available to carry out subsection (a) may not be used to implement United States obligations pursuant to bilateral or multilateral arm control treaties or nonproliferation accords, including the payment of salaries and expenses.

"(c) ADDITIONAL REQUIREMENTS.—

"(1) NOTIFICATION.—Amounts made available to carry out subsection (a) may be provided only if the congressional committees specified in section 634A of this Act are notified at least fifteen days before providing funds under such subsection in accordance with procedures applicable to reprogramming notifications under such section.

"(2) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION AND INTERNATIONAL ORGANIZATIONS.—Amounts made available to carry out subsection (a) may only be provided for the independent states of the former Soviet Union and international organizations if the Secretary of State—

"(A) determines it is in the national interest of the United States to do so; and

"(B) includes such determination in the notification described in paragraph (1).

"(d) AVAILABILITY OF AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available to carry out this chapter for fiscal years 1998 and 1999—

"(A) not less than $15,000,000 for each such fiscal year may be made available to carry out subsection (a); and

"(B) not more than $5,000,000 of the amount made available under subparagraph (A) for fiscal year 1998, and not more than $3,000,000 of such amount made available in fiscal year 1999, may be used to support export control programs.

"(2) AVAILABILITY.—Amounts made available under paragraph (1) are authorized to remain available until expended.

"SEC. 582. ASSISTANCE FOR ANTITERRORISM.

"Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out chapter 8 of part II of this Act.

"SEC. 583. ASSISTANCE FOR DEMINING.

"The President is authorized to provide assistance for demining activities, notwithstanding any other provision of law, including—

"(1) to enhance the ability of countries, international organizations, and nongovernmental organizations to detect and clear landmines; and

"(2) to educate affected populations about the dangers of landmines.

"SEC. 584. ASSISTANCE FOR RELATED PROGRAMS.

"(a) IN GENERAL.—Amounts made available to carry out this chapter for fiscal years 1998 and 1999 may be made available to carry out section 301 of this Act for voluntary contributions to the International Atomic Energy Agency (IAEA) and the Korean Peninsula Energy Development Organization (KEDO) and to programs administered by such organizations.

"(b) LIMITATION.—Of the amounts made available under subsection (a) for fiscal years 1998 and 1999, not more than $30,000,000 may be made available for each fiscal year to KEDO for the administrative expenses and heavy fuel oil costs associated with implementation of the Agreed Framework.

"SEC. 585. DEFINITIONS.

"As used in this chapter—

"(1) AGREED FRAMEWORK.—The term "Agreed Framework" means the documents agreed to between the United States and the Democratic People's Republic of Korea on October 21, 1994, regarding elimination of the nuclear weapons program of the Democratic People's Republic of Korea and the provision of certain assistance to that country.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' has the meaning given such term in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5801).

"SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $110,000,000 for fiscal year 1998 and $111,000,000 for fiscal year 1999, in addition to amounts otherwise available for such purposes, to carry out the purpose of this chapter.

"(b) ADMINISTRATIVE AUTHORITIES.—Any agency of the United States Government may utilize such funds in accordance with authority granted under this Act or under authority governing the activities of that agency.

"(c) DESIGNATION OF ACCOUNT.—Appropriations pursuant to subsection (a) may be referred to as the "Nonproliferation, Antiterrorism, Demining and Related Programs Account" or "NADR Account".

(b) REFERENCE IN OTHER PROVISIONS OF LAW.—A reference in any other provision of law to section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) shall be deemed to include a reference to chapter 9 of part II of the Foreign Assistance Act of 1961, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—(1) Section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) is hereby repealed.

(2) The table of contents of such Act is amended by striking the item relating to section 504.

CHAPTER 3—FOREIGN MILITARY FINANCING PROGRAM

SEC. 421. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,318,000,000 for fiscal year 1998; and

(2) $3,274,250,000 for fiscal year 1999.

SEC. 422. ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) GRANT BASIS.—The assistance provided for Israel for each fiscal year under subsection (a) shall be provided on a grant basis.

(2) EXPEDITED DISBURSEMENT—Such assistance shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADVANCED WEAPONS SYSTEMS.—To the extent that the Government of Israel requests that funds be used for such purposes, funds described in subsection (a) shall, as agreed by the Government of Israel and the Government of the United States, be available for advanced weapons systems, of which not less than $475,000,000 for each fiscal year shall be available only for procurement in Israel of defense articles and defense services, including research and development.

SEC. 423. ASSISTANCE FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program" account), not less than $1,300,000,000 for each such fiscal year shall be available only for Egypt.

(b) TERMS OF ASSISTANCE.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

SEC. 424. AUTHORIZATION OF ASSISTANCE TO FACILITATE TRANSITION TO NATO MEMBERSHIP UNDER NATO PARTICIPATION ACT OF 1994.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not less than $50,900,000 for each such fiscal year shall be made available for the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

(b) TERMS OF ASSISTANCE.—The assistance provided under subsection (a) may be provided on a grant basis, and may also be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans to countries eligible for assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note).

SEC. 425. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal year 1998 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

(1) not more than $12,850,000 shall be made available for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) not more than $33,150,000 shall be made available for such subsidy cost of direct loans for Turkey.

SEC. 426. LIMITATIONS ON LOANS.

Of the amounts made available for fiscal year 1999 under section 23 of the Arms Export Control (22 U.S.C. 2763) for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans, no such amounts shall be made available to any country which has an Inter-Agency Country Risk Assessment Systems (ICRAS) rating of less than grade C-.

SEC. 427. ADMINISTRATIVE EXPENSES.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the "Foreign Military Financing Program"), not more than $23,250,000 for each of the fiscal years 1998 and 1999 may be made available for necessary expenses for the general costs of administration of military assistance and sales, including expenses incurred in purchasing passenger motor vehicles for replacement for use outside the United States.

CHAPTER 4—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 431. AUTHORIZATION OF APPROPRIATIONS.

Section 542 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347a) is amended by striking "$56,221,000 for the fiscal year 1986 and $56,221,000 for the fiscal year 1987" and inserting "$50,000,000 for each of the fiscal years 1998 and 1999".

SEC. 432. IMET ELIGIBILITY FOR PANAMA AND HAITI.

Notwithstanding section 660(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(c)), assistance under chapter 5 of part II of such Act (22 U.S.C. 2347) may be provided to Panama and Haiti for each of the fiscal years 1998 and 1999.

CHAPTER 5—TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES

SEC. 441. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the "HUNLEY" class submarine tender HOLLAND (AS 32).

(b) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "KAISER" class oiler ISHERWOOD (T-AO 191).

(c) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "KNOX" class frigates PAUL (FF 1080), MILLER (FF 1091), JESSE L. BROWN (FFT 1089), and MOINESTER (FFT 1097), and the "OLIVER HAZARD PERRY" class frigates FAHRION (FFG 22) and LEWIS B. PULLER (FFG 23).

(d) ISRAEL.—The Secretary of the Navy is authorized to transfer to the Government of Israel the "NEWPORT" class tank landing ship PEORIA (LST 1183).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship BARBOUR COUNTY (LST 1195).

(f) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "KNOX" class frigate ROARK (FF 1053).

(g) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "KNOX" class frigates WHIPPLE (FF 1062) and DOWNES (FF 1070).

(h) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185).

(i) FORM OF TRANSFERS.—Each transfer authorized by this section shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

SEC. 442. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this chapter shall be charged to the recipient.

SEC. 443. EXPIRATION OF AUTHORITY.

The authority granted by section 451 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 444. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this chapter, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

CHAPTER 6—INDONESIA MILITARY ASSISTANCE ACCOUNTABILITY ACT

SEC. 451. SHORT TITLE.

This chapter may be cited as the "Indonesia Military Assistance Accountability Act".

SEC. 452. FINDINGS.

The Congress finds the following:

(1)(A) Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian.

(B) The government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military.

(C) The government requires allegiance to a state ideology known as "Pancasila", which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements.

(2) The Government of Indonesia recognizes only one official trade union, has refused to register independent trade unions such as the Indonesian Prosperity Trade Union (SBSI), has arrested Muchtar Pakpahan, the General Chairman of the SBSI, on charges of subversion, and other labor activists, and has closed the offices and confiscated materials of the SBSI.

(3) Civil society organizations in Indonesia, such as environmental organizations, election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, and community organizations, have been harassed by the Government of Indonesia through such means as detentions, interrogations, denial of permission for meetings, banning of publications, repeated orders to report to security forces or judicial courts, and illegal seizure of documents.

(4)(A) The armed forces of Indonesia continue to carry out torture and other severe violations of human rights in East Timor, Irian Jaya, and other parts of Indonesia, to detain and imprison East Timorese and others for nonviolent expression of political views, and to maintain unjustifiably high troop levels in East Timor.

(B) Indonesian civil authorities must improve their human rights performance in East Timor, Irian Jaya, and elsewhere in Indonesia, and aggressively prosecute violations.

(5) The Nobel Prize Committee awarded the 1996 Nobel Peace Prize to Bishop Carlos Felipe Ximenes Belo and Jose Ramos Horta for their tireless efforts to find a just and peaceful solution to the conflict in East Timor.

(6) In 1992, the Congress suspended the international military and education training (IMET) program for Indonesia in response to a November 12, 1991, shooting incident in East Timor by Indonesian security forces against peaceful Timorese demonstrators in which no progress has been made in accounting for the missing persons either in that incident or others who disappeared in 1995-96.

(7) On August 1, 1996, then Secretary of State Warren Christopher stated in testimony before the Committee on Foreign Relations of the Senate, "I think there's a strong interest in seeing an orderly transition of power there [in Indonesia] that will recognize the pluralism that should exist in a country of that magnitude and importance.".

(8) The United States has important economic, commercial, and security interests in Indonesia because of its growing economy and markets and its strategic location astride a number of key international straits which will only be strengthened by democratic development in Indonesia and a policy which promotes political pluralism and respect for universal human rights.

SEC. 453. LIMITATION ON MILITARY ASSISTANCE TO THE GOVERNMENT OF INDONESIA.

(a) IN GENERAL.—The United States shall not provide military assistance and arms transfers programs for a fiscal year to the Government of Indonesia unless the President determines and certifies to the Congress for that fiscal year that the Government of Indonesia meets the following requirements:

(1) DOMESTIC MONITORING OF ELECTIONS.—(A) The Government of Indonesia provides official accreditation to independent election-monitoring organizations, including the Independent Election Monitoring Committee (KIPP), to observe national elections without interference by personnel of the Government or of the armed forces.

(B) In addition, such organizations are allowed to assess such elections and to publicize or otherwise disseminate the assessments throughout Indonesia.

(2) PROTECTION OF NONGOVERNMENTAL ORGANIZATIONS.—The police or military of Indonesia do not confiscate materials from or otherwise engage in illegal raids on the offices or homes of members of both domestic or international nongovernmental organizations, including election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, community organizations, environmental organizations, and religious organizations.

(3) ACCOUNTABILITY FOR ATTACK ON PDI HEADQUARTERS.—As recommended by the Government of Indonesia's National Human Rights Commission, the Government of Indonesia has investigated the attack on the headquarters of the Democratic Party of Indonesia (PDI) on July 27, 1996, prosecuted individuals who planned and carried out the attack, and made public the postmortem examination of the five individuals killed in the attack.

(4) RESOLUTION OF CONFLICT IN EAST TIMOR.—

(A) ESTABLISHMENT OF DIALOGUE.—The Government of Indonesia is doing everything possible to enter into a process of dialogue, under the auspices of the United Nations, with Portugal and East Timorese leaders of various viewpoints to discuss ideas toward a resolution of the conflict in East Timor and the political status of East Timor.

(B) REDUCTION OF TROOPS.—The Government of Indonesia has established and implemented a plan to reduce the number of Indonesian troops in East Timor.

(C) RELEASE OF POLITICAL PRISONERS.—Individuals detained or imprisoned for the nonviolent expression of political views in East Timor have been released from custody.

(5) IMPROVEMENT IN LABOR RIGHTS.—The Government of Indonesia has taken the following actions to improve labor rights in Indonesia:

(A) The Government has dropped charges of subversion, and previous charges against the General Chairman of the SBSI trade union, Muchtar Pakpahan, and released him from custody.

(B) The Government has substantially reduced the requirements for legal recognition of the SBSI or other legitimate worker organizations as a trade union.

(b) WAIVERS.—

(1) IN GENERAL.—The limitation on United States military assistance and arms transfers under subsection (a) shall not apply if the President determines and notifies the Congress that—

(A) an emergency exists that requires providing such assistance or arms transfers for the Government of Indonesia; or

(B) subject to paragraph (2), it is in the national interest of the United States to provide such assistance or arms transfers for the Government of Indonesia.

(2) APPLICABILITY.—A determination under paragraph (1)(B) shall not become effective until 15 days after the date on which the President notifies the Congress in accordance with such paragraph.

(c) EFFECTIVE DATE.—The limitation on United States military assistance and arms transfers under subsection (a) shall apply only with respect to assistance provided for, and arms transfers made pursuant to agreements entered into, fiscal years beginning after the date of enactment of this Act.

SEC. 454. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

As used in this chapter, the term "military assistance and arms transfers" means—

(1) small arms, crowd control equipment, armored personnel carriers, and such other items that can commonly be used in the direct violation of human rights; and

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training or "IMET"), except such term shall not include Expanded IMET, pursuant to section 541 of such Act.

CHAPTER 7—OTHER PROVISIONS

SEC. 461. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.

Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1998 and 1999".

SEC. 462. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE ALLIES STOCKPILE TO THE REPUBLIC OF KOREA.

(a) AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) ITEMS DESCRIBED.—The items described in this paragraph are equipment, tanks, weapons, repair parts, and ammunition that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of enactment of this Act, are located in a stockpile in the Republic of Korea.

(b) CONCESSIONS.—The value of the concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the congressional defense committees a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than two years after the date of the enactment of this Act.

SEC. 463. ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.

(a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting before the period at the end the following: "and $60,000,000 for fiscal year 1998".

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C 2321h(b)(2)(B)) is amended by adding at the end the following: "Of the amount specified in subparagraph (A) for fiscal year 1998, not more than $40,000,000 may be made available for stockpiles in the Republic of Korea and not more than $20,000,000 may be made available for stockpiles in Thailand.".

SEC. 464. DELIVERY OF DRAWDOWN BY COMMERCIAL TRANSPORTATION SERVICES.

Section 506 of the Foreign Assistance Act of 1961 (22 U.S.C.2318) is amended—

(1) in subsection (b)(2), by striking the period and inserting the following: ", including providing the Congress with a report detailing all defense articles, defense services, and military education and training delivered to the recipient country or international organization upon delivery of such articles or upon completion of such services or education and training. Such report shall also include whether any savings were realized by utilizing commercial transport services rather than acquiring those services from United States Government transport assets.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) For the purposes of any provision of law that authorizes the drawdown of defense or other articles or commodities, or defense or other services from an agency of the United States Government, such drawdown may include the supply of commercial transportation and related services that are acquired by contract for the purposes of the drawdown in question if the cost to acquire such commercial transportation and related services is less than the cost to the United States Government of providing such services from existing agency assets.".

SEC. 465. CASH FLOW FINANCING NOTIFICATION.

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is amended—

(1) in the second subsection (d)—

(A) by striking "(d)" and inserting "(e)"; and

(B) by striking the semicolon at the end and inserting a period; and

(2) by adding at the end the following:

"(f) For each country that has been approved for cash flow financing (as defined in subsection (e)) under section 23 of this Act (relating to the 'Foreign Military Financing Program'), any letter of offer and acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act and through the regular notification

procedures of the Committee on Appropriations.".

SEC. 466. MULTINATIONAL ARMS SALES CODE OF CONDUCT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall convene negotiations with all Wassenaar Arrangement countries for the purpose of establishing a multinational arms sales code of conduct.

(b) CONDUCT OF NEGOTIATIONS.—Such negotiations shall achieve agreement on restricting or prohibiting arms transfers to countries that—

(1) do not respect democratic processes and the rule of law;

(2) do not adhere to internationally-recognized norms on human rights; or

(3) are engaged in acts of armed aggression.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall prepare and transmit to the Committee on International Relations of the House of Representative and the Committee on Foreign Relations of the Senate a report on—

(1) efforts to establish a multinational arms sales code of conduct;

(2) progress toward establishing such code of conduct; and

(3) any obstacles that impede the establishment of such code of conduct.

TITLE V—ECONOMIC ASSISTANCE

CHAPTER 1—ECONOMIC SUPPORT ASSISTANCE

SEC. 501. ECONOMIC SUPPORT FUND.

Section 532(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346a(a)) is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $2,388,350,000 for fiscal year 1998 and $2,350,600,000 for fiscal year 1999.".

SEC. 502. ASSISTANCE FOR ISRAEL.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.

(b) TERMS OF ASSISTANCE.—

(1) CASH TRANSFER.—The total amount of funds allocated for Israel for each fiscal year under subsection (a) shall be made available on a grant basis as a cash transfer.

(2) EXPEDITED DISBURSEMENT.—Such funds shall be disbursed—

(A) with respect to fiscal year 1998, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, or by October 31, 1997, whichever is later; and

(B) with respect to fiscal year 1999, not later than 30 days after the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, or by October 31, 1998, whichever is later.

(3) ADDITIONAL REQUIREMENT.—In exercising the authority of this subsection, the President shall ensure that the amount of funds provided as a cash transfer to Israel does not cause an adverse impact on the total level of nonmilitary exports from the United States to Israel.

SEC. 503. ASSISTANCE FOR EGYPT.

(a) MINIMUM ALLOCATION.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

(b) ADDITIONAL REQUIREMENT.—In exercising the authority of this section, the President shall ensure that the amount of funds provided as a cash transfer to Egypt does not cause an adverse impact on the total level of nonmilitary exports from the United States to Egypt.

(c) DECLARATION OF POLICY.—The Congress declares the following:

(1) Assistance to Egypt is based in great measure upon Egypt's continued implementation of the Camp David accords and the Egyptian-Israeli peace treaty.

(2) Fulfillment by Egypt of its obligations under the agreements described in paragraph (1) has been disappointing, particularly the failure by Egypt to meet fully its commitment made at Camp David to establish with Israel "relationships normal to states at peace with one another", and in its recent support for reimposing the Arab economic boycott of Israel.

(3) Support for future funding levels of assistance for Egypt will be determined largely on whether Egypt fulfills its obligations to develop normal relations with Israel and to promote peace with Israel and other critical United States interests both in Egypt and the wider Arab world.

SEC. 504. INTERNATIONAL FUND FOR IRELAND.

(a) FUNDING.—Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not more than $19,600,000 for each of the fiscal years 1998 and 1999 shall be available for the United States contribution to the International Fund for Ireland in accordance with the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415).

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentences: "United States contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions shall be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "principle of equality" and all that follows and inserting "principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering the highest rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) each individual or entity receiving assistance from United States contributions to the International Fund has agreed in writing to comply with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing included herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) the term 'Northern Ireland' includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh; and

"(4) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace.

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

SEC. 505. ASSISTANCE FOR TRAINING OF CIVILIAN PERSONNEL OF THE MINISTRY OF DEFENSE OF THE GOVERNMENT OF NICARAGUA.

Notwithstanding section 531(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2346(e)), amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of such Act (22 U.S.C. 2346; relating to the economic support fund) may be made available for assistance and training for civilian personnel of the Ministry of Defense of the Government of Nicaragua if, prior to the provision of such assistance, the Secretary of State determines and reports to the Congress that such assistance is necessary to establishing a civilian Ministry of Defense capable of effective oversight and management of the Nicaraguan armed forces and ensuring respect for civilian authority and human rights.

SEC. 506. AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to the economic support fund), not less than $2,000,000 for each such fiscal year shall be made available to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 6001 et seq.).

CHAPTER 2—DEVELOPMENT ASSISTANCE

Subchapter A—Development Assistance Authorities

SEC. 511. AUTHORIZATION OF APPROPRIATIONS.

(a) DEVELOPMENT ASSISTANCE FUND.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 106 and before section 107A, as added by this Act, the following:

"SEC. 107. DEVELOPMENT ASSISTANCE FUND.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out sections 103 through 106, in addition to amounts otherwise available for such purposes, $1,203,000,000 for each of the fiscal years 1998 and 1999.

"(b) ADDITIONAL USE OF AMOUNTS.—Of the amounts authorized to be appropriated under subsection (a)—

"(1) the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980;

"(2) $2,500,000 for fiscal year 1998 and $4,000,000 for fiscal year 1999 may be made available to carry out section 510 of the International Security and Development Cooperation Act of 1980 (relating to the African Development Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 510 of such Act); and

"(3) $2,000,000 for fiscal year 1998 and $7,000,000 for fiscal year 1999 may be made available to carry out section 401 of the Foreign Assistance Act of 1969 (relating to the Inter-American Foundation) (such amounts are in addition to amounts otherwise made available to carry out section 401 of such Act).

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.".

(b) DEVELOPMENT FUND FOR AFRICA.—Section 497 of the Foreign Assistance Act of 1961 (22 U.S.C. 2294) is amended to read as follows:

"(a) IN GENERAL.—Of the amounts made available to carry out sections 103 through 106 (including section 104(c)) for fiscal years 1998 and 1999, not less than $700,000,000 for each of the fiscal years 1998 and 1999 shall be made available to carry out this chapter (in addition to amounts otherwise available for such purposes).

"(b) AVAILABILITY.—Amounts made available under subsection (a) are authorized to remain available until expended.".

(c) ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 498C(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295c(a)) is amended by striking "for fiscal year 1993 $410,000,000" and inserting "for economic assistance and related programs, $839,900,000 for fiscal year 1998 and $789,900,000 for fiscal year 1999".

(d) ASSISTANCE FOR EAST EUROPEAN COUNTRIES.—

(1) IN GENERAL.—There are authorized to be appropriated to the President, in addition to amounts otherwise available for such purposes, $471,000,000 for fiscal year 1998 and $337,000,000 for fiscal year 1999 for economic assistance and related programs for Eastern Europe and the Baltic states under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(2) DEBT RELIEF FOR BOSNIA AND HERZEGOVINA.—Notwithstanding any other provision of law, of the amounts authorized to be appropriated for fiscal years 1998 and 1999 under paragraph (1), not more than $5,000,000 may be made available for the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of modifying direct loans and loan guarantees for Bosnia and Herzegovina.

(3) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(e) INTER-AMERICAN FOUNDATION.—Section 401(s)(2) of the Foreign Assistance Act of 1969 (22 U.S.C. 290f(s)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the President to carry out programs under this section, in addition to amounts otherwise available for such purposes, $20,000,000 for fiscal year 1998 and $15,000,000 for fiscal year 1999.

"(B) Amounts authorized to be appropriated under subparagraph (A) are authorized to remain available until expended.".

(f) AFRICAN DEVELOPMENT FOUNDATION.—The first sentence of section 510 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h–8) is amended by striking "$3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987" and inserting "$11,500,000 for fiscal year 1998 and $10,000,000 for fiscal year 1999.".

SEC. 512. CHILD SURVIVAL ACTIVITIES.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended to read as follows:

"(c) ASSISTANCE FOR CHILD SURVIVAL, HEALTH, BASIC EDUCATION FOR CHILDREN, AND DISEASE PREVENTION.—

"(1) AUTHORITY.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for child survival and health programs, including programs that address the special health and nutrition needs of children and mothers, and basic education programs for children. Assistance under this subsection may be used for the following:

"(A) Activities whose primary purpose is to reduce child morbidity and child mortality and which have a substantial, direct, and measurable impact on child morbidity and child mortality, such as—

"(i) immunization;

"(ii) oral rehydration;

"(iii) activities relating to Vitamin A deficiency, iodine deficiency, and other micronutrients;

"(iv) programs designed to reduce child malnutrition;

"(v) programs to prevent and treat acute respiratory infections;

"(vi) programs for the prevention, treatment, and control of, and research on, polio, malaria and other diseases primarily affecting children; and

"(vii) programs whose primary purpose is to prevent neonatal mortality.

"(B) Other child survival activities such as—

"(i) basic integrated health services;

"(ii) assistance for displaced and orphaned children;

"(iii) safe water and sanitation;

"(iv) health programs, and related education programs, which primarily address the needs of mothers and children; and

"(v) related health planning and research.

"(C) Basic education programs for mothers and children.

"(D) Other disease activities such as programs for the prevention, treatment and control of, and research on, tuberculosis, HIV/AIDS, and other diseases.

"(2) PRIORITY.—Child survival activities administered by the United States Agency for International Development under this subsection shall be primarily devoted to activities of the type described in paragraph (1)(A).

"(3) APPLICATION OF OTHER AUTHORITIES.—Funds made available to carry out this subsection that are provided for countries receiving assistance under chapters 10 and 11 of part I of this Act or the Support for East European Democracy (SEED) Act of 1989, may be made available—

"(A) only for the activities described in of paragraph (1); and

"(B) except to the extent inconsistent with subparagraph (A), pursuant to the authorities otherwise applicable to the provision of assistance for such countries.

"(4) INTERNATIONAL ORGANIZATIONS.—Funds made available to carry out this subsection may be used to make contributions on a grant basis to the United Nations Children's Fund (UNICEF) pursuant to section 301 of this Act.

"(5) PVO/CHILD SURVIVAL GRANTS PROGRAM.—Of amounts made available to carry out this subsection for a fiscal year, not less than $30,000,000 should be provided to the private and voluntary organizations under the PVO/Child Survival grants program carried out by the United States Agency for International Development.

"(6) REPORT.—The Administrator of the United States Agency for International Development shall report to Congress, as part of the congressional presentation document required under section 634 of this Act, the total amounts to be provided for activities under each subparagraph of paragraph (1).

"(7) AUTHORIZATION OF APPROPRIATIONS.—(A) In addition to amounts otherwise available for such purposes, and in addition to amounts made available under section 107, there are authorized to be appropriated to the President $600,000,000 for each of the fiscal years 1998 and 1999 for use in carrying out this subsection.

"(B) Amounts appropriated under this paragraph are authorized to remain available until expended.

"(8) DESIGNATION OF FUND.—Appropriations pursuant to this subsection may be referred to as the 'Child Survival and Disease Programs Fund'.".

SEC. 513. REQUIREMENT ON ASSISTANCE TO THE RUSSIAN FEDERATION.

(a) IN GENERAL.—Of the amounts made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999, not more than $95,000,000 for each such fiscal year may be provided to the Russian Federation unless the President determines and reports to the Congress for each such fiscal year that—

(1) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, ballistic missile or nuclear programs in Iran, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such programs in Iran by persons and entities subject to its jurisdiction; and

(2) the Government of the Russian Federation has terminated all official cooperation with, and transfers of goods and technology to, nuclear reactor projects in Cuba, and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technology to, such projects in Cuba by persons and entities subject to its jurisdiction.

(b) ADDITIONAL LIMITATION.—

(1) IN GENERAL.—Notwithstanding subsection (a), none of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS-N-22 missile system to the People's Republic of China.

(2) EXCEPTION.—Paragraph (1) shall not apply if the President determines that making such funds available is important to the national security interest of the United States. Any such determination shall cease to be effective 6 months after being made unless the President determines that its continuation is important to the national security interest of the United States.

SEC. 514. HUMANITARIAN ASSISTANCE FOR ARMENIA AND AZERBAIJAN.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should seek cooperation from the governments of Armenia and Azerbaijan to ensure that humanitarian assistance, including assistance delivered through nongovernmental organizations and private and voluntary organizations, shall be available to all needy citizens within Armenia and Azerbaijan, including those individuals in the region of Nagorno-Karabakh.

(b) REPORT.—The President shall prepare and transmit a report to the Congress on humanitarian needs throughout Armenia and Azerbaijan and the provision of assistance to meet such needs by United States and other donor organizations and states.

SEC. 515. AGRICULTURAL DEVELOPMENT AND RESEARCH ASSISTANCE.

(a) FINDINGS.—The Congress finds that the proportion of United States development assistance devoted to agricultural development and research has declined sharply from 17 percent in 1990 to 8 percent in 1996.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) United States investment in international agricultural development and research has been a critical part of many economic development successes;

(2) agricultural development and research advance food security, thereby reducing poverty, increasing political stability, and promoting United States exports; and

(3) the United States Agency for International Development should increase the emphasis it places on agricultural development and research and expand the role of agricultural development and research in poverty relief, child survival, and environmental programs.

SEC. 516. ACTIVITIES AND PROGRAMS IN LATIN AMERICA AND THE CARIBBEAN REGION AND THE ASIA AND THE PACIFIC REGION.

Of the amounts made available for fiscal years 1998 and 1999 for assistance under sections 103 through 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a through 2151d), including assistance under section 104(c) of such Act (22 U.S.C. 2151b(c)), the amount made available for activities and programs in Latin America and the Caribbean region and the Asia and the Pacific region should be in at least the same proportion to the total amount of such assistance made available as the amount identified in the congressional presentation documents for development assistance for each of the fiscal years 1998 and 1999, respectively, for each such region is to the total amount requested for development assistance for each such fiscal year.

SEC. 517. SUPPORT FOR AGRICULTURAL DEVELOPMENT ASSISTANCE.

(a) IN GENERAL.—For each of the fiscal years 1998 and 1999 the President should allocate an aggregate level to programs under section 103 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition) in amounts equal to the level provided to such programs in fiscal year 1997.

(b) INCREASING LEVELS.—If appropriations for programs under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.; relating to development assistance) increase in fiscal year 1998 or 1999 above levels provided in fiscal year 1997, the President should allocate an increasing level for programs under section 103 of such Act (22 U.S.C. 2151a; relating to agriculture, rural development, and nutrition).

Subchapter B—Operating Expenses

SEC. 521. OPERATING EXPENSES GENERALLY.

Section 667(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)(1)) is amended to read as follows:

"(1) $473,000,000 for fiscal year 1998 and $465,000,000 for fiscal year 1999 for necessary operating expenses of the United States Agency for International Development (other than the Office of the Inspector General of such agency);".

SEC. 522. OPERATING EXPENSES OF THE OFFICE OF THE INSPECTOR GENERAL.

Section 667(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2427(a)), as amended by this Act, is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2) $29,047,000 for each of the fiscal years 1998 and 1999 for necessary operating expenses of the Office of the Inspector General of such agency; and".

CHAPTER 3—URBAN AND ENVIRONMENTAL CREDIT PROGRAM

SEC. 531. URBAN AND ENVIRONMENTAL CREDIT PROGRAM.

(a) IN GENERAL.—The heading for title III of chapter 2 of part I of the Foreign Assistance Act of 1961 is amended to read as follows:

"TITLE III—URBAN AND ENVIRONMENTAL CREDIT PROGRAM".

(b) REPEALS.—(1) Section 222(k) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182(k)) is hereby repealed.

(2) Section 222A of such Act (22 U.S.C. 2182a) is hereby repealed.

(3) Section 223(j) of such Act (22 U.S.C. 2183(j)) is hereby repealed.

CHAPTER 4—THE PEACE CORPS

SEC. 541. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

"(b)(1) There are authorized to be appropriated to carry out the purposes of this Act $222,000,000 for fiscal year 1998 and $225,000,000 for fiscal year 1999.

"(2) Amounts authorized to be appropriated under paragraph (1)—

"(A) with respect to fiscal year 1998 are authorized to remain available until September 30, 1999; and

"(B) with respect to fiscal year 1999 are authorized to remain available until September 30, 2000.".

SEC. 542. ACTIVITIES OF THE PEACE CORPS IN THE FORMER SOVIET UNION AND MONGOLIA.

Of the amounts made available for fiscal years 1998 and 1999 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.; relating to assistance for the independent states of the former Soviet Union), not more than $11,000,000 for each such fiscal year shall be available for activities of the Peace Corps in the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992) and Mongolia.

SEC. 543. AMENDMENTS TO THE PEACE CORPS ACT.

(a) TERMS AND CONDITIONS OF VOLUNTEER SERVICE.—Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (f)(1)(B), by striking "Civil Service Commission" and inserting "Office of Personnel Management";

(2) in subsection (h), by striking "the Federal Voting Assistance Act of 1955" and all that follows through the end of the subsection and inserting "sections 5584 and 5732 of title 5, United States Code (and readjustment allowances paid under this Act shall be considered as pay for purposes of such section 5732), section 1 of the Act of June 4, 1920 (22 U.S.C. 214), and section 3342 of title 31, United States Code."; and

(3) in subsection (j), by striking "section 1757 of the Revised Statutes" and all that follows through the end of the subsection and inserting "section 3331 of title 5, United States Code.".

(b) GENERAL POWERS AND AUTHORITIES.—Section 10 of such Act (22 U.S.C. 2509) is amended—

(1) in subsection (a)(4), by striking "31 U.S.C. 665(b)" and inserting "section 1342 of title 31, United States Code"; and

(2) in subsection (a)(5), by striking "*Provided*, That" and all that follows through the end of the paragraph and inserting ", except that such individuals shall not be deemed employees for the purpose of any law administered by the Office of Personnel Management.".

(c) UTILIZATION OF FUNDS.—Section 15 of such Act (22 U.S.C. 2514) is amended—

(1) in the first sentence of subsection (c)—

(A) by striking "Public Law 84–918 (7 U.S.C. 1881 et seq.)" and inserting "subchapter VI of

chapter 33 of title 5, United States Code (5 U.S.C. 3371 et seq.)"; and

(B) by striking "specified in that Act"and inserting "or other organizations specified in section 3372(b) of such title"; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "section 9 of Public Law 60–328 (31 U.S.C. 673)" and inserting "section 1346 of title 31, United States Code";

(B) in paragraph (6), by striking "without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)";

(C) in paragraph (11)—

(i) by striking "Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)," and inserting "Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)"; and

(ii) by striking "and" at the end;

(D) in paragraph (12), by striking the period at the end and by inserting "; and"; and

(E) by adding at the end the following:

"(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between 2 places outside the United States without regard to section 40118 of title 49, United States Code.".

(d) PROHIBITION ON USE OF FUNDS FOR ABORTIONS.—Section 15 of such Act (22 U.S.C. 2514) is amended, as amended by this Act, is further amended by adding at the end the following new subsection:

"(e) Funds made available for the purposes of this Act may not be used to pay for abortions.".

CHAPTER 5—INTERNATIONAL DISASTER ASSISTANCE

SEC. 551. AUTHORITY TO PROVIDE RECONSTRUCTION ASSISTANCE.

Section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) is amended—

(1) in subsection (a), by striking "and rehabilitation" and inserting ", rehabilitation, and reconstruction, as the case may be,";

(2) in subsection (b), by striking "and rehabilitation" and inserting ", rehabilitation, and reconstruction"; and

(3) in subsection (c), by striking "and rehabilitation" and inserting ", rehabilitation, and reconstruction".

SEC. 552. AUTHORIZATIONS OF APPROPRIATIONS.

Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. (22 U.S.C. 2292a(a)) is amended in the first sentence to read as follows: "There are authorized to be appropriated to the President to carry out section 491, in addition to funds otherwise available for such purposes, $190,000,000 for each of the fiscal years 1998 and 1999.".

CHAPTER 6—DEBT RELIEF

SEC. 561. DEBT RESTRUCTURING FOR FOREIGN ASSISTANCE.

Chapter 6 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2271 et seq.) is amended to read as follows:

"CHAPTER 6—DEBT RELIEF

"SEC. 461. SPECIAL DEBT RELIEF FOR POOR COUNTRIES.

"(a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States Government by a country described in subsection (b) as a result of—

"(1) loans or guarantees issued under this Act; or

"(2) credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(b) COUNTRY DESCRIBED.—A country described in this subsection is a country—

"(1) with a heavy debt burden that is eligible to borrow from the International Development Association but not from the International Bank for Reconstruction and Development (commonly referred to as an 'IDA-only' country);

"(2) the government of which—

"(A) does not have an excessive level of military expenditures;

"(B) has not repeatedly provided support for acts of international terrorism; and

"(C) is not failing to cooperate with the United States on international narcotics control matters;

"(3) the government (including the military or other security forces of such government) of which does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

"(4) that is not ineligible for assistance because of the application of section 527(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

"(c) LIMITATIONS.—The authority under subsection (a) may be exercised—

"(1) only to implement multilateral official debt relief ad referendum agreements (commonly referred to as 'Paris Club Agreed Minutes'); and

"(2) only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

"(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to the exercise of authority under subsection (a)—

"(1) shall not be considered assistance for purposes of any provision of law limiting assistance to a country; and

"(2) may be exercised notwithstanding section 620(r) of this Act or any comparable provision of law.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the President for the purpose of carrying out this section and the Foreign Operations, Export Financing, and Related Programs Supplemental Appropriations Act, 1994 (title VI of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994; Public Law 103-306) $32,000,000 for each of the fiscal years 1998 and 1999.

"(2) AVAILABILITY.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.".

SEC. 562. DEBT BUYBACKS OR SALES FOR DEBT SWAPS.

Part IV of the Foreign Assistance Act of 1961 (22 U.S.C. 2430 et seq.) is amended by adding at the end the following:

"SEC. 711. AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES.

"(a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

"(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to this Act, to the government of any eligible country, as defined in section 702(6), or on receipt of payment from an eligible purchaser or such eligible country, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

"(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

"(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities (i) that link conservation and sustainable use of natural resources with local community development, and (ii) for child survival and other child development activities, in a manner consistent with sections 707 through 710, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

"(3) ADMINISTRATION.—The Facility, as defined in section 702(8), shall notify the Administrator of the United States Agency for International Development of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

"(4) LIMITATION.—To the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are necessary, the authorities of this subsection shall be available only where such appropriations are made in advance.

"(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in an account or accounts established in the Treasury for the repayment of such loan.

"(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

"(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President shall consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.".

CHAPTER 7—OTHER ASSISTANCE PROVISIONS

SEC. 571. EXEMPTION FROM RESTRICTIONS ON ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.

Section 123(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(e)) is amended to read as follows:

"(e)(1) Subject to paragraph (3), restrictions contained in this Act or any other provision of law with respect to assistance for a country shall not be construed to restrict assistance under this chapter, chapter 10, and chapter 11 of this part, chapter 4 of part II, or the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), in support of programs of nongovernmental organizations.

"(2) The President shall take into consideration, in any case in which a restriction on assistance for a country would be applicable but for this subsection, whether assistance for programs of nongovernmental organizations is in the national interest of the United States.

"(3) Whenever the authority of this subsection is used to furnish assistance in support of a program of a nongovernmental organization, the President shall notify the congressional committees specified in section 634A(a) of this Act in accordance with procedures applicable to reprogramming notifications under that section. Such notification shall describe the program assisted, the assistance provided, and the reasons for furnishing such assistance.".

SEC. 572. FUNDING REQUIREMENTS RELATING TO UNITED STATES PRIVATE AND VOLUNTARY ORGANIZATIONS.

(a) IN GENERAL.—Section 123(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u(g)) is amended to read as follows:

"(g) Funds made available to carry out this chapter or chapter 10 of this part may not be made available to any United States private and voluntary organization, except any cooperative development organization, that obtains less than 20 percent of its total annual funding for its international activities from sources other than the United States Government.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to funds made available for programs of any United States private and voluntary organization on or after the date of the enactment of this Act.

SEC. 573. DOCUMENTATION REQUESTED OF PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by inserting after subsection (v), as added by this Act, the following:

"(w) None of the funds made available to carry out this Act shall be available to any private and voluntary organization which—

"(1) fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development; or

"(2) is not registered with the United States Agency for International Development.".

SEC. 574. ENCOURAGEMENT OF FREE ENTERPRISE AND PRIVATE PARTICIPATION.

Section 601(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2351(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding the following:

"(2) To the maximum extent feasible, in providing assistance under Part I of this Act, the President should give special emphasis to programs and activities that encourage the creation and development of private enterprise and free market systems, including—

"(A) the development of private cooperatives, credit unions, labor unions, and civic and professional associations;

"(B) the reform and restructuring of banking and financial systems; and

"(C) the development and strengthening of commercial laws and regulations, including laws and regulations to protect intellectual property.".

SEC. 575. SENSE OF THE CONGRESS RELATING TO UNITED STATES COOPERATIVES AND CREDIT UNIONS.

It is the sense of the Congress that—

(1) United States cooperatives and cooperative development organizations and credit unions can provide an opportunity for people in developing countries to participate directly in democratic decisionmaking for their economic and social benefit through ownership and control of business enterprises and through the mobilization of local capital and savings; and

(2) such organizations should be utilized in fostering democracy, free markets, community-based development, and self-help projects.

SEC. 576. FOOD ASSISTANCE TO THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

None of the funds made available in this division and the amendments made by this division shall be made available for assistance for food to the Democratic People's Republic of Korea unless the President certifies to the Congress that—

(1) the Government of the Republic of Korea does not oppose the delivery of United States assistance for food to the Democratic People's Republic of Korea;

(2) the United States Government is confident that previous United States assistance for food and official concessional food deliveries have not been diverted to military needs;

(3) military stocks of the Democratic People's Republic of Korea have been tapped to respond to unmet food aid needs;

(4) the World Food Program and other international food delivery organizations have been permitted to take and have taken all reasonable steps to ensure that all upcoming food aid deliveries will not be diverted from intended recipients; and

(5) the Government of the United States has directly acted to encourage, and acting through appropriate international organizations, has encouraged such organizations to urge, the Democratic People's Republic of Korea to initiate fundamental structural reforms of its agricultural sector.

SEC. 577. WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA.

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

TITLE VI—TRADE AND DEVELOPMENT AGENCY

SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

Section 661(f)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)(1)(A)) is amended to read as follows:

"(1) AUTHORIZATION.—(A) There are authorized to be appropriated for purposes of this section, in addition to funds otherwise available for such purposes, $43,000,000 for each of the fiscal years 1998 and 1999.".

TITLE VII—SPECIAL AUTHORITIES AND OTHER PROVISIONS

CHAPTER 1—SPECIAL AUTHORITIES

SEC. 701. ENHANCED TRANSFER AUTHORITY.

Section 610 of the Foreign Assistance Act of 1961 (22 U.S.C. 2360) is amended to read as follows:

"SEC. 610. TRANSFER BETWEEN ACCOUNTS.

"(a) GENERAL AUTHORITY.—Whenever the President determines it to be necessary for the purposes of this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.), not to exceed 20 percent of the funds made available to carry out any provision of this Act (except funds made available pursuant to title IV of chapter 2 of part I) or section 23 of the Arms Export Control Act (22 U.S.C. 2763)—

"(1) may be transferred to, and consolidated with, the funds in any other account or fund available to carry out any provision of this Act or the Arms Export Control Act; and

"(2) may be used for any purpose for which funds in that account or fund may be used.

"(b) LIMITATION ON AMOUNT OF INCREASE.—The total amount in the account or fund for the benefit of which transfer is made under subsection (a) during any fiscal year may not be increased by more than 20 percent of the amount of funds otherwise made available.

"(c) NOTIFICATION.—The President shall notify in writing the congressional committees specified in section 634A at least fifteen days in advance of each such transfer between accounts in accordance with procedures applicable to reprogramming notifications under such section.".

SEC. 702. AUTHORITY TO MEET UNANTICIPATED CONTINGENCIES.

Paragraph (1) of section 451(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2261(a)(1)) is amended by striking "$25,000,000" and inserting "$50,000,000".

SEC. 703. SPECIAL WAIVER AUTHORITY.

(a) LAWS AFFECTED.—Section 614 of the Foreign Assistance Act of 1961 (22 U.S.C. 2364) is amended by striking subsections (a)(1) and (a)(2) and inserting the following:

"(a) AUTHORITY TO AUTHORIZE ASSISTANCE, SALES, AND OTHER ACTIONS; LIMITATIONS.—(1) The President may authorize assistance, sales, or other action under this Act, the Arms Export Control Act, or any annual (or periodic) foreign assistance authorization or appropriations legislation, without regard to any of the provisions described in subsection (b), if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

"(A) with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or assistance, sales, or other actions under the Arms Export Control Act, that to do so is vital to the national security interests of the United States; and

"(B) with respect to other assistance or actions that to do so is important to the national interests of the United States.

"(2) The President may waive any provision described in paragraph (1), (2), or (3) of subsection (b) that would otherwise prohibit or restrict assistance or other action under any provision of law not described in those paragraphs if the President determines, and notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the national interests of the United States.".

(b) ANNUAL CEILINGS.—Section 614(a)(4) of such Act (22 U.S.C. 2364(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "$750,000,000" and inserting "$1,000,000,000";

(B) in clause (ii), by striking "$250,000,000" and inserting "$500,000,000"; and

(C) in clause (iii), by striking "$100,000,000" and inserting "$200,000,000"; and

(2) in subparagraph (C)—

(A) by striking "$50,000,000" and inserting "$75,000,000"; and

(B) by striking $1,000,000,000" and inserting "$1,500,000,000".

(c) LAWS WHICH MAY BE WAIVED.—Section 614 of such Act (22 U.S.C. 2364) is amended by striking subsections (b) and (c) and inserting the following:

"(b) LAWS WHICH MAY BE WAIVED.—The provisions referred to in subsections (a)(1) and (a)(2) are—

"(1) the provisions of this Act;

"(2) the provisions of the Arms Export Control Act;

"(3) the provisions of any annual (or periodic) foreign assistance authorization or appropriations legislation, including any amendment made by any such Act;

"(4) any other provision of law that restricts assistance, sales or leases, or other action under the Acts referred to in paragraph (1), (2), or (3); and

"(5) any law relating to receipts and credits accruing to the United States.".

(d) CONFORMING AMENDMENT.—Section 614(a)(4)(B) of such Act (22 U.S.C 2364(a)(4)(B)) is amended by striking "the Arms Export Control Act or under".

SEC. 704. TERMINATION OF ASSISTANCE.

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended to read as follows:

"SEC. 617. TERMINATION OF ASSISTANCE.

"(a) IN GENERAL.—(1) In order to ensure the effectiveness of assistance provided under this Act, notwithstanding any other provision of law, funds made available under this Act or the Arms Export Control Act to carry out any program, project, or activity of assistance shall remain available for obligation for a period not to exceed 8 months after the date of termination of such assistance for the necessary expenses of winding up such programs, projects, or activities, and funds so obligated may remain available until expended.

"(2) Funds obligated to carry out any program, project, or activity of assistance before the effective date of the termination of such assistance are authorized to be available for expenditure for the necessary expenses of winding up such programs, projects, and activities, notwithstanding any provision of law restricting the expenditure of funds, and may be reobligated to meet any other necessary expenses arising from the termination of such assistance.

"(3) The necessary expenses of winding up programs, projects, and activities of assistance include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

"(b) LIABILITY TO CONTRACTORS.—For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor to carry out any program, project, or activity of assistance under this Act that was subsequently terminated pursuant to law.

"(c) GUARANTEE PROGRAMS.—Provisions of this or any other Act requiring the termination of assistance under this Act shall not be construed to require the termination of guarantee commitments that were entered into before the effective date of the termination of assistance.".

SEC. 705. LOCAL ASSISTANCE TO HUMAN RIGHTS GROUPS IN CUBA.

Section 109 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6039) is amended by adding at the end the following:

"(d) LOCAL ASSISTANCE.—

"(1) IN GENERAL.—For the purposes of providing assistance to independent nongovernmental organizations and individuals in Cuba as authorized by subsection (a), amounts made available under such subsection may be used for assistance to individuals and nongovernmental organizations in Cuba and for local costs incurred in delivering such assistance.

"(2) CERTIFICATION.—A certification by a representative of a United States or local nongovernmental organization, or other entity, administering assistance described in paragraph (1), that such assistance is being used for its intended purpose, shall be deemed to satisfy any accountability requirement of the United States Agency for International Development for the administration of such assistance.".

CHAPTER 2—REPEALS

SEC. 711. REPEAL OF OBSOLETE PROVISIONS.

(a) 1987 FOREIGN ASSISTANCE APPROPRIATIONS ACT.—Section 539(g)(2) of the Foreign Assistance and Related Programs Appropriations Act, 1987, as included in Public Law 99-591, is hereby repealed.

(b) 1986 ASSISTANCE ACT.—The Special Foreign Assistance Act of 1986 is hereby repealed except for section 1, section 204, and title III of such Act.

(c) 1985 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1985 is hereby repealed except for section 1, section 131, section 132, section 502, section 504, section 505, part B of title V (other than section 558 and section 559), section 1302, section 1303, and section 1304.

(d) 1985 JORDAN SUPPLEMENTAL ACT.—The Jordan Supplemental Economic Assistance Authorization Act of 1985 is hereby repealed.

(e) 1985 AFRICAN FAMINE ACT.—The African Famine Relief and Recovery Act of 1985 is hereby repealed.

(f) 1983 ASSISTANCE ACT.—The International Security and Development Assistance Authorization Act of 1983 is hereby repealed.

(g) 1983 LEBANON ASSISTANCE ACT.—The Lebanon Emergency Assistance Act of 1983 is hereby repealed.

(h) 1981 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1981 is hereby repealed except for section 1, section 709, and section 714.

(i) 1980 ASSISTANCE ACT.—The International Security and Development Cooperation Act of 1980 is hereby repealed except for section 1, section 110, section 316, and title V.

(j) 1979 DEVELOPMENT ASSISTANCE ACT.—The International Development Cooperation Act of 1979 is hereby repealed.

(k) 1979 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1979 is hereby repealed.

(l) 1979 SPECIAL SECURITY ASSISTANCE ACT.—The Special International Security Assistance Act of 1979 is hereby repealed.

(m) 1978 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1978 is hereby repealed, except for section 1, title IV, and section 603(a)(2).

(n) 1978 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1978 is hereby repealed.

(o) 1977 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1977 is hereby repealed except for section 1, section 132(b), and section 133.

(p) 1977 SECURITY ASSISTANCE ACT.—The International Security Assistance Act of 1977 is hereby repealed.

(q) 1976 SECURITY ASSISTANCE ACT.—The International Security Assistance and Arms Export Control Act of 1976 is hereby repealed except for section 1, section 201(b), section 212(b), section 601, and section 608.

(r) 1975 DEVELOPMENT ASSISTANCE ACT.—The International Development and Food Assistance Act of 1975 is hereby repealed.

(s) 1975 BIB ACT.—Public Law 94-104 is hereby repealed.

(t) 1974 ASSISTANCE ACT.—The Foreign Assistance Act of 1974 is hereby repealed.

(u) 1973 EMERGENCY ASSISTANCE ACT.—The Emergency Security Assistance Act of 1973 is hereby repealed.

(v) 1973 ASSISTANCE ACT.—The Foreign Assistance Act of 1973 is hereby repealed.

(w) 1971 ASSISTANCE ACT.—The Foreign Assistance Act of 1971 is hereby repealed.

(x) 1971 SPECIAL ASSISTANCE ACT.—The Special Foreign Assistance Act of 1971 is hereby repealed.

(y) 1969 ASSISTANCE ACT.—The Foreign Assistance Act of 1969 is hereby repealed except for the first section and part IV.

(z) 1968 ASSISTANCE ACT.—The Foreign Assistance Act of 1968 is hereby repealed.

(aa) 1964 ASSISTANCE ACT.—The Foreign Assistance Act of 1964 is hereby repealed.

(bb) LATIN AMERICAN DEVELOPMENT ACT.—The Latin American Development Act is hereby repealed.

(cc) 1959 MUTUAL SECURITY ACT.—The Mutual Security Act of 1959 is hereby repealed.

(dd) 1954 MUTUAL SECURITY ACT.—Sections 402 and 417 of the Mutual Security Act of 1954 are hereby repealed.

(ee) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983.—Section 109 of the Department of State Authorization Act, Fiscal Years 1982 and 1983, is hereby repealed.

(ff) DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1984 AND 1985.—Sections 1004 and 1005(a) of the Department of State Authorization Act, Fiscal Years 1984 and 1985, are hereby repealed.

(gg) SAVINGS PROVISION.—Except as otherwise provided in this Act, the repeal by this Act of any provision of law that amended or repealed another provision of law does not affect in any way that amendment or repeal.

DIVISION B—FOREIGN RELATIONS AUTHORIZATIONS ACT

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the "Foreign Relations Authorization Act, Fiscal Years 1998 and 1999" and shall be effective for all purposes as if enacted as a separate Act.

SEC. 1002. STATEMENT OF HISTORY OF LEGISLATION.

This division consists of H.R. 1253, the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, which was introduced by Representative Smith of New Jersey on April 9, 1997, and amended and reported by the Subcommittee on International Operations and Human Rights of the Committee on International Relations on April 10, 1997.

SEC. 1003. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "AID" means the Agency for International Development.

(2) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(3) The term "appropriate congressional committees" means the Committee on International Relations of the House of Representatives and the Committee of Foreign Relations of the Senate.

(4) The term "Department" means the Department of State.

(5) The term "Federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code.

(6) The term "Secretary" means the Secretary of State.

(7) The term "USIA" means the United States Information Agency.

TITLE XI—AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE AND CERTAIN INTERNATIONAL AFFAIRS FUNCTIONS AND ACTIVITIES

SEC. 1101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For "Diplomatic and Consular Programs", of the Department of State $1,291,977,000 for the fiscal year 1998 and $1,291,977,000 for the fiscal year 1999.

(2) SALARIES AND EXPENSES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "Salaries and Expenses", of the Department of State $363,513,000 for the fiscal year 1998 and $363,513,000 for the fiscal year 1999.

(B) LIMITATIONS.—Of the amounts authorized to be appropriated by subparagraph (A) $2,000,000 for fiscal year 1998 and $2,000,000 for fiscal year 1999 are authorized to be appropriated only for the recruitment of minorities for careers in the Foreign Service and international affairs.

(3) CAPITAL INVESTMENT FUND.—For "Capital Investment Fund", of the Department of State $64,000,000 for the fiscal year 1998 and $64,000,000 for the fiscal year 1999.

(4) SECURITY AND MAINTENANCE OF BUILDINGS ABROAD.—For "Security and Maintenance of Buildings Abroad", $373,081,000 for the fiscal year 1998 and $373,081,000 for the fiscal year 1999.

(5) REPRESENTATION ALLOWANCES.—For "Representation Allowances", $4,300,000 for the fiscal year 1998 and $4,300,000 for the fiscal year 1999.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For "Emergencies in the Diplomatic and Consular Service", $5,500,000 for the fiscal 1998 and $5,500,000 for the fiscal year 1999.

(7) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", $28,300,000 for the fiscal year 1998 and $28,300,000 for the fiscal year 1999.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For "Payment to the American Institute in Taiwan", $14,490,000 for the fiscal year 1998 and $14,490,000 for the fiscal year 1999.

(9) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For "Protection of Foreign Missions and Officials", $7,900,000 for the fiscal year 1998 and $7,900,000 for the fiscal year 1999.

(10) REPATRIATION LOANS.—For "Repatriation Loans", $1,200,000 for the fiscal year 1998 and $1,200,000 for the fiscal year 1999, for administrative expenses.

SEC. 1102. INTERNATIONAL ORGANIZATIONS, PROGRAMS, AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for "Contributions to International Organizations", $960,389,000 for the fiscal year 1998 and $987,590,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Voluntary Contributions to International Organizations", $199,725,000 for the fiscal year 1998 and $199,725,000 for the fiscal year 1999.

(2) LIMITATIONS.—

(A) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under paragraph (1), $5,000,000 for the fiscal year 1998 and $5,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the World Food Program.

(B) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amount authorized to be appropriated under paragraph (1), $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(C) INTERNATIONAL PROGRAM ON THE ELIMINATION OF CHILD LABOR.—Of the amounts authorized to be appropriated under paragraph (1), $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 are authorized to be appropriated only for a United States contribution to the International Labor Organization for the activities of the International Program on the Elimination of Child Labor.

(3) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under paragraph (1) are authorized to remain available until expended.

(c) ASSESSED CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", $240,000,000 for the fiscal year 1998 and $240,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(d) VOLUNTARY CONTRIBUTIONS TO PEACEKEEPING OPERATIONS.—There are authorized to be appropriated for "Peacekeeping Operations", $87,600,000 for the fiscal year 1998 and $67,000,000 for the fiscal year 1999 for the Department of State to carry out section 551 of Public Law 87–195.

(e) INTERNATIONAL CONFERENCES AND CONTINGENCIES.—There are authorized to be appropriated for "International Conferences and Contingencies", $3,000,000 for the fiscal year 1998 and $3,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international conferences and contingencies and to carry out other authorities in law consistent with such purposes.

(f) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts otherwise authorized to be appropriated by subsections (a) and (b) of this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1998 and 1999 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) LIMITATION ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) Of the amounts made available for fiscal years 1998 and 1999 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year, the President submits to the appropriate congressional committees the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a certification by the President that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Law and Order Restoration Council (SLORC), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SLORC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

SEC. 1103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses" $18,490,000 for the fiscal year 1998 and $18,490,000 for the fiscal year 1999; and

(B) for "Construction" $6,493,000 for the fiscal year 1998 and $6,493,000 for the fiscal year 1999.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United

States and Canada", $785,000 for the fiscal year 1998 and $785,000 for the fiscal year 1999.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", $3,225,000 for the fiscal year 1998 and $3,225,000 for the fiscal year 1999.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", $14,549,000 for the fiscal year 1998 and $14,549,000 for the fiscal year 1999.

SEC. 1104. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for "Migration and Refugee Assistance" for authorized activities, $623,000,000 for the fiscal year 1998 and $623,000,000 for the fiscal year 1999.

(2) LIMITATION REGARDING TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), $1,000,000 for the fiscal year 1998 and $1,000,000 for the fiscal year 1999 are authorized to be available only for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(b) REFUGEES RESETTLING IN ISRAEL.—There are authorized to be appropriated $80,000,000 for the fiscal year 1998 and $80,000,000 for the fiscal year 1999 for assistance for refugees resettling in Israel from other countries.

(c) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—There are authorized to be appropriated $1,500,000 for the fiscal year 1998 and $1,500,000 for the fiscal year 1999 for humanitarian assistance, including but not limited to food, medicine, clothing, and medical and vocational training, to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(d) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to be available until expended.

SEC. 1105. ASIA FOUNDATION.

There are authorized to be appropriated for "Asia Foundation", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to Asia Foundation and to carry out other authorities in law consistent with such purposes.

SEC. 1106. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the Board for International Broadcasting Act, the North/South Center Act of 1991, the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) SALARIES AND EXPENSES.—For "Salaries and Expenses", $434,097,000 for the fiscal year 1998 and $434,097,000 for the fiscal year 1999.

(2) TECHNOLOGY FUND.—For "Technology Fund" for the United States Information Agency, $6,350,000 for the fiscal year 1998 and $6,350,000 for the fiscal year 1999.

(3) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the "Fulbright Academic Exchange Programs", $94,236,000 for the fiscal year 1998 and $94,236,000 for the fiscal year 1999.

(B) SOUTH PACIFIC EXCHANGES.—For the "South Pacific Exchanges", $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(C) EAST TIMORESE SCHOLARSHIPS.—For the "East Timorese Scholarships", $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(D) TIBETAN EXCHANGES.—For the "Educational and Cultural Exchanges with Tibet" under section 236 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), $500,000 for the fiscal year 1998 and $500,000 for the fiscal year 1999.

(E) OTHER PROGRAMS.—For "Hubert H. Humphrey Fellowship Program", "Edmund S. Muskie Fellowship Program", "International Visitors Program", "Mike Mansfield Fellowship Program", "Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation", "Citizen Exchange Programs", "Congress-Bundestag Exchange Program", "Newly Independent States and Eastern Europe Training", and "Institute for Representative Government", $97,995,000 for the fiscal year 1998 and $97,995,000 for the fiscal year 1999.

(4) INTERNATIONAL BROADCASTING ACTIVITIES.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For "International Broadcasting Activities", $334,655,000 for the fiscal year 1998, and $334,655,000 for the fiscal year 1999.

(B) ALLOCATION.—Of the amounts authorized to be appropriated under subparagraph (A), the Director of the United States Information Agency and the Board of Broadcasting Governors shall seek to ensure that the amounts made available for broadcasting to nations whose people do not fully enjoy freedom of expression do not decline in proportion to the amounts made available for broadcasting to other nations.

(5) RADIO CONSTRUCTION.—For "Radio Construction", $30,000,000 for the fiscal year 1998, and $30,000,000 for the fiscal year 1999.

(6) RADIO FREE ASIA.—For "Radio Free Asia", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(7) BROADCASTING TO CUBA.—For "Broadcasting to Cuba", $22,095,000 for the fiscal year 1998 and $22,095,000 for the fiscal year 1999.

(8) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For "Center for Cultural and Technical Interchange between East and West", $10,000,000 for the fiscal year 1998 and $10,000,000 for the fiscal year 1999.

(9) NATIONAL ENDOWMENT FOR DEMOCRACY.—For "National Endowment for Democracy", $30,000,000 for the fiscal year 1998 and $30,000,000 for the fiscal year 1999.

(10) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.—For "Center for Cultural and Technical Interchange between North and South" $2,000,000 for the fiscal year 1998 and $2,000,000 for the fiscal year 1999.

SEC. 1107. UNITED STATES ARMS CONTROL AND DISARMAMENT.

There are authorized to be appropriated to carry out the purposes of the Arms Control and Disarmament Act—

(1) $44,000,000 for the fiscal year 1998 and $44,000,000 for the fiscal year 1999; and

(2) such sums as may be necessary for each of the fiscal years 1998 and 1999 for increases in salary, pay, retirement, other employee benefits authorized by law, and to offset adverse fluctuations in foreign currency exchange rates.

TITLE XII—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

SEC. 1201. REVISION OF DEPARTMENT OF STATE REWARDS PROGRAM.

(a) IN GENERAL.—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended to read as follows:

"SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.

"(a) ESTABLISHMENT.—(1) There is established a program for the payment of rewards to carry out the purposes of this section.

"(2) The rewards program established by this section shall be administered by the Secretary of State, in consultation, where appropriate, with the Attorney General.

"(b) PURPOSE.—(1) The rewards program established by this section shall be designed to assist in the prevention of acts of international terrorism, international narcotics trafficking, and other related criminal acts.

"(2) At the sole discretion of the Secretary of State and in consultation, as appropriate, with the Attorney General, the Secretary may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for the commission of an act of international terrorism against a United States person or United States property;

"(B) the arrest or conviction in any country of any individual conspiring or attempting to commit an act of international terrorism against a United States person or United States property;

"(C) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States narcotics laws and which is such that the individual would be a major violator of such laws; or

"(ii) the killing or kidnapping of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties, in connection with the enforcement of United States narcotics laws or the implementing of United States narcotics control objectives; or

"(iii) an attempt or conspiracy to commit any of the acts described in clause (i) or (ii); or

"(D) the arrest or conviction in any country of any individual aiding or abetting in the commission of an act described in subparagraphs (A) through (C); or

"(E) the prevention, frustration, or favorable resolution of an act described in subparagraphs (A) through (C).

"(c) COORDINATION.—(1) To ensure that the payment of rewards pursuant to this section does not duplicate or interfere with the payment of informants or the obtaining of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this section, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered;

"(B) the publication of rewards;

"(C) offering of joint rewards with foreign governments;

"(D) the receipt and analysis of data; and

"(E) the payment and approval of payment,

shall be governed by procedures developed by the Secretary of State, in consultation with the Attorney General.

"(2) Before making a reward under this section in a matter over which there is Federal criminal jurisdiction, the Secretary of State shall advise and consult with the Attorney General.

"(d) FUNDING.—(1) There is authorized to be appropriated to the Department of State from time to time such amounts as may be necessary to carry out the purposes of this section, notwithstanding section 102 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93).

"(2) No amount of funds may be appropriated which, when added to the amounts previously appropriated but not yet obligated, would cause such amounts to exceed $15,000,000.

"(3) To the maximum extent practicable, funds made available to carry out this section should be distributed equally for the purpose of preventing acts of international terrorism and for the purpose of preventing international narcotics trafficking.

"(4) Amounts appropriated to carry out the purposes of this section shall remain available until expended.

"(e) LIMITATION AND CERTIFICATION.—(1) A reward under this section may not exceed $2,000,000.

"(2) A reward under this section of more than $100,000 may not be made without the approval of the President or the Secretary of State.

"(3) Any reward granted under this section shall be approved and certified for payment by the Secretary of State.

"(4) The authority of paragraph (2) may not be delegated to any other officer or employee of the United States Government.

"(5) If the Secretary determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Secretary may take such measures in connection with the payment of the reward as he considers necessary to effect such protection.

"(f) INELIGIBILITY.—An officer or employee of any governmental entity who, while in the performance of his or her official duties, furnishes information described in subsection (b) shall not be eligible for a reward under this section.

"(g) REPORTS.—(1) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the appropriate congressional committees with respect to such reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid. The report shall also discuss the significance of the information for which the reward was paid in dealing with those acts.

"(2) Not later than 60 days after the end of each fiscal year, the Secretary of State shall submit an annual report to the appropriate congressional committees with respect to the operation of the rewards program authorized by this section. Such report shall provide information on the total amounts expended during such fiscal year to carry out the purposes of this section, including amounts spent to publicize the availability of rewards.

"(h) PUBLICATION REGARDING REWARDS OFFERED BY FOREIGN GOVERNMENTS.—Notwithstanding any other provision of this section, at the sole discretion of the Secretary of State the resources of the rewards program authorized by this section, shall be available for the publication of rewards offered by foreign governments regarding acts of international terrorism which do not involve United States persons or property or a violation of the narcotics laws of the United States.

"(i) DEFINITIONS.—As used in this section—

"(1) the term 'appropriate congressional committees' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate;

"(2) the term 'act of international terrorism' includes, but is not limited to—

"(A) any act substantially contributing to the acquisition of unsafeguarded special nuclear material (as defined in section 830(8) of the Nuclear Proliferation Prevention Act of 1994) or any nuclear explosive device (as defined in section 830(4) of that Act) by an individual, group, or non-nuclear weapon state (as defined in section 830(5) of that Act); and

"(B) any act, as determined by the Secretary of State, which materially supports the conduct of international terrorism, including the counterfeiting of United States currency or the illegal use of other monetary instruments by an individual, group, or country supporting international terrorism as determined for purposes of section 6(j) of the Export Administration Act of 1979;

"(3) the term 'United States narcotics laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(4) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.

"(j) DETERMINATIONS OF THE SECRETARY.—A determination made by the Secretary of State under this section shall be final and conclusive and shall not be subject to judicial review.".

(b) USE OF EARNINGS FROM FROZEN ASSETS FOR PROGRAM.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Up to 2 percent of the earnings accruing, during periods beginning October 1, 1998, on all assets of foreign countries blocked by the President pursuant to the International Emergency Powers Act (50 U.S.C. 1701 and following) shall be available, subject to appropriations Acts, to carry out section 36 of the State Department Basic Authorities Act, as amended by this section, except that the limitation contained in subsection (d)(2) of such section shall not apply to amounts made available under this paragraph.

(2) CONTROL OF FUNDS BY THE PRESIDENT.—The President is authorized and directed to take possession and exercise full control of so much of the earnings described in paragraph (1) as are made available under such paragraph.

SEC. 1202. FOREIGN SERVICE NATIONAL SEPARATION LIABILITY TRUST FUND.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 4012a) is amended by adding at the end the following new subsection:

"(e) INTEREST.—The Secretary of the Treasury shall deposit amounts in the fund in interest-bearing accounts. Any interest earned on such deposits may be credited to the fund without further appropriation.".

SEC. 1203. CAPITAL INVESTMENT FUND.

Section 135 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is amended—

(1) in subsection (a) by inserting "and enhancement" after "procurement";

(2) in subsection (c) by striking "are authorized to" and inserting "shall";

(3) in subsection (d) by striking "for expenditure to procure capital equipment and information technology" and inserting in lieu thereof "for purposes of subsection (a)"; and

(4) by amending subsection (e) to read as follows:

"(e) REPROGRAMMING PROCEDURES.—Funds credited to the Capital Investment Fund shall not be available for obligation or expenditure except in compliance with the procedures applicable to reprogrammings under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710).".

SEC. 1204. INTERNATIONAL CENTER RESERVE FUNDS.

Section 5 of the International Center Act (Public Law 90-533) is amended by adding at the end the following new sentence: "Amounts in the reserve may be deposited in interest-bearing accounts and the Secretary may retain for the purposes set forth in this section any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation.".

SEC. 1205. PROCEEDS OF SALE OF FOREIGN PROPERTIES.

Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end the following new subsection:

"(d) Any proceeds held or deposited pursuant to this section may be deposited in interest bearing accounts. The Secretary of State may retain interest earned on such deposits for the purposes of this section without returning such interest to the Treasury of the United States and interest earned may be obligated and expended without further appropriation.".

SEC. 1206. REDUCTION OF REPORTING.

(a) REPORT ON FOREIGN SERVICE PERSONNEL IN EACH AGENCY.—Section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)) is repealed.

(b) REPORT ON PARTICIPATION BY U.S. MILITARY PERSONNEL ABROAD IN U.S. ELECTIONS.—Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)) is amended by striking "of voter participation" and inserting "of uniformed services voter participation, a general assessment of overseas nonmilitary participation,".

(c) COUNTRY REPORTS ON ECONOMIC POLICY AND TRADE PRACTICES.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711) is repealed.

(d) ANNUAL REPORT ON SOCIAL AND ECONOMIC GROWTH.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104-107) is repealed.

(e) REPORT.—Section 308 of the Chemical and Biological Weapons and Warfare Elimination Act of 1991 (22 U.S.C. 5606) is repealed.

SEC. 1207. CONTRACTING FOR LOCAL GUARDS SERVICES OVERSEAS.

Section 136(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) in evaluating proposals for such contracts, award contracts to the technically acceptable firm offering the lowest evaluated price, except that proposals of United States persons and qualified United States joint venture persons (as defined in subsection (d)) shall be evaluated by reducing the bid price by 5 percent;";

(2) by inserting "and" at the end of paragraph (5);

(3) by striking "; and" at the end of paragraph (6) and inserting a period; and

(4) by striking paragraph (7).

SEC. 1208. PREADJUDICATION OF CLAIMS.

Section 4(a) of the International Claims Settlement Act (22 U.S.C. 1623(a)) is amended—

(1) in the first sentence by striking "1948, or" and inserting "1948,";

(2) by inserting before the period at the end of the first sentence ", or included in a category of claims against a foreign government which is referred to the Commission by the Secretary of State"; and

(3) in paragraph (1) by striking "the applicable" and inserting "any applicable".

SEC. 1209. EXPENSES RELATING TO CERTAIN INTERNATIONAL CLAIMS AND PROCEEDINGS.

(a) RECOVERY OF CERTAIN EXPENSES.—The Department of State Appropriation Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) is amended in the fifth undesignated paragraph under the heading entitled "INTERNATIONAL FISHERIES COMMISSION" by striking "extraordinary".

(b) PROCUREMENT OF SERVICES.—Section 38(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(c)) is amended in the first sentence by inserting "personal and" before "other support services".

SEC. 1210. ESTABLISHMENT OF FEE ACCOUNT AND PROVIDING FOR PASSPORT INFORMATION SERVICES.

(a) DISPOSITION OF FEES.—Amounts collected by the Department of State pursuant to section 281 of the Immigration and Nationality Act (8 U.S.C. 1351), section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), section 16 of the Act of August 18, 1856 (22 U.S.C. 4219), and section 9701 of title 31, United States Code, shall be deposited in a special fund of the Treasury.

(b) USE OF FUNDS.—Subject to subsections (d) and (e), amounts collected and deposited in the special fund in the Treasury pursuant to subsection (a) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for the following purposes:

(1) To pay all necessary expenses of the Department of State and the Foreign Service, including expenses authorized by the State Department Basic Authorities Act of 1956.

(2) Representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress.

(3) Acquisition by exchange or purchase of passenger motor vehicles as authorized by section 1343 of title 31, United States Code, section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)), and section 7 of the State Department Basic Authorities Act (22 U.S.C. 2674).

(4) Expenses of general administration of the Department of State.

(5) To carry out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-300) and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851).

(c) AVAILABILITY OF FUNDS.—Amounts collected and deposited in the special fund pursuant to subsection (a) are authorized to remain available until expended.

(d) LIMITATION.—For any fiscal year, any amount deposited in the special fund under subsection (a) that exceeds $455,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.

(e) PASSPORT INFORMATION SERVICES.—For each of the fiscal years 1998 and 1999, $5,000,000 of the amounts available in the fund shall be available only for the purpose of providing passport information without charge to citizens of the United States, including—

(1) information about who is eligible to receive a United States passport and how and where to apply;

(2) information about the status of pending applications; and

(3) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

SEC. 1211. ESTABLISHMENT OF MACHINE READABLE FEE ACCOUNT.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) by redesignating paragraph (4) as paragraph (6);

(2) by striking paragraph (5);

(3) by striking paragraphs (2) and (3) and inserting the following:

"(2) Amounts collected under the authority of paragraph (1) shall be deposited in a special fund of the Treasury.

"(3) Subject to paragraph (5), fees deposited in the special fund pursuant to paragraph (2) shall be available to the extent and in such amounts as are provided in advance in appropriations Acts for costs of the Department of State's border security program, including the costs of—

"(A) installation and operation of the machine readable visa and automated name-check process;

"(B) improving the quality and security of the United States passport;

"(C) passport and visa fraud investigations; and

"(D) the technological infrastructure to support and operate the programs referred to in subparagraphs (A) through (C).

"(4) Amounts deposited pursuant to paragraph (2) shall remain available for obligation until expended.

"(5) For any fiscal year, any amount collected pursuant to the authority of paragraph (1) that exceeds $140,000,000 is authorized to be made available only if a notification is submitted in compliance with the procedures applicable to a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956.".

SEC. 1212. RETENTION OF ADDITIONAL DEFENSE TRADE CONTROLS REGISTRATION FEES.

Section 45(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717(a)) is amended—

(1) by striking "$700,000 of the" and inserting "all";

(2) at the end of paragraph (1) by striking "and";

(3) in paragraph (2)—

(A) by striking "functions" and inserting "functions, including compliance and enforcement activities,"; and

(B) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph (3):

"(3) the enhancement of defense trade export compliance and enforcement activities to include compliance audits of United States and foreign parties, the conduct of administrative proceedings, end-use monitoring of direct commercial arms sales and transfer, and cooperation in criminal proceedings related to defense trade export controls.".

SEC. 1213. TRAINING.

(a) INSTITUTE FOR TRAINING.—Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (d)(4) as subsection (g); and

(2) by inserting after paragraph (3) of subsection (d) the following new subsections:

"(e)(1) The Secretary of State may, in the discretion of the Secretary, provide appropriate training and related services through the institution to employees of United States companies engaged in business abroad, and to the families of such employees.

"(2) In the case of any company under contract to provide services to the Department of State, the Secretary of State is authorized to provide job-related training and related services to any company employee who is performing such services.

"(3) Training under this subsection shall be on a reimbursable or advance-of-funds basis. Such reimbursements or advances shall be credited to the currently available applicable appropriation account.

"(4) Training and related services under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department and of other agencies in the field of foreign relations.

"(f)(1) The Secretary of State is authorized to provide on a reimbursable basis training programs to Members of Congress or the judiciary.

"(2) Congressional staff members and employees of the judiciary may participate on a reimbursable, space-available basis in training programs offered by the institution.

"(3) Reimbursements collected under this subsection shall be credited to the currently available applicable appropriation account.

"(4) Training under this subsection is authorized only to the extent that it will not interfere with the institution's primary mission of training employees of the Department of State and of other agencies in the field of foreign relations.".

(b) FEES FOR USE OF NATIONAL FOREIGN AFFAIRS TRAINING CENTER.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2669 et seq.) is amended by adding after section 52 the following new section:

"SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AFFAIRS TRAINING CENTER.

"The Secretary is authorized to charge a fee for use of the National Foreign Affairs Training Center Facility of the Department of State. Funds collected under the authority of this section, including reimbursements, surcharges, and fees, shall be deposited as an offsetting collection to any Department of State appropriation to recover

the costs of such use and shall remain available for obligation until expended.".

SEC. 1214. RECOVERY OF COSTS OF HEALTH CARE SERVICES.

(a) AUTHORITIES.—Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended—

(1) in subsection (a)—

(A) by striking "and" after "employees,", and

(B) by inserting before the period ", and (for care provided abroad) such other persons as are designated by the Secretary of State";

(2) in subsection (d), by inserting ", subject to subsections (g) through (i)" before "the Secretary"; and

(3) by adding at the end the following new subsections:

"(g)(1)(A) In the case of a covered beneficiary who is provided health care under this section and who is enrolled in a covered health benefits plan of a third-party payer, the United States shall have the right to collect from the third-party payer a reasonable charge amount for the care to the extent that the payment would be made under such plan for such care under the conditions specified in paragraph (2) if a claim were submitted by or on behalf of the covered beneficiary.

"(B) Such a covered beneficiary is not required to pay any deductible, copayment, or other cost-sharing under the covered health benefits plan or under this section for health care provided under this section.

"(2) With respect to health care provided under this section to a covered beneficiary, for purposes of carrying out paragraph (1)—

"(A) the reasonable charge amount (as defined in paragraph (9)(C)) shall be treated by the third-party payer as the payment basis otherwise allowable for the care under the plan;

"(B) under regulations, if the covered health benefits plan restricts or differentiates in benefit payments based on whether a provider of health care has a participation agreement with the third-party payer, the Secretary shall be treated as having such an agreement as results in the highest level of payment under this subsection;

"(C) no provision of the health benefit plan having the effect of excluding from coverage or limiting payment of charges for certain care shall operate to prevent collection under subsection (a), including (but not limited to) any provision that limits coverage or payment on the basis that—

"(i) the care was provided outside the United States,

"(ii) the care was provided by a governmental entity,

"(iii) the covered beneficiary (or any other person) has no obligation to pay for the care,

"(iv) the provider of the care is not licensed to provide the care in the United States or other location,

"(v) a condition of coverage relating to utilization review, prior authorization, or similar utilization control has not been met, or

"(vi) in the case that drugs were provided, the provision of the drugs for any indicated purpose has not been approved by the Federal Food, Drug, and Cosmetic Administration;

"(D) if the covered health benefits plan contains a requirement for payment of a deductible, copayment, or similar cost-sharing by the beneficiary—

"(i) the beneficiary's not having paid such cost-sharing with respect to the care shall not preclude collection under this section, and

"(ii) the amount the United States may collect under this section shall be reduced by application of the appropriate cost-sharing;

"(E) amounts that would be payable by the third-party payer under this section but for the application of a deductible under subparagraph (D)(ii) shall be counted towards such deductible notwithstanding that under paragraph (1)(B) the individual is not charged for the care and did not pay an amount towards such care; and

"(F) the Secretary may apply such other provisions as may be appropriate to carry out this section in an equitable manner.

"(3) In exercising authority under paragraph (1)—

"(A) the United States shall be subrogated to any right or claim that the covered beneficiary may have against a third-party payer;

"(B) the United States may institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under this section; and

"(C) the Secretary may compromise, settle, or waive a claim of the United States under this section.

"(4) No law of any State, or of any political subdivision of a State, shall operate to prevent or hinder collection by the United States under this section.

"(5) If collection is sought from a third-party payer for health care furnished a covered beneficiary under this section, under regulations medical records of the beneficiary shall be made available for inspection and review by representatives of the third-party payer for the sole purpose of permitting the third-party payer to verify, consistent with this subsection that—

"(A) the care for which recovery or collection is sought were furnished to the beneficiary; and

"(B) except as otherwise provided in this subsection, the provision of such care to the beneficiary meets criteria generally applicable under the covered health benefits plan.

"(6) The Secretary shall establish (and periodically update) a schedule of reasonable charge amounts for health care provided under this section. The amount under such schedule for health care shall be based on charges or fee schedule amounts recognized by third-party payers under covered health benefits plans for payment purposes for similar health care services furnished in the Metropolitan Washington, District of Columbia, area.

"(7) The Secretary shall establish a procedure under which a covered beneficiary may elect to have subsection (h) apply instead of this subsection with respect to some or all health care provided to the beneficiary under this section.

"(8) Amounts collected under this subsection, under subsection (h), or under any authority referred to in subsection (i), from a third-party payer or from any other payer shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available until expended.

"(9) For purposes of this section:

"(A) The term 'covered beneficiary' means a member or employee (or family member of such a member of employee) described in subsection (a) who is enrolled under a covered health benefits plan.

"(B)(i) Subject to clause (ii), the term 'covered health benefits plan' means a health benefits plan offered under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code.

"(ii) Such term does not include such a health benefits plan (such as a plan of a staff-model health maintenance organization) as the Secretary determines pursuant to regulations to be structured in a manner that impedes the application of this subsection to individuals enrolled under the plan. To the extent practicable, the Secretary shall seek to disseminate to members of the Service and designated employees described in subsection (a) who are eligible to receive health care under this section the names of plans excluded under this clause.

"(C) The term 'reasonable charge amount' means, with respect to health care provided under this section, the amount for such care specified in the schedule established under paragraph (6).

"(D) The term 'third-party payer' means an entity that offers a covered health benefits plan.

"(h)(1) In the case of an individual who—

"(A) receives health care pursuant to this section; and

"(B)(i) is not a covered beneficiary (including by virtue of enrollment only in a health benefits plan excluded under subsection (g)(9)(B)(ii)), or

"(ii) is such a covered beneficiary and has made an election described in subsection (g)(7) with respect to such care,

the Secretary is authorized to collect from the individual the full reasonable charge amount for such care.

"(2) The United States shall have the same rights against such individuals with respect to collection of such amounts as the United States has with respect to collection of amounts against a third-party payer under subsection (g), except that the rights under this subsection shall be exercised without regard to any rules for deductibles, coinsurance, or other cost-sharing.

"(i) Subsections (g) and (h) shall apply to reimbursement for the cost of hospitalization and related outpatient expenses paid for under subsection (d) only to the extent provided in regulations. Nothing in this subsection, or subsections (g) and (h), shall be construed as limiting any authority the Secretary otherwise has with respect to obtaining reimbursement for the payments made under subsection (d).".

(b) EFFECTIVE DATE.—(1) The amendments made by subsection (a) shall apply to items and services provided on and after the first day of the first month that begins more than 1 year after the date of the enactment of this Act.

(2) In order to carry out such amendments in a timely manner, the Secretary of State is authorized to issue interim, final regulations that take effect pending notice and opportunity for public comment.

SEC. 1215. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding after section 53 (as added by section 213(b)) the following new section:

"SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.

"The Secretary of State is authorized to charge a fee for use of the diplomatic reception rooms of the Department of State. Amounts collected under the authority of this section (including any reimbursements and surcharges) shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of such use and shall remain available for obligation until expended.".

SEC. 1216. FEES FOR COMMERCIAL SERVICES.

Section 52 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2724) is amended in subsection (b) by adding at the

end the following: "Funds deposited under this subsection shall remain available for obligation until expended.".

SEC. 1217. BUDGET PRESENTATION DOCUMENTS.

The Secretary of State shall include in the annual Congressional Presentation Document and the Budget in Brief, a detailed accounting of the total collections received by the Department of State from all sources, including fee collections. Reporting on total collections shall also include the previous year's collection and the projected expenditures from all collections accounts.

SEC. 1218. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 1997" and inserting "1997, 1998, and 1999"; and

(B) in subsection (e), by striking "October 1, 1997" each place it appears and inserting "October 1, 1999"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1997" and inserting "September 30, 1999".

SEC. 1219. GRANTS TO OVERSEAS EDUCATIONAL FACILITIES.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended by adding at the end the following: "Notwithstanding any other provision of law, where the children of United States citizen employees of an agency of the United States Government who are stationed outside the United States attend educational facilities assisted by the Department of State under this section, such agency is authorized make grants to, or otherwise to reimburse or credit with advance payment, the Department of State for funds used in providing assistance to such educational facilities.".

SEC. 1220. GRANTS TO REMEDY INTERNATIONAL CHILD ABDUCTIONS.

(a) GRANT AUTHORITY.—Section 7 of the International Child Abduction Remedies Act (42 U.S.C. 11606; Public Law 100-300) is amended by adding at the end the following new subsection:

"(e) GRANT AUTHORITY.—The United States Central Authority is authorized to make grants to, or enter into contracts or agreements with, any individual, corporation, other Federal, State, or local agency, or private entity or organization in the United States for purposes of accomplishing its responsibilities under the convention and this Act.".

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

SEC. 1241. USE OF CERTAIN PASSPORT PROCESSING FEES FOR ENHANCED PASSPORT SERVICES.

For each of the fiscal years 1998 and 1999, of the fees collected for expedited passport processing and deposited to an offsetting collection pursuant to the Department of State and Related Agencies Appropriations Act for Fiscal Year 1995 (Public Law 103-317; 22 U.S.C. 214), 30 percent shall be available only for enhancing passport services for United States citizens, improving the integrity and efficiency of the passport issuance process, improving the secure nature of the United States passport, investigating passport fraud, and deterring entry into the United States by terrorists, drug traffickers, or other criminals.

SEC. 1242. CONSULAR OFFICERS.

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTH ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by inserting "(or any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as the Secretary may prescribe)" after "consular officer".

(b) PROVISIONS APPLICABLE TO CONSULAR OFFICERS.—Section 31 of the Act of August 18, 1856 (Rev. Stat. 1689, 22 U.S.C. 4191), is amended by inserting "and to such other United States citizen employees of the Department of State as may be designated by the Secretary of State pursuant to such regulations as the Secretary may prescribe" after "such officers".

(c) PERSONS AUTHORIZED TO AUTHENTICATE FOREIGN DOCUMENTS—Section 3492(c) of title 18, United States Code, is amended by adding at the end the following: "For purposes of this section and sections 3493 through 3496 of this title, a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

(d) PERSONS AUTHORIZED TO ADMINISTER OATHS.—Section 115 of title 35, United States Code, is amended by adding at the end the following: "For purposes of this section a consular officer shall include any United States citizen employee of the Department of State designated to perform notarial functions pursuant to section 24 of the Act of August 18, 1856 (Rev. Stat. 1750, 22 U.S.C. 4221).

SEC. 1243. REPEAL OF OUTDATED CONSULAR RECEIPT REQUIREMENTS.

Sections 1726, 1727, and 1728 of the Revised Statutes of the United States (22 U.S.C. 4212, 4213, and 4214) (concerning accounting for consular fees) are repealed.

SEC. 1244. ELIMINATION OF DUPLICATE PUBLICATION REQUIREMENTS.

(a) FEDERAL REGISTER PUBLICATION OF TRAVEL ADVISORIES.—Section 44908(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(b) PUBLICATION IN THE FEDERAL REGISTER OF TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.—Section 908(a) of the International Maritime and Port Security Act of 1986 (Public Law 99-399; 100 Stat. 891; 46 U.S.C. App. 1804(a)) is amended by striking the second sentence.

CHAPTER 3—REFUGEES AND MIGRATION

SEC. 1261. REPORT TO CONGRESS CONCERNING CUBAN EMIGRATION POLICIES.

Beginning 3 months after the date of the enactment of this Act and every subsequent 6 months, the Secretary of State shall include in the monthly report to Congress entitled "Update on Monitoring of Cuban Migrant Returnees" additional information concerning the methods employed by the Government of Cuba to enforce the United States-Cuba agreement of September 1994 to restrict the emigration of the Cuban people from Cuba to the United States and the treatment by the Government of Cuba of persons who have returned to Cuba pursuant to the United States-Cuba agreement of May 1995.

SEC. 1262. REPROGRAMMING OF MIGRATION AND REFUGEE ASSISTANCE FUNDS.

Section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) is amended by adding at the end the following new subsection:

"(c) EMERGENCY WAIVER OF NOTIFICATION REQUIREMENT.—The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the appropriate congressional committees shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.".

TITLE XIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE

SEC. 1301. COORDINATOR FOR COUNTERTERRORISM.

(a) ESTABLISHMENT.—Section 1(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)) is amended—

(1) by striking "In" and inserting the following:

"(1) In"; and

(2) by inserting at the end the following:

"(2) COORDINATOR FOR COUNTERTERRORISM.—

"(A) There shall be within the office of the Secretary of State a Coordinator for Counterterrorism (hereafter in this paragraph referred to as the 'Coordinator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(B)(i) The Coordinator shall perform such duties and exercise such power as the Secretary of State shall prescribe.

"(ii) The principal duty of the Coordinator shall be the overall supervision (including policy oversight of resources) of international counterterrorism activities. The Coordinator shall be the principal adviser to the Secretary of State on international counterterrorism matters. The Coordinator shall be the principal counterterrorism official within the senior management of the Department of State and shall report directly to the Secretary of State.

"(C) The Coordinator shall have the rank and status of Ambassador-at-Large. The Coordinator shall be compensated at the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5314 of title 5, United States Code, or, if the Coordinator is appointed from the Foreign Service, the annual rate of pay which the individual last received under the Foreign Service Schedule, whichever is greater.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking subsection (e).

(c) TRANSITION PROVISION.—The individual serving as Coordinator for Counterterrorism of the Department of State on the day before the effective date of this division may continue to serve in that position.

SEC. 1302. ELIMINATION OF STATUTORY ESTABLISHMENT OF CERTAIN POSITIONS OF THE DEPARTMENT OF STATE.

(a) ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS.—Section 122 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2652b) is repealed.

(b) DEPUTY ASSISTANT SECRETARY OF STATE FOR BURDENSHARING.—Section 161 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2651a note) is amended by striking subsection (f).

(c) ASSISTANT SECRETARY FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS.—Section 9 of the Department of State Appropriations Authorization Act of 1973 (22 U.S.C. 2655a) is repealed.

SEC. 1303. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR HUMAN RESOURCES.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) is amended by adding after paragraph (2) the following new paragraph:

"(3) ASSISTANT SECRETARY FOR HUMAN RESOURCES.—There shall be in the Department of State an Assistant Secretary for Human Resources who shall be responsible to the Secretary of State for matters relating to human resources including the implementation of personnel policies and programs within the Department of State and international affairs functions and activities carried out through the Department of State. The Assistant Secretary shall have substantial professional qualifications in the field of human resource policy and management.".

SEC. 1304. ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY.

Section 1(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)) as amended by section 1303 is further amended by adding after paragraph (3) the following new paragraph:

"(4) ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.—There shall be in the Department of State an Assistant Secretary for Diplomatic Security who shall be responsible to the Secretary of State for matters relating to diplomatic security. The Assistant Secretary shall have substantial professional qualifications in the field of Federal law enforcement, intelligence, or security.".

SEC. 1305. SPECIAL ENVOY FOR TIBET.

(a) UNITED STATES SPECIAL ENVOY FOR TIBET.—The President should appoint within the Department of State a United States Special Envoy for Tibet, who shall hold office at the pleasure of the President.

(b) RANK.—A United States Special Envoy for Tibet appointed under subsection (a) shall have the personal rank of ambassador and shall be appointed by and with the advice and consent of the Senate.

(c) SPECIAL FUNCTIONS.—The United States Special Envoy for Tibet should be authorized and encouraged—

(1) to promote substantive negotiations between the Dalai Lama or his representatives and senior members of the Government of the People's Republic of China;

(2) to promote good relations between the Dalai Lama and his representatives and the United States Government, including meeting with members or representatives of the Tibetan government-in-exile; and

(3) to travel regularly throughout Tibet and Tibetan refugee settlements.

(d) DUTIES AND RESPONSIBILITIES.—The United States Special Envoy for Tibet should—

(1) consult with the Congress on policies relevant to Tibet and the future and welfare of all Tibetan people;

(2) coordinate United States Government policies, programs, and projects concerning Tibet; and

(3) report to the Secretary of State regarding the matters described in section 536(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236).

SEC. 1306. RESPONSIBILITIES FOR BUREAU CHARGED WITH REFUGEE ASSISTANCE.

The Bureau of Migration and Refugee Assistance shall be the bureau within the Department of State with principal responsibility for assisting the Secretary in carrying out the Migration and Refugee Assistance Act of 1962 and shall not be charged with responsibility for assisting the Secretary in matters relating to family planning or population policy.

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 1321. AUTHORIZED STRENGTH OF THE FOREIGN SERVICE.

(a) END FISCAL YEAR 1998 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1998—

(1) for the Department of State, shall not exceed 8,700, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, shall not exceed 1,000, of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1070, of whom not more than 140 shall be members of the Senior Foreign Service.

(b) END FISCAL YEAR 1999 LEVELS.—The number of members of the Foreign Service authorized to be employed as of September 30, 1999—

(1) for the Department of State, shall not exceed 8,800, of whom not more than 750 shall be members of the Senior Foreign Service;

(2) for the United States Information Agency, not to exceed 1,000 of whom not more than 140 shall be members of the Senior Foreign Service; and

(3) for the Agency for International Development, not to exceed 1065 of whom not more than 135 shall be members of the Senior Foreign Service.

(c) DEFINITION.—For the purposes of this section, the term "members of the Foreign Service" is used within the meaning of such term under section 103 of the Foreign Service Act of 1980 (22 U.S.C 3903), except that such term does not include—

(1) members of the Service under paragraphs (6) and (7) of such section;

(2) members of the Service serving under temporary resident appointments abroad;

(3) members of the Service employed on less than a full-time basis;

(4) members of the Service subject to involuntary separation in cases in which such separation has been suspended pursuant to section 1106(8) of the Foreign Service Act of 1980; and

(5) members of the Service serving under non-career limited appointments.

(d) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsection (a) or (b) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the President exercises a waiver under paragraph (1), such agency head shall notify the Chairman of the Committee on Foreign Relations of the Senate and the Chairman of the Committee on International Relations of the House of Representatives. Such notice shall include an explanation of the circumstances and necessity for such waiver.

SEC. 1322. NONOVERTIME DIFFERENTIAL PAY.

Title 5 of the United States Code is amended—

(1) in section 5544(a), by inserting after the fourth sentence the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday."; and

(2) at the end of section 5546(a), by adding the following new sentence: "For employees serving outside the United States in areas where Sunday is a routine workday and another day of the week is officially recognized as the day of rest and worship, the Secretary of State may designate the officially recognized day of rest and worship as the day with respect to which the preceding sentence shall apply instead of Sunday.".

SEC. 1323. AUTHORITY OF SECRETARY TO SEPARATE CONVICTED FELONS FROM SERVICE.

Section 610(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by striking "A member" and inserting "Except in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than 1 year may be imposed, a member".

SEC. 1324. CAREER COUNSELING.

(a) IN GENERAL.—Section 706(a) of the Foreign Service Act of 1980 (22 U.S.C. 4026(a)) is amended by adding at the end the following sentence: "Career counseling and related services provided pursuant to this Act shall not be construed to permit an assignment to training or to another assignment that consists primarily of paid time to conduct a job search and without other substantive duties, except that career members of the Service who upon their separation are not eligible to receive an immediate annuity and have not been assigned to a post in the United States during the 12 months prior to their separation from the Service may be permitted up to 2 months of paid time to conduct a job search.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 180 days after the date of the enactment of this Act.

SEC. 1325. REPORT CONCERNING MINORITIES AND THE FOREIGN SERVICE.

The Secretary of State shall annually submit a report to the Congress concerning minorities and the Foreign Service officer corps. In addition to such other information as is relevant to this issue, the report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) The numbers and percentages of all minorities taking the written foreign service examination.

(2) The numbers and percentages of all minorities successfully completing and passing the written foreign service examination.

(3) The numbers and percentages of all minorities successfully completing and passing the oral foreign service examination.

(4) The numbers and percentages of all minorities entering the junior officers class of the Foreign Service.

(5) The numbers and percentages of all minorities in the Foreign Service officer corps.

(6) The numbers and percentages of all minority Foreign Service officers at each grade, particularly at the senior levels in policy directive positions.

(7) The numbers of and percentages of minorities promoted at each grade of the Foreign Service officer corps.

SEC. 1326. RETIREMENT BENEFITS FOR INVOLUNTARY SEPARATION.

(a) BENEFITS.—Section 609 of the Foreign Service Act of 1980 (22 U.S.C. 4009) is amended—

(1) in subsection (a)(2)(A) by inserting "or any other applicable provision of chapter 84 of title 5, United States Code," after "section 811,";

(2) in subsection (a) by inserting "or section 855, as appropriate" after "section 806"; and

(3) in subsection (b)(2)—

(A) by inserting "(A) for those participants in the Foreign Service Retirement and Disability System," before "a refund"; and

(B) by inserting before the period at the end "; and (B) for those participants in the Foreign Service Pension System, benefits as provided in section 851"; and

(C) by inserting "(for participants in the Foreign Service Retirement and Disability System) or age 62 (for participants in the Foreign Service Pension System)" after "age 60".

(b) ENTITLEMENT TO ANNUITY.—Section 855(b) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amended—

(1) in paragraph (1) by inserting "611," after "608,";

(2) in paragraph (1) by inserting "and for participants in the Foreign Service Pension System" after "for participants in the Foreign Service Retirement and Disability System"; and

(3) in paragraph (3) by striking "or 610" and inserting "610, or 611".

(c) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by paragraphs (2) and (3) of subsection (a) and paragraphs (1) and (3) of subsection (b) shall apply with respect to any actions taken under section 611 of the Foreign Service Act of 1980 after January 1, 1996.

SEC. 1327. AVAILABILITY PAY FOR CERTAIN CRIMINAL INVESTIGATORS WITHIN THE DIPLOMATIC SECURITY SERVICE.

(a) IN GENERAL.—Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) For purposes of this section, the term 'criminal investigator' includes an officer occupying a position under title II of Public Law 99-399 if—

"(A) subject to subparagraph (C), such officer meets the definition of such term under paragraph (2) of subsection (a) (applied disregarding the parenthetical matter before subparagraph (A) thereof);

"(B) the primary duties of the position held by such officer consist of performing—

"(i) protective functions; or

"(ii) criminal investigations; and

"(C) such officer satisfies the requirements of subsection (d) without taking into account any hours described in paragraph (2)(B) thereof.

"(2) In applying subsection (h) with respect to an officer under this subsection—

"(A) any reference in such subsection to 'basic pay' shall be considered to include amounts designated as 'salary';

"(B) paragraph (2)(A) of such subsection shall be considered to include (in addition to the provisions of law specified therein) sections 609(b)(1), 805, 806, and 856 of the Foreign Service Act of 1980; and

"(C) paragraph (2)(B) of such subsection shall be applied by substituting for 'Office of Personnel Management' the following: 'Office of Personnel Management or the Secretary of State (to the extent that matters exclusively within the jurisdiction of the Secretary are concerned)'.".

(b) IMPLEMENTATION.—Not later than the date on which the amendments made by this section take effect, each special agent of the Diplomatic Security Service who satisfies the requirements of subsection (k)(1) of section 5545a of title 5, United States Code, as amended by this section, and the appropriate supervisory officer, to be designated by the Secretary of State, shall make an initial certification to the Secretary of State that the special agent is expected to meet the requirements of subsection (d) of such section 5545a. The Secretary of State may prescribe procedures necessary to administer this subsection.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (2) of section 5545a(a) of title 5, United States Code, is amended (in the matter before subparagraph (A)) by striking "Public Law 99-399)" and inserting "Public Law 99-399, subject to subsection (k))".

(2) Section 5542(e) of such title is amended by striking "title 18, United States Code," and inserting "title 18 or section 37(a)(3) of the State Department Basic Authorities Act of 1956,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first applicable pay period—

(1) which begins on or after the 90th day following the date of the enactment of this Act; and

(2) on which date all regulations necessary to carry out such amendments are (in the judgment of the Director of the Office of Personnel Management and the Secretary of State) in effect.

SEC. 1328. LABOR MANAGEMENT RELATIONS.

Section 1017(e)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4117(e)(2)) is amended to read as follows:

"(2) For the purposes of paragraph (1)(A)(ii) and paragraph (1)(B), the term 'management official' does not include chiefs of mission, principal officers or their deputies, administrative and personnel officers abroad, or individuals described in section 1002(12) (B), (C), and (D) who are not involved in the administration of this chapter or in the formulation of the personnel policies and programs of the Department.".

SEC. 1329. OFFICE OF THE INSPECTOR GENERAL.

(a) PROCEDURES.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding after paragraph (3) the following new paragraphs:

"(4) In the case of a formal interview where an employee is the likely subject or target of an Inspector General criminal investigation, the Inspector General shall make all best efforts to provide the employee with notice of the full range of his or her rights, including the right to retain counsel and the right to remain silent, as well as the identification of those attending the interview.

"(5) In carrying out the duties and responsibilities established under this section, the Inspector General shall develop and provide to employees—

"(A) information detailing their rights to counsel; and

"(B) guidelines describing in general terms the policies and procedures of the Office of Inspector General with respect to individuals under investigation, other than matters exempt from disclosure under other provisions of law.".

(b) REPORT.—Not later than April 30, 1998, the Inspector General of the Department of State shall submit a report to the appropriate congressional committees which includes the following information:

(1) Detailed descriptions of the internal guidance developed or used by the Office of the Inspector General with respect to public disclosure of any information related to an ongoing investigation of any employee or official of the Department of State, the United States Information Agency, or the Arms Control and Disarmament Agency.

(2) Detailed descriptions of those instances for the year ending December 31, 1997, in which any disclosure of information to the public by an employee of the Office of Inspector General about an ongoing investigation occurred, including details on the recipient of the information, the date of the disclosure, and the internal clearance process for the disclosure.

TITLE XIV—UNITED STATES PUBLIC DIPLOMACY: AUTHORITIES AND ACTIVITIES FOR UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

SEC. 1401. EXTENSION OF AU PAIR PROGRAMS.

Section 1(b) of the Act entitled "An Act to extend au pair programs." (Public Law 104-72; 109 Stat. 1065(b)) is amended by striking ", through fiscal year 1997".

SEC. 1402. RETENTION OF INTEREST.

Notwithstanding any other provision of law, with the approval of the National Endowment for Democracy, grant funds made available by the National Endowment for Democracy may be deposited in interest-bearing accounts pending disbursement and any interest which accrues may be retained by the grantee without returning such interest to the Treasury of the United States and interest earned by be obligated and expended for the purposes for which the grant was made without further appropriation.

SEC. 1403. CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN NORTH AND SOUTH.

Section 208(e) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075(e)) is amended by striking "$10,000,000" and inserting "$4,000,000".

SEC. 1404. USE OF SELECTED PROGRAM FEES.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended by inserting "educational advising and counseling, exchange visitor program services, advertising sold by the Voice of America, receipts from cooperating international organizations and from the privatization of VOA Europe," after "library services,".

SEC. 1405. MUSKIE FELLOWSHIP PROGRAM.

(a) GUIDELINES.—Section 227(c)(5) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) in the first sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,"; and

(2) in the second sentence by inserting "journalism and communications, education administration, public policy, library and information science," after "business administration,".

(b) REDESIGNATION OF SOVIET UNION.—Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note) is amended—

(1) by striking "Soviet Union" each place it appears and inserting "Independent States of the Former Soviet Union"; and

(2) in the section heading by inserting "INDEPENDENT STATES OF THE FORMER" after "FROM THE".

SEC. 1406. WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.

Section 112 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460)

is amended by adding at the end the following new subsection:

"(g) WORKING GROUP ON UNITED STATES GOVERNMENT SPONSORED INTERNATIONAL EXCHANGES AND TRAINING.—(1) In order to carry out the purposes of subsection (f) and to improve the coordination, efficiency, and effectiveness of United States Government sponsored international exchanges and training, there is established within the United States Information Agency a senior-level interagency working group to be known as the Working Group on United States Government Sponsored International Exchanges and Training (hereinafter in this section referred to as "the Working Group").

"(2) For purposes of this subsection, the term 'Government sponsored international exchanges and training' means the movement of people between countries to promote the sharing of ideas, to develop skills, and to foster mutual understanding and cooperation, financed wholly or in part, directly or indirectly, with United States Government funds.

"(3) The Working Group shall be composed as follows:

"(A) The Associate Director for Educational and Cultural Affairs of the United States Information Agency, who shall act as Chair.

"(B) A senior representative designated by the Secretary of State.

"(C) A senior representative designated by the Secretary of Defense.

"(D) A senior representative designated by the Secretary of Education.

"(E) A senior representative designated by the Attorney General.

"(F) A senior representative designated by the Administrator of the Agency for International Development.

"(G) Senior representatives of other departments and agencies as the Chair determines to be appropriate.

"(4) Representatives of the National Security Adviser and the Director of the Office of Management and Budget may participate in the Working Group at the discretion of the adviser and the director, respectively.

"(5) The Working Group shall be supported by an interagency staff office established in the Bureau of Educational and Cultural Affairs of the United States Information Agency.

"(6) The Working Group shall have the following purposes and responsibilities:

"(A) To collect, analyze, and report data provided by all United States Government departments and agencies conducting international exchanges and training programs.

"(B) To promote greater understanding and cooperation among concerned United States Government departments and agencies of common issues and challenges in conducting international exchanges and training programs, including through the establishment of a clearinghouse for information on international exchange and training activities in the governmental and nongovernmental sectors.

"(C) In order to achieve the most efficient and cost-effective use of Federal resources, to identify administrative and programmatic duplication and overlap of activities by the various United States Government departments and agencies involved in Government sponsored international exchange and training programs, to identify how each Government sponsored international exchange and training program promotes United States foreign policy, and to report thereon.

"(D) Not later than 1 year after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop and thereafter assess, annually, a coordinated and cost-effective strategy for all United States Government sponsored international exchange and training programs, and to issue a report on such strategy. This strategy will include an action plan for consolidating United States Government sponsored international exchange and training programs with the objective of achieving a minimum 10 percent cost saving through consolidation or the elimination of duplication.

"(E) Not later than 2 years after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to develop recommendations on common performance measures for all United States Government sponsored international exchange and training programs, and to issue a report.

"(F) To conduct a survey of private sector international exchange activities and develop strategies for expanding public and private partnerships in, and leveraging private sector support for, United States Government sponsored international exchange and training activities.

"(G) Not later than 6 months after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, to report on the feasibility of transferring funds and program management for the ATLAS and/or the Mandela Fellows programs in South Africa from the Agency for International Development to the United States Information Agency. The report shall include an assessment of the capabilities of the South African Fulbright Commission to manage such programs and the cost advantages of consolidating such programs under one entity.

"(7) All reports prepared by the Working Group shall be submitted to the President, through the Director of the United States Information Agency.

"(8) The Working Group shall meet at least on a quarterly basis.

"(9) All decisions of the Working Group shall be by majority vote of the members present and voting.

"(10) The members of the Working Group shall serve without additional compensation for their service on the Working Group. Any expenses incurred by a member of the Working Group in connection with service on the Working Group shall be compensated by that member's department or agency.

"(11) With respect to any report promulgated pursuant to paragraph (6), a member may submit dissenting views to be submitted as part of the report of the Working Group.".

SEC. 1407. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) ESTABLISHMENT OF EDUCATIONAL AND CULTURAL EXCHANGE FOR TIBETANS.—The Director of the United States Information Agency shall establish programs of educational and cultural exchange between the United States and the people of Tibet. Such programs shall include opportunities for training and, as the Director considers appropriate, may include the assignment of personnel and resources abroad.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) IN GENERAL.—For each of the fiscal years 1998 and 1999, at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

(2) WAIVER.—Paragraph (1) shall not apply to the extent that the Director of the United States Information Agency determines that there are not enough qualified students to fulfill such allocation requirement.

(3) SCHOLARSHIP DEFINED.—For the purposes of this section, the term "scholarship" means an amount to be used for full or partial support of tuition and fees to attend an educational institution, and may include fees, books, and supplies, equipment required for courses at an educational institution, living expenses at a United States educational institution, and travel expenses to and from, and within, the United States.

SEC. 1408. UNITED STATES-JAPAN COMMISSION.

(a) RELIEF FROM RESTRICTION OF INTERCHANGEABILITY OF FUNDS.—

(1) Section 6(4) of the Japan-United States Friendship Act (22 U.S.C. 2905(4)) is amended by striking "needed, except" and all that follows through "United States" and inserting "needed".

(2) The second sentence of section 7(b) of the Japan-United States Friendship Act (22 U.S.C. 2906(b)) is amended to read as follows: "Such investment may be made only in interest-bearing obligations of the United States, in obligations guaranteed as to both principal and interest by the United States, in interest-bearing obligations of Japan, or in obligations guaranteed as to both principal and interest by Japan.".

(b) REVISION OF NAME OF COMMISSION.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Commission shall be designated as the "United States-Japan Commission". Any reference in any provision of law, Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Commission shall be considered to be a reference to the United States-Japan Commission.

(2) The heading of section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended to read as follows:

"UNITED STATES-JAPAN COMMISSION".

(3) The Japan-United States Friendship Act is amended by striking "Japan-United States Friendship Commission" each place such term appears and inserting "United States-Japan Commission".

(c) REVISION OF NAME OF TRUST FUND.—

(1) After the date of the enactment of this Act, the Japan-United States Friendship Trust Fund shall be designated as the "United States-Japan Trust Fund". Any reference in any provision of law , Executive order, regulation, delegation of authority, or other document to the Japan-United States Friendship Trust Fund shall be considered to be a reference to the United States-Japan Trust Fund.

(2) Section 3(a) of the Japan-United States Friendship Act (22 U.S.C. 2902(a)) is amended by striking "Japan-United States Friendship Trust Fund" and inserting "United States-Japan Trust Fund".

SEC. 1409. SURROGATE BROADCASTING STUDIES.

(a) RADIO FREE AFRICA.—Not later than 6 months after the date of the enactment of this Act, the United States Information Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of providing surrogate broadcasting service to Africa and transmit the results of the study to the appropriate congressional committees.

(b) RADIO FREE IRAN.—Not later than 6 months after the date of the enactment of this Act, the United States Information

Agency and the Board of Broadcasting Governors should conduct and complete a study of the appropriateness, feasibility, and projected costs of a Radio Free Europe/Radio Liberty broadcasting service to Iran and transmit the results of the study to the appropriate congressional committees.

SEC. 1410. AUTHORITY TO ADMINISTER SUMMER TRAVEL/WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel/work programs without regard to preplacement requirements.

SEC. 1411. PERMANENT ADMINISTRATIVE AUTHORITIES REGARDING APPROPRIATIONS.

Section 701(f) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is amended by striking paragraph (4).

SEC. 1412. AUTHORITIES OF THE BROADCASTING BOARD OF GOVERNORS.

(a) AUTHORITIES.—Section 305(a)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(1)) is amended by striking "direct and".

(b) DIRECTOR OF THE BUREAU.—The first sentence of section 307(b)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C.6206(b)(1)) is amended to read as follows: "The Director of the Bureau shall be appointed by the Board with the concurrence of the Director of the United States Information Agency.".

(c) RESPONSIBILITIES OF THE DIRECTOR.—Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C.6206) is amended by adding at the end the following new subsection:

"(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of RFA, RFE/RL, the Broadcasting Board of Governors, and, as appropriate, from the Office of Cuba Broadcasting, the Voice of America, and WorldNet.".

(d) RADIO BROADCASTING TO CUBA.—Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

(e) TELEVISION BROADCASTING TO CUBA.—Section 244(a) of the Television Broadcasting to Cuba Act (22 U.S.C. 1465cc(a)) is amended in the third sentence by striking "of the Voice of America" and inserting "of the International Broadcasting Bureau".

TITLE XV—INTERNATIONAL ORGANIZATIONS; UNITED NATIONS AND RELATED AGENCIES

CHAPTER 1—GENERAL PROVISIONS

SEC. 1501. SERVICE IN INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 3582(b) of title 5, United States Code, is amended by striking all after the first sentence and inserting the following: "On reemployment, he is entitled to the rate of basic pay to which he would have been entitled had he remained in the civil service. On reemployment, the agency shall restore his sick leave account, by credit or charge, to its status at the time of transfer. The period of separation caused by his employment with the international organization and the period necessary to effect reemployment are deemed creditable service for all appropriate civil service employment purposes. This subsection does not apply to a congressional employee.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect transfers which take effect on or after the date of the enactment of this Act.

SEC. 1502. ORGANIZATION OF AMERICAN STATES.

Taking into consideration the long-term commitment by the United States to the affairs of this hemisphere and the need to build further upon the linkages between the United States and its neighbors, it is the sense of the Congress that the Secretary of State should make every effort to pay the United States assessed funding levels for the Organization of American States, which is uniquely dependent on United States contributions and is continuing fundamental reforms in its structure and its agenda.

CHAPTER 2—UNITED NATIONS AND RELATED AGENCIES

SEC. 1521. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) ASSESSED CONTRIBUTIONS.—Of amounts authorized to be appropriated for "Assessed Contributions to International Organizations" by this Act, the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the Secretary of State determines that the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the appropriate congressional committees a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.

SEC. 1522. REPORTS ON EFFORTS TO PROMOTE FULL EQUALITY AT THE UNITED NATIONS FOR ISRAEL.

(a) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that the United States must help promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nation's regional blocs.

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act and on a quarterly basis thereafter, the Secretary of State shall submit to the appropriate congressional committees a report which includes the following information (in classified or unclassified form as appropriate):

(1) Actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc.

(2) Efforts undertaken by the Secretary General of the United Nations to secure Israel's full and equal participation in that body.

(3) Specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.

(4) Other measures being undertaken, and which will be undertaken, to ensure and promote Israel's full and equal participation in the United Nations.

SEC. 1523. UNITED NATIONS POPULATION FUND.

(a) LIMITATION.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—

(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—

(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

SEC. 1524. CONTINUED EXTENSION OF PRIVILEGES, EXEMPTIONS, AND IMMUNITIES OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT TO UNIDO.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by inserting "and the United Nations Industrial Development Organization" after "International Labor Organization".

TITLE XVI—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1601. COMPREHENSIVE COMPILATION OF ARMS CONTROL AND DISARMAMENT STUDIES.

Section 39 of the Arms Control and Disarmament Act (22 U.S.C. 2579) is repealed.

SEC. 1602. USE OF FUNDS.

Section 48 of the Arms Control and Disarmament Act (22 U.S.C. 2588) is amended by striking "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" and inserting "any other Act".

TITLE XVII—FOREIGN POLICY PROVISIONS

SEC. 1701. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) IN GENERAL.—No funds authorized to be appropriated by this division shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967.

(b) MIGRATION AND REFUGEE ASSISTANCE.—No funds authorized to be appropriated by section 1104 of this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term "to effect the involuntary return" means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person's will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) IN GENERAL.—The United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are reasonable grounds for believing the person would be in danger of subjection to torture.

(b) DEFINITIONS.—

(1) IN GENERAL.—Except as otherwise provided, terms used in this section have the meanings given such terms under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations, and provisos contained in the United States resolution of advice and consent to ratification to such convention.

(2) INVOLUNTARY RETURN.—As used in this section, the term "effect the involuntary return" means to take action by which it is reasonably foreseeable that a person will be required to return to a country against the person's will, regardless of whether such return is induced by physical force and regardless of whether the person is physically present in the United States.

SEC. 1703. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.

(a) IN GENERAL.—Within 60 days after the date of the enactment of this Act and every 120 days thereafter, the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, shall report to the appropriate congressional committees on specific actions taken by the Department of State, the Department of Defense, and the Department of Commerce toward progress in resolving the commercial disputes between United States firms and the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396), including the additional claims noticed by the Department of Commerce on page 2 of that report.

(b) TERMINATION.—Subsection (a) shall cease to have effect when the Secretary of State, in coordination with the Secretary of Defense and the Secretary of Commerce, certifies in writing to the appropriate congressional committees that the commercial disputes referred to in subsection (a) have been resolved satisfactorily.

SEC. 1704. HUMAN RIGHTS REPORTS.

Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n) is amended—

(1) by striking "January 31" and inserting "February 25";

(2) redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) the status of child labor practices in each country, including—

"(A) whether such country has adopted policies to protect children from exploitation in the workplace, including a prohibition of forced and bonded labor and policies regarding acceptable working conditions; and

"(B) the extent to which each country enforces such policies, including the adequacy of resources and oversight dedicated to such policies;".

SEC. 1705. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.

Section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091) is amended by adding at the end the following:

"(e) REPORTS TO CONGRESS.—The Secretary of State shall, not later than 30 days after the date of the enactment of this subsection and every 3 months thereafter, submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the implementation of this section. Each report shall include—

"(1) an unclassified list, by economic sector, of the number of entities then under review pursuant to this section;

"(2) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined to be subject to this section;

"(3) an unclassified list of all entities and a classified list of all individuals that the Secretary of State has determined are no longer subject to this section;

"(4) an explanation of the status of the review under way for the cases referred to in paragraph (1); and

"(5) an unclassified explanation of each determination of the Secretary of State under subsection (a) and each finding of the Secretary under subsection (c)—

"(A) since the date of the enactment of this Act, in the case of the first report under this subsection; and

"(B) in the preceding 3-month period, in the case of each subsequent report.".

SEC. 1706. REPORTS AND POLICY CONCERNING DIPLOMATIC IMMUNITY.

(a) ANNUAL REPORT CONCERNING DIPLOMATIC IMMUNITY.—

(1) REPORT TO CONGRESS.—The Secretary of State shall prepare and submit to the Congress, annually, a report concerning diplomatic immunity entitled "Report on Cases Involving Diplomatic Immunity".

(2) CONTENT OF REPORT.—In addition to such other information as the Secretary of State may consider appropriate, the report under paragraph (1) shall include the following:

(A) The number of persons residing in the United States who enjoy full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(B) Each case involving an alien described in subparagraph (A) in which the appropriate authorities of a State, a political subdivision of a State, or the United States reported to the Department of State that the authority had reasonable cause to believe the alien committed a serious criminal offense within the United States.

(C) Each case in which the United States has certified that a person enjoys full immunity from the criminal jurisdiction of the United States under laws extending diplomatic privileges and immunities.

(D) The number of United States citizens who are residing in a receiving state and who enjoy full immunity from the criminal jurisdiction of such state under laws extending diplomatic privileges and immunities.

(E) Each case involving a United States citizen under subparagraph (D) in which the United States has been requested by the government of a receiving state to waive the immunity from criminal jurisdiction of the United States citizen.

(3) SERIOUS CRIMINAL OFFENSE DEFINED.—The term "serious criminal offense" means—

(A) any felony under Federal, State, or local law;

(B) any Federal, State, or local offense punishable by a term of imprisonment of more than 1 year ;

(C) any crime of violence as defined for purposes of section 16 of title 18, United States Code; or

(D) driving under the influence of alcohol or drugs or driving while intoxicated if the case involves personal injury to another individual.

(b) UNITED STATES POLICY CONCERNING REFORM OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress that the Secretary of State should explore, in appropriate fora, whether states should enter into agreements and adopt legislation—

(1) to provide jurisdiction in the sending state to prosecute crimes committed in the receiving state by persons entitled to immunity from criminal jurisdiction under laws extending diplomatic privileges and immunities; and

(2) to provide that where there is probable cause to believe that an individual who is entitled to immunity from the criminal jurisdiction of the receiving state under laws extending diplomatic privileges and immunities committed a serious crime, the sending state will waive such immunity or the sending state will prosecute such individual.

SEC. 1707. CONGRESSIONAL STATEMENT WITH RESPECT TO EFFICIENCY IN THE CONDUCT OF FOREIGN POLICY.

It is the sense of the Congress that the Secretary, after consultation with the appropriate congressional committees, should submit a plan to the Congress to consolidate some or all of the functions currently performed by the Department of State, the agency for International Development, and the Arms Control and Disarmament Agency, in order to increase efficiency and accountability in the conduct of the foreign policy of the United States.

SEC. 1708. CONGRESSIONAL STATEMENT CONCERNING RADIO FREE EUROPE/RADIO LIBERTY.

It is the sense of the Congress that Radio Free Europe/Radio Liberty should continue surrogate broadcasting beyond the year 2000 to countries whose people do not yet fully enjoy freedom of expression. Recent events in Serbia, Belarus, and Slovakia, among other nations, demonstrate that even after the end of communist rule in such nations, tyranny under other names still threatens the freedom of their peoples, and hence the stability of Europe and the national security interest of the United States. The Broadcasting Board of Governors should therefore continue to allocate sufficient funds to Radio Free Europe/Radio Liberty to continue broadcasting at current levels to target countries and to increase these levels in response to renewed threats to freedom.

SEC. 1709. PROGRAMS OR PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY IN CUBA.

(a) WITHHOLDING OF UNITED STATES PROPORTIONAL SHARE OF ASSISTANCE.—

(1) IN GENERAL.—Section 307(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(c)) is amended—

(A) by striking "The limitations" and inserting "(1) Subject to paragraph (2), the limitations"; and

(B) by adding at the end the following:

"(2)(A) Except as provided in subparagraph (B), with respect to funds authorized to be appropriated by this chapter and available for the International Atomic Energy Agency, the limitations of subsection (a) shall apply to programs or projects of such Agency in Cuba.

"(B)(i) Subparagraph (A) shall not apply with respect to programs or projects of the International Atomic Energy Agency that provide for the discontinuation, dismantling, or safety inspection of nuclear facilities or related materials, or for inspections and similar activities designed to prevent the development of nuclear weapons by a country described in subsection (a).

"(ii) Clause (i) shall not apply with respect to the Juragua Nuclear Power Plant near Cienfuegos, Cuba, or the Pedro Pi Nuclear Research Center unless Cuba—

"(I) ratifies the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty for the Prohibition of Nuclear Weapons in Latin America (commonly known as the Treaty of Tlatelolco);

"(II) negotiates full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(III) incorporates internationally accepted nuclear safety standards.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 1997, or the date of the enactment of this Act, whichever occurs later.

(b) OPPOSITION TO CERTAIN PROGRAMS OR PROJECTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to oppose the following:

(1) Technical assistance programs or projects of the Agency at the Juragua Nuclear Power Plant near Cienfuegos, Cuba, and at the Pedro Pi Nuclear Research Center.

(2) Any other program or project of the Agency in Cuba that is, or could become, a threat to the security of the United States.

(c) REPORTING REQUIREMENTS.—

(1) REQUEST FOR IAEA REPORTS.—The Secretary of State shall direct the United States representative to the International Atomic Energy Agency to request the Director-General of the Agency to submit to the United States all reports prepared with respect to all programs or projects of the Agency that are of concern to the United States, including the programs or projects described in subsection (b).

(2) ANNUAL REPORTS TO THE CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and on an annual basis thereafter, the Secretary of State, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to the Congress a report containing a description of all programs or projects of the Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)).

SEC. 1710. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION.—Of the amounts authorized to be appropriated by section 1101(4) for "Acquisition and Maintenance of Buildings Abroad" $25,000,000 for the fiscal year 1998 and $75,000,000 for the fiscal year 1999 is authorized to be appropriated for the construction of a United States Embassy in Jerusalem, Israel.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this division may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this division may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, upon request, the Secretary of State shall permit the place of birth to be recorded as Jerusalem, Israel.

SEC. 1711. REPORT ON COMPLIANCE WITH THE HAGUE CONVENTION ON INTERNATIONAL CHILD ABDUCTION.

Beginning 6 months after the date of the enactment of this Act and every 12 months thereafter during the fiscal years 1998 and 1999, the Secretary shall provide to the appropriate congressional committees a report on the compliance with the provisions of the Hague Convention on the Civil Aspects of International Child Abduction by the signatories to such convention. Each such report shall include the following information:

(1) The number of applications for the return of children submitted by United States citizens to the Central Authority for the United States that remain unresolved more than 18 months after the date of filing.

(2) A list of the countries to which children in unresolved applications described in paragraph (1) are alleged to have been abducted.

(3) A list of the countries that have demonstrated a pattern of noncompliance with the obligations of such convention with respect to applications for the return of children submitted by United States citizens to the Central Authority for the United States.

(4) Detailed information on each unresolved case described in paragraph (1) and on actions taken by the Department of State to resolve each such case.

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of the Congress that the United States—

(1) should recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) should encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law; and

(3) should use its good offices to encourage the reopening of the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SEC. 1713. RETURN OF HONG KONG TO PEOPLE'S REPUBLIC OF CHINA.

It is the sense of the Congress that—

(1) the return of Hong Kong to the People's Republic of China should be carried out in a peaceful manner, with respect for the rule of law and respect for human rights, freedom of speech, freedom of the press, freedom of association, freedom of movement; and

(2) these basic freedoms are not incompatible with the rich culture and history of the People's Republic of China.

SEC. 1714. DEVELOPMENT OF DEMOCRACY IN THE REPUBLIC OF SERBIA.

(a) FINDINGS.—The Congress finds the following:

(1) The United States stands as a beacon of democracy and freedom in the world.

(2) A stable and democratic Republic of Serbia is important to the interests of the United States, the international community, and to peace in the Balkans.

(3) Democratic forces in the Republic of Serbia are beginning to emerge, notwithstanding the efforts of Europe's longest-standing communist dictator, Slobodan Milosevic.

(4) The Republic of Serbia completed municipal elections on November 17, 1996.

(5) In 14 of Serbia's 18 largest cities, and in a total of 42 major municipalities, candidates representing parties in opposition to the Socialist Party of President Milosevic and the Yugoslav United Left Party of his wife Mirjana Markovic won a majority of the votes cast.

(6) Socialist Party-controlled election commissions and government authorities thwarted the people's will by annulling free elections in the cities of Belgrade, Nis, Smederevska Palanka, and several other cities where opposition party candidates won fair elections.

(7) Countries belonging to the Organization for Security and Cooperation in Europe (OSCE) on January 3, 1997, called upon President Milosevic and all the political forces in

the Republic of Serbia to honor the people's will and honor the election results.

(8) Hundreds of thousands of Serbs marched in the streets of Belgrade on a daily basis from November 20, 1996, through February 1997, demanding the implementation of the election results and greater democracy in the country.

(9) The partial reinstatement of opposition party victories in January 1997 and the subsequent enactment by the Serbian legislature of a special law implementing the results of all the 1996 municipal elections does not atone for the Milosevic regime's trampling of rule of law, orderly succession of power, and freedom of speech and of assembly.

(10) The Serbian authorities have sought to continue to hinder the growth of a free and independent news media in the Republic of Serbia, in particular the broadcast news media, and harassed journalists performing their professional duties.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States, the Organization for Security and Cooperation in Europe (OSCE), and the international community should continue to press the Government of the Republic of Serbia to ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997, and to fully abide by their outcome;

(2) the United States, the OSCE, the international community, nongovernmental organizations, and the private sector should continue to promote the building of democratic institutions and civic society in the Republic of Serbia, help strengthen the independent news media, and press for the Government of the Republic of Serbia to respect the rule of law; and

(3) the normalization of relations between the Federal Republic of Yugoslavia and the United States requires, among other things, that President Milosevic and the leadership of Serbia—

(A) ensure the implementation of free, fair, and honest presidential and parliamentary elections in 1997;

(B) abide by the outcome of such elections; and

(C) promote the building of democratic institutions, including strengthening the independent news media and respecting the rule of law.

SEC. 1715. RELATIONS WITH VIETNAM.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the development of a cooperative bilateral relationship between the United States and the Socialist Republic of Vietnam should facilitate maximum progress toward resolving outstanding POW/MIA issues, promote the protection of human rights including universally recognized religious, political, and other freedoms, contribute to regional stability, and encourage continued development of mutually beneficial economic relations;

(2) the satisfactory resolution of United States concerns with respect to outstanding POW/MIA, human rights, and refugee issues is essential to the full normalization of relations between the United States and Vietnam;

(3) the United States should upgrade the priority afforded to the ongoing bilateral human rights dialog between the United States and Vietnam by requiring the Department of State to schedule the next dialog with Vietnam, and all subsequent dialogs, at a level no lower than that of Assistant Secretary of State;

(4) during any future negotiations regarding the provision of Overseas Private Investment Corporation insurance to American companies investing in Vietnam and the granting of Generalized System of Preference status for Vietnam, the United States Government should strictly hold the Government of Vietnam to internationally recognized worker rights standards, including the right of association, the right to organize and bargain collectively, and the prohibition on the use of any forced or compulsory labor; and

(5) the Department of State should consult with other governments to develop a coordinated multilateral strategy to encourage Vietnam to invite the United Nations Special Rapporteur on Religious Intolerance to visit Vietnam to carry out inquiries and make recommendations.

(b) REPORT TO CONGRESS.—In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary shall report to the appropriate congressional committees, not later than 90 days after the enactment of this Act and every 180 days thereafter during fiscal years 1998 and 1999, on the extent to which—

(1) the Government of the Socialist Republic of Vietnam is cooperating with the United States in providing the fullest possible accounting of all unresolved POW/MIA cases and the recovery and repatriation of American remains;

(2) the Government of the Socialist Republic of Vietnam has made progress toward the release of all political and religious prisoners, including but not limited to Catholic, Protestant, and Buddhist clergy;

(3) the Government of the Socialist Republic of Vietnam is cooperating with requests by the United States to obtain full and free access to persons of humanitarian interest to the United States for interviews under the Orderly Departure (ODP) and Resettlement Opportunities for Vietnamese Refugees (ROVR) programs, and in providing exit visas for such persons;

(4) the Government of the Socialist Republic of Vietnam has taken vigorous action to end extortion, bribery, and other corrupt practices in connection with such exit visas; and

(5) the Government of the United States is making vigorous efforts to interview and resettle former reeducation camp victims, their immediate families including, but not limited to, unmarried sons and daughters, former United States Government employees, and other persons eligible for the ODP program, and to give such persons the full benefit of all applicable United States laws including, but not limited to, sections 599D and 599E of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1990 (Public Law 101–167).

SEC. 1716. STATEMENT CONCERNING RETURN OF OR COMPENSATION FOR WRONGLY CONFISCATED FOREIGN PROPERTIES.

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 obtained 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.

DIVISION C—FUNDING LEVELS

SEC. 2001. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN PROGRAMS.

Subject to section 634A of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President for fiscal year 1998, $116,878,000. Amounts made available pursuant to such authorization shall be transferred to and merged with funds made available to accounts authorized to be appropriated by this Act (and amendments made by this Act) that are below the President's fiscal year 1998 request. Amounts transferred and merged under this subsection may not increase an appropriation account above the President's fiscal year 1998 request.

EXTENSIONS OF REMARKS

LEGISLATION TO MAKE THE IRC SECTION 911 EXCLUSION MORE EQUITABLE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. ARCHER. Mr. Speaker, today I am introducing legislation to correct one of the more misguided provisions of the 1986 Tax Reform Act.

Section 911 was added to the Tax Code to help U.S. businesses increase their exports of goods and services. These increased exports in turn helped to create jobs in the United States.

Unfortunately, section 911 has been viewed more as a source of increased revenues than increasing U.S. jobs. Because of this misguided philosophy, the Tax Reform Act of 1986 froze the section 911 earned income exclusion at $70,000. Thus, since 1986 the section 911 exclusion has not kept pace with inflation or other cost-of-living increases.

The legislation I am introducing today will correct the current inequities facing section 911 and allow the section 911 exclusion to reflect cost-of-living increases since 1986.

I hope Members on both sides of the aisle will join me and support this long-needed legislation.

AIDS—THIRD LEADING CAUSE OF DEATH IN YOUNG WOMEN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MORELLA. Mr. Speaker, today I am joined by 23 of my colleagues in reintroducing legislation to address the need for increased research on HIV/AIDS in women.

Despite the reduction in overall AIDS deaths in 1996, HIV/AIDS continues to be the third leading cause of death among women who are 25–44 years of age, according to the Centers for Disease Control and Prevention. The death rate for women actually increased by 3 percent in 1996, resulting in a record 20 percent of reported AIDS cases in adults. Women are the fastest growing group of people with HIV, with low-income women and women of color being hit the hardest by this epidemic. African-American and Latina women represent 78 percent of all U.S. women diagnosed with AIDS.

Since 1990, I have introduced legislation to ensure Federal support for research on HIV/AIDS in women. While progress has been made, there are still many unanswered questions about the disease in women, which affects their access to effective therapies and prevention methods.

The bill includes several major elements, including funding for research on methods of protection from the transmission of HIV and sexually transmitted diseases, with an emphasis on methods that women can afford and control without the cooperation or knowledge of their male partners. We must acknowledge and respond to the issues of low self-esteem, economic dependency, fear of domestic violence, and other factors that are barriers to empowering women to negotiate safer sex practices. The bill also includes additional funding to continue the Women's Interagency HIV Study, the ongoing study of HIV progression in women, and to conduct other research to determine the impact of potential risk factors for HIV transmission to women.

I urge my colleagues to join us as cosponsors of this legislation.

HOLOCAUST IN AFRICA

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MICA. Mr. Speaker, this week in Israel, in the Rotunda of the United States Capitol, and around the world for a few moments the horror of World War II's Holocaust was remembered.

"Never again" was the theme often repeated. This week in Zaire they removed the corpses of refugees from boxcars, and continued the body count of innocent African men, women, and children.

The Rebel Tutsi-dominated army has massacred thousands of Hutu refugees.

The modern day slaughter and holocaust of Rwanda is being repeated in Zaire.

While I strongly support our former colleague and present U.N. Ambassador's role in seeking peace in this war-torn region of Africa—Ambassador Richardson—every American and world citizen and every holocaust survivor must also seek justice.

Today we cannot turn our backs or look the other way as they did five decades past. In Africa, those responsible for murder, genocide, and slaughter must be brought to justice.

This Congress, our Nation, and the United Nations should not rest while this slaughter in Africa continues. If not, the words of yesterday's Holocaust remembrance will, both today and tomorrow, have a hollow ring.

A TRIBUTE TO FRANK SENDLEWSKI FOR 50 YEARS OF SERVICE TO THE RIVERHEAD FIRE DEPARTMENT

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FORBES. Mr. Speaker, I rise to day to pay tribute to a smalltown hero from Riverhead, Long Island, NY. On May 13, 1997, Mr. Frank Sendlewski will be honored by his family and friends for his 50 years of dedicated service to the Riverhead Volunteer Fire Department.

Born on Sweezey Avenue, Frank Sendlewski joined the Riverhead Volunteer Fire Department in 1947, shortly after fulfilling his service to the U.S. Navy during World War II. Frank's selfless commitment to protecting the lives and property of his Riverhead neighbors enabled him to rise to the rank of captain of the Riverhead Fire Department by 1957, a position he served in for 2 years.

The son of one of the founders of the Riverhead Volunteer Fire Department, Frank has devoted himself to the community where he and Florence Sendlewski, his wife of 48 years, have raised their four children, Mary Ann, Madelyn, Michael, Martin. Frank and Florence are now the proud grandparents of six: Christy, Ashley, Andy, Jennifer, Jeffrey, and Jason.

The Sendlewski's raised their wonderful family in the proud, historic area of Riverhead known as Polish Town, where they still live on Lincoln Avenue. A cobbler by trade, Frank owned a shop on Railroad Avenue for more than 5 years, until the shop was destroyed by fire. Through he eventually rebuilt the shop, Frank ultimately went to work as a sheet metal mechanic at the U.S. Department of Agriculture's facility on Plum Island.

Mr. Speaker, Frank Sendlewski is one of Riverhead's most cherished citizens because he gives so much of himself to the community. Frank is also an active member of the American Legion Post and St. Isadore's Roman Catholic Church. Every Christmas, Frank puts on his red suit and white beard to play Santa Claus to hundreds of Riverhead children.

Here on eastern Long Island, we cherish the close-knit smalltown feel of our communities, where people wave hello when they see you on the street and neighbors help each other out in times of need, without having to be asked. Mr. Speaker, it is no accident that Riverhead is that type of community. It is because of the commitment and hard work of family's like the Sendlewskis.

That is why I ask my colleagues in the U.S. House of Representatives to join me in saluting Frank Sendlewski on the occasion of his 50th anniversary of service to the Riverhead Volunteer Fire Department. Because of that

lifetime of devotion to his community, a man like Frank Sendlewski is as valuable to America as he is to Riverhead.

TAIWAN DEMOCRACY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize the impressive strides that the Government and people of Taiwan have made in strengthening democracy and a free market system in their country. I have visited Taiwan in the past and during my visit, I was struck with the industriousness of the people and, particularly, with their heartfelt embrace of democracy. I am proud to count among my friends many of the Taiwanese Government officials, business leaders, and ordinary citizens that I met during my all-too-brief visit. The Taiwanese have created a society that is characterized by a vibrant culture, hardworking people, and a burgeoning economy.

All of the positive developments in Taiwan today are directly attributable to the commitment of the Taiwanese people to democratic government and democratic principles. While Taiwan cannot claim over 200 years of experience with democratic government as we in the United States can, Taiwan's relatively young democracy has demonstrated resilience and vitality in the face of enormous external and internal pressures. As to those pressures, we are all aware of the tension between Taiwan and the People's Republic of China related to the issue of reunification. Additionally, like any country experiencing rapid economic growth, there are increased pressures brought to bear on the societal fabric by the unique changes such growth creates.

A significant amount of credit for the stability and economic growth that Taiwan is experiencing should go to President Lee Teng-hui—who will be celebrating his first anniversary in office on May 20—and his administration. Among other things, through his leadership of Taiwan, President Lee has fostered an economic environment that stimulates technological and industrial innovation. He has also set a course for Taiwan that is moving the country closer to the goal of reconciliation and reunification with mainland China. He is to be commended for his leadership of Taiwan. In closing, therefore, I applaud the people and Government of Taiwan for persevering in their pursuit of democracy and free enterprise.

CONGRATULATIONS TO BYRAN HIGH SCHOOL NATIONAL FED CHALLENGE CHAMPIONS

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BRADY. Mr. Speaker, I rise today to recognize six students from Bryan High School who competed in the National Fed Challenge sponsored by the Federal Reserve System. These students claimed the National Fed Challenge title for Bryan High for the second consecutive year. Team members include Jesse Dyer, C.W. Faulkner, Sarah Henry, William Scarmardo, Sarah Stasny, and William Strawser. They were coached by teachers Laura Wagner and Janyce Kinley.

The Fed Challenge competition seeks to increase students's knowledge and understanding of economics, monetary policy, and the role of the Federal Reserve in the national economy. Competition requires six-member teams to research and analyze economic policy and present recommendations to a panel of judges at a mock meeting of the Federal Open Market Committee.

The Bryan High School team won the championship in Washington, DC, on May 1, 1997, competing against teams from other Federal Reserve districts. Judges for the national title event included Alice Rivlin, vice chair, Broad of Governors; Donald L. Kohn, director of monetary affairs, Board of Governors; and Al Broaddus, president, Federal Reserve Bank of Richmond.

I congratulate the students for their hard work and dedication. Their commitment to academic excellence is a tribute to Bryan High School, their families, and the State of Texas. I am confident that these fine students will grow to become solid citizens and community leaders.

HAPPY BIRTHDAY JOE DUDLEY

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BURR of North Carolina. Mr. Speaker, I rise today to wish a happy 60th birthday tomorrow to a great entrepreneur and humanitarian, Mr. Joe Louis Dudley, Sr. Joe was born the fifth of seven children on May 9, 1937 to Gilmer L. and Clara Yeates Dudley in Aurora, NC. In his 60 years, Joe overcame many obstacles to become the president and CEO of Dudley Products, Inc., one of the world's largest manufacturers and distributors of ethnic hair care products, and to serve as a role model for all youth wanting to succeed in their own business.

As a child, Joe suffered from a speech impediment and was labeled mentally retarded, but through hard work and his mother's strong encouragement, he surpassed everyone's expectations. It was at North Carolina A & T University that Joe got his start in the beauty industry. He invested $10 in a Fuller products sales kit and made his way through college. During his summer vacation in 1960, he worked for Fuller in Brooklyn, NY where he met his wife, Eunice, who was also working her way through college. Upon graduation, they moved to New York where they worked for 5 years.

In 1967, Joe and Eunice Dudley returned to North Carolina, and 2 years later, they opened their own business with beauty products they made in the family kitchen. Today, Dudley Products has grown to be one of the most successful businesses of its kind—making Joe Dudley a millionaire by the age of 40. He employs 475 people and markets his products in 40 States. Joe and Eunice also founded the Dudley Cosmetology University in Kernersville, NC. It currently operates 16 beauty schools including one here in Washington, DC.

But, I am not here today to wish Joe Dudley a happy birthday just because he is a successful businessman. He has also dedicated himself to sharing his success with the community. He chaired the Direct Selling Association's Inner City Program which is designed to help inner city youths combat joblessness and also serves on the board of trustees of his alma mater North Carolina A & T University. He and his wife have been honored by the city of Kernersville, NC, as the First Citizens of the Year, and President Bush honored them with the 467th Point of Light for establishing the Dudley Fellows Program which, along with the Dudley Ladies Program, provides mentors to high school students. In addition, Joe's company awards 32 full scholarships annually to N.C. A & T University and Bennett College in Greensboro, NC. Joe, however, does not limit his giving nature to just North Carolina. In 1992, Dudley Products established the Resurrection to Beauty Fund to help cosmetologists rebuild businesses destroyed in the Los Angeles riot.

Finally, Mr. Speaker, it is easy to see why Joe Louis Dudley, Sr. deserves this special happy birthday wish on his 60th birthday. He has used his success to help others achieve the American dream who may not otherwise be able to make it. Through their support of educational programs, he and his wife continue to dedicate themselves to insuring that future generations have the knowledge and skills necessary to achieve great things for our community and our country. So, Joe Dudley, for your selflessness and dedication, we wish you a happy 60th birthday.

PERSONAL EXPLANATION

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SESSIONS. Mr. Speaker, yesterday, when the House voted on House Resolution 93, expressing the sense of the Congress regarding the Consumer Price Index. I was unavoidably detained, and could not record my vote on this important resolution. The Consumer Price Index is appropriately monitored by the Bureau of Labor Statistics. I would like the record to reflect that I would have voted in the affirmative on this resolution.

ON PAUL SPATHOLT'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Paul Spatholt of Fairview Park, 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.

Paul's Eagle project involved the refurbishment of the press box at Fairview Park High School's football stadium. Paul solicited donations from local businesses for the tools and materials he needed to repaint the press box. He also cleared brush and helped to trim bushes in front of the high school.

My fellow colleagues, let us join Boy Scouts of America Troop 293 in recognizing and praising Paul for his achievement.

75TH ANNIVERSARY OF KENNEDY CROSSAN ELEMENTARY SCHOOL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BORSKI. Mr. Speaker, I rise today in honor of the 75th anniversary of Kennedy Crossan Elementary School. Kennedy Crossan has delivered a quality education to generations of children in the Burholme community.

The elementary school was named after its founder, Mr. Kennedy Crossan. During a time of great need in the community, Mr. Crossan built a two story school building and donated it to the neighborhood. Kennedy Crossan was a self-made man, who worked his way across America, eventually returning to Philadelphia at the age of 21. He formed a company that built railroads and the Million Dollar Pier in Atlantic City. Profits from this company were set aside to build what became Kennedy Crossan Elementary School.

Nearly 25,000 students have passed through the hallways of this school. The students of Kennedy Crossan have entered the world prepared, and have become proud, productive citizens. The academic success that this school has achieved is based on a cooperative effort between teachers, administrators, parents, and the community.

The Home and School Association has faithfully served and supported both the staff and the students at Kennedy Crossan. The school also receives support from outside adopters which are: Councilman Brian O'Neill, Pizza Hut, The Sheriff's Office, Kiwanis Club, Blue Ribbon Services, The Protestant Home, The Brass Boudoir, Ron Donachie from the 2d Police Precinct and the Rising Sun Avenue Post Office.

The precedent of community and school cooperation has also continued in the form of grants. In 1994, teachers secured a grant from Learn and Serve. This grant went to developing a program in which students learned tolerance and respect for different races and ages, as well as environmental studies. A computer lab was created with an additional grant. In this lab, students and staff work together to gain vital working knowledge of computers and the functions that they serve in the outside world.

John Meehan, a community artists, and the students from last year's fifth grade, worked together to create a mural on the kindergarten portable facing Bleigh Street. The students also formed a partnership with the Philadelphia Zoo, to adopt the zoo's only cheetah.

The perseverance and dedication of students, staff, parents, and the community, have enabled Kennedy Crossan Elementary School to deliver an education program that is phenomenal in its results. It is an honor for me to congratulate them on their 75th anniversary, and the achievements they have made thus far. I wish them continued success.

A TRIBUTE TO SAM SALTSMAN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, my colleague, Mr. BERMAN, and I are honored today to pay tribute to Sam Saltsman. Mr. Saltsman is being honored with the Inaugural Presentation of the David Ben Gurion Award for his outstanding service and dedication to the United Jewish Fund.

Sam has a long history of service and dedication going back to his years as a Commander in the U.S. Navy during World War II. His service was commemorated by the British Government with the Distinguished Service Cross and the U.S. honored his service with two Bronze Stars. Since his time in the military, his sense of civil duty has guided him to leadership positions in the business and the religious communities.

As a manufacturer of shoe accessories, Sam has maintained production and employment of his company in the southern California area for many years. Sam also finds time to serve as a sensible civilian in arbitrations dealing with fee disputes for the Los Angeles Bar Association. While Mr. Saltsman devotes his energies to many worthy causes, his top priority is volunteering in his local religious community.

When Disraeli said "duty cannot exist without faith," it seems he had individuals like Sam in mind. Sam's religious devotion and spirit of volunteerism are inextricably intertwined. From 1967–1969 he served as congregation president to the Temple Beth and led the effort to build a new activities building. Sam and his wife, Helen, are currently endowment contributors to Temple Beth Hillel, ensuring the Temple's future for generations to come. He has served as chairman of the United Jewish Campaign where he played an active role in raising funds to support social services in Los Angeles, Israel and 60 other countries. Mr. Saltsman has been active as a charter member of El Caballero Country Club to raise contributions for the United Jewish Fund and the Anti-Defamation League.

Indeed, it is an honor to recognize Sam Saltsman as the inaugural recipient of the David Ben Gurion Award. His lifetime of service and dedication serves as an example to us all.

A SALUTE TO GOLD STAR MOTHERS

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, mothers have born the armies of war throughout history. Whether a victorious or defeated Nation, these Gold Star Mothers have lost their sons and daughters for our Nations' defense.

We must offer the gratefulness of this Nation for the sacrifices of mothers all, who have given us our freedoms through their childrens' lost lives.

God bless them and we humbly offer our tears and humility as a Nation. God bless them and we also humbly offer our thankfulness and gratitude.

God love and protect them all and we pray no more lives lost; no more war.

INTRODUCTION OF THE TEACHER TECHNOLOGY TRAINING ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MORELLA. Mr. Speaker, today I am introducing legislation that will provide teachers with the technology training they need to meet the classroom challenges of the 21st century.

The Teacher Technology Training Act of 1997 would include technology in teacher training and professional development programs authorized under the Elementary and Secondary Schools Act of 1994. This legislation would require States to incorporate technology requirements in teacher training content and performance standards. School districts and local education agencies that receive Federal funding would have to include technology classes in their programs, and institutions of higher education would be encouraged to incorporate technology into their education curriculum.

During the 104th Congress, language was included in the Telecommunications Act to provide affordable access to the Internet for our Nation's schools. The Federal Communications Commission [FCC] yesterday announced final regulations for the implementation of this language, which means that

schools across the country will receive meaningful discounts for the latest telecommunications technologies. Access to the Internet will only be helpful to our educational system if teachers are equipped with the knowledge to use that technology.

The Office of Technology Assessment [OTA] recently released a study showing that a majority of teachers feel they need additional training in order to adequately use a personal computer. School districts across the United States spend less than 15 percent of their technology budgets on teacher training.

The Subcommittee on Technology, which I chair, held a hearing this week on technology in the classroom. Witnesses included education technology specialists from around the country, and each one testified that there is a lack of teachers who understand how to incorporate technology into the classroom curriculum. Kalani Smith, who is an instructional specialist in the Office of Global Access Technology in the Montgomery County, MD, Public Schools, told the subcommittee that training should focus on helping teachers to use the computers in their classrooms as tools to teach what they have always been teaching, but in new and innovative ways.

Kathleen Fulton, the associate director of the Center for Learning and Educational Technologies at the University of Maryland, used to work for the OTA. She said that OTA also studied the competence of new teachers just entering the classroom. The study, "Teachers and Technology" was less than promising, for it showed that "most new teachers graduate from teacher preparation institutions with limited knowledge of the way technology can be used in their professional practice."

Advanced technology has improved America's economic competitiveness and improved the quality of life for millions of Americans. By the year 2000, just 3 years away, 60 percent of American jobs will require technological skills. Our classrooms must have teachers who know how to use technology in order for our children to succeed into the next century. We are taking steps to put computers in our classrooms; now we must make sure that our teachers know how to use them effectively.

TRIBUTE TO ALICE SACHS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to honor the memory of Alice Sachs, whose lifetime was dedicated to her party and her community. Alice Sachs passed away last month.

Alice Sachs began her career in politics with the American Labor Party. After World War II, when most Labor Party members left to form the Liberal Party, Alice became a Democrat, thus beginning her lifelong dedication to the Democratic Party on the upper east side of Manhattan. In 1949, she founded the Lexington Democratic Club, an organization dedicated to reforming the political club system prevalent at the time. The club insisted that membership be open to all Democrats and that all endorsements be voted on by the full membership.

By 1953, the Lexington Club—under the direction of Alice Sachs as District Leader—had become the official club for its assembly district. Alice served as District Leader for 30 years, until she became the club's State Committeewoman in 1983.

During her years with the Lexington Democratic Club, Alice Sachs was twice their candidate for State assembly and once for State senate. Although she never won a legislative seat, she campaigned tirelessly and with innovation: in 1962, she handed out fortune cookies with the message "Alice Sachs for State senate." Alice was also a delegate to three national nominating conventions and Commissioner of Elections for 20 years. She was a founding member of Americans for Democratic Action [ADA] and served on its national board for 50 years. In 1962, she was an initial appointee to community board 8 on the upper east side, and remained a member until her resignation 2 years ago.

Alice Sachs led a distinguished career of commitment to her party and her community; all of her actions, whether campaigning or fighting for tenants' rights, were based on the concepts of honesty, integrity, and fair play.

Mr. Speaker, I respectfully ask that my colleagues rise with me in this tribute and take a moment today to remember Alice Sachs, a woman who represented everything that was noble about political involvement.

H.R. 1553, 1-YEAR EXTENSION OF AUTHORIZATION OF THE ASSASSINATION RECORDS REVIEW BOARD

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BURTON of Indiana. Mr. Speaker, today I am introducing H.R. 1553, which amends the President John F. Kennedy Assassination Records Collection Act of 1992—Public Law 102–526—to provide 1 additional year for the Assassination Records Review Board to complete its work. This legislation would extend the Review Board's September 30, 1997, termination date under current law to September 30, 1998. H.R. 1553 authorizes $1.6 million in fiscal year 1998 for this purpose. I am pleased that the Honorable HENRY WAXMAN, the ranking minority member on the Committee on Government Reform and Oversight, and the Honorable LOUIS STOKES, who sponsored the 1992 Act and who chaired the House Select Committee on Assassinations that was established in 1976, are original cosponsors of H.R. 1553.

The purpose of the 1992 legislation was to publicly release records relating to the Kennedy assassination at the earliest possible date. The Assassination Records Review Board was set up to review and release the voluminous amounts of information in the Government's possession. The FBI, the Secret Service, the CIA, the Warren Commission, the Rockefeller Commission, the Church Committee in the Senate, and the House Select Committee on Assassinations have all held assassination records, and records have also been in the possession of certain State and local authorities as well as private citizens. When this legislation was considered, nearly 1 million pages of records compiled by official investigations of the assassination had not been made available to the public, some 30 years after the tragedy. Congress believed that simply making all relevant information available to the public was the best way to respond to the continuing high level of interest in the Kennedy assassination, and was preferable to undertaking a new congressional investigation. The 1992 law requires the Review Board to presume that documents relating to the assassination should be made public unless there is clear and convincing evidence to the contrary. I believe that the release of this information is important to ensure accountability in the Government and to clearly demonstrate to Americans that the Government has nothing to hide.

As a result of the Review Board's efforts, over 10,000 documents have been transferred to the national archives and Records Administration for inclusion in the JFK collection. At the end of 1996, that collection totaled approximately 3.1 million pages and was used extensively by researchers from all over the United States. The Review Board was in the news last month when it voted to make public the Abraham Zapruder film of the Kennedy assassination.

The President John F. Kennedy Assassination Records Collection Act of 1992 originally provided a 3-year timetable for the Assassination Records Review Board to complete its work. Unfortunately, there were lengthy delays in the appointment of Board members, and as a consequence the Review Board was scheduled to cease operations before it even began its work. As a result, in 1994 Congress restarted the clock by extending the 1992 law's termination date for 1 year, until September 30, 1996. The Review Board subsequently exercised its authority to continue operating for 1 additional year, until September 30, 1997. Because the review process proved to be more complex and time-consuming than anticipated, the President included in his fiscal year 1998 budget a request for a 1-year extension of the Review Board's authorization.

I support the Assassination Records Review Board's request for a 1-year extension of its authorization so that it can complete its mission in a professional and thorough manner. I have always believed very strongly that Congress should not indefinitely continue funding for Federal entities that were clearly intended to be temporary in nature. The Review Board has informed me that it is confident that it will be able to finish its work and complete its final report if Congress will extend its life for 1 additional year, until September 30, 1998.

ON DALE POPP'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Dale Popp of Cleveland, 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.

Dale's Eagle project involved both the organizing of a food drive in his neighborhood in which he collected canned food for hungry Clevelanders, and the beautification of a street island in his neighborhood. Dale organized the cleanup of the neglected area and the mulching and planting of a flower garden.

My fellow colleagues, let us join Boy Scouts of America Troop 293 in recognizing and praising Dale for his achievement.

FIFTIETH WEDDING ANNIVERSARY OF RUSS AND BETTY COPE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BORSKI. Mr. Speaker, I rise today to honor Russ and Betty Cope, as they celebrate their 50th wedding anniversary. Fifty years of marriage is a celebration of love, commitment, and dedication to vows made to each other.

Now retired, Russ worked as a rural mail carrier, and Betty as a teacher. In their years of marriage, the Copes had three children: Brian Cope, Judy Gallagher, and Diane Lloyd. Their children also made them the proud grandparents of Tonya Malaga; Neil, Danny, and Christie Cope; and Layla Lloyd.

The Copes should be a reminder to us of the sanctity of marriage. Russ and Betty Cope should be honored for their continued commitment. I congratulate them on 50 years of devotion to each other, and the promise that they made. May they experience many more years of happiness and love.

A TRIBUTE TO PETER AGUIRRE, JR.

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to the late Deputy Peter Aguirre, Jr., a man who made the ultimate sacrifice to his fellow citizens—he gave up his life in the line of duty. Even as we mourn the death of Deputy Peter Aguirre, we remember and celebrate his life, the family and friends that love him, his work as a deputy, and the ideals that he lived by.

After graduating from California State University at Northridge in 1994, Peter attended the Ventura County Sheriff's Academy. On April 24, 1994, he was sworn in as a deputy, and was assigned to Detention Services in the Ventura County Main Jail. In January 1996 he was given his second assignment, patrol at the Ojai substation. Despite his short time as a law enforcement officer, Peter's fellow officers were impressed by his hard work and reliability.

On July 17, 1996, Deputy Aguirre and other officers responded to a domestic disturbance call. Shortly after arriving at the scene the suspect opened fire on the deputies, fatally wounding Deputy Aguirre. The Ventura County community felt a great loss with Peter's tragic death. The sacrifice he made was best put by his boss, Sheriff Larry Carpenter:

> Peter did something extraordinary, something courageous, something valorous. Peter gave all that he had. Peter also gave up much. He gave up ever seeing his beautiful wife after working long shifts. He gave up the ability to hold his precious daughter in his hands. He gave up spending Sunday afternoons with his mother and father. He gave up everything, simply so that you and I could do all those things with our families.

Deputy Aguirre's bravery for the sake of our community is truly remarkable. He put his life on the line to protect the safety of our families and our community, indeed we all owe him a great debt. Mr. Speaker, I would like to take this moment to recognize not only Peter, but the 53 law enforcement officers that gave up their lives last year in the line of duty. It is only through the self-sacrifice and dedication of these individuals that we are able to enjoy the freedom and safety that make this Nation great.

A TRIBUTE TO THE HONORABLE CARLOS RODRIGUEZ UPON HIS RETIREMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, Judge Carlos Rodriguez, upon his retirement after over 21 years of service on the bench of the State of California Workers' Compensation Appeals Board. Judge Rodriguez will be honored on Friday, May 9, 1997, at a special ceremony held in his honor in Los Angeles, CA.

Judge Rodriguez was appointed to the Workers' Compensation Board in 1975. He was a trailblazer, as the only Latino judge on the State of California Workers' Compensation Board. Recognizing a need for Latino representation in his field, he sought to recruit Latino lawyers and judges. His efforts led him to conduct legal seminars, where he informed and encouraged lawyers to improve themselves and their practice.

The son of Mexican immigrants, Judge Rodriguez attended public school in the Los Nietos and Whittier area. His father, Refugio Rodriguez, was a shift foreman at a laminated plastics fabrication plant and his mother, Felicia Rodriguez, worked at a food processing plant. During high school, Judge Rodriguez worked on a farm feeding chickens and rabbits, at a car wash, and later in a machine shop. He continued working in the machine shop as he pursued his Bachelor of Arts degree in business from the University of California, Los Angeles. After graduating from UCLA, he was drafted into the Army and sent to France, where he spent 2 years as a data processing machine operator. After completing his tour of duty, he worked at the Los Angeles County Probation Department as a clerical aide, while he attended law school.

Judge Rodriguez planned to practice criminal defense and after being admitted to practice law he became a prosecutor with the Los Angeles County District Attorney's Office, to obtain the critical trial experience he would need as a criminal defense lawyer. He later joined the law firm of Sillas and Castillo, winning the first personal injury case he was assigned. He then moved to the Law Offices of Nephan and Foglia, where he did criminal defense and some worker's compensation cases. His experience in worker's compensation cases led Judge Rodriguez to the law firm of Manuel Hidalgo to handle that firm's worker's compensation cases.

During this time, Judge Rodriguez decided to take the examination for worker's compensation specialist and for judge of the Workers' Compensation Appeals Board. While he had only taken the judge examination to gain the experience, he passed both tests and later accepted an appointment as judge to the Workers' Compensation Appeals Board.

His tenure has been a commitment to serving the community and his profession with distinction. He has dedicated many hours to providing legal seminars, which he intends to continue in his retirement. Also, Judge Rodriguez, plans to continue his advocacy and active volunteerism. He is a member of the Mexican American Bar Association and Mensa, an organization of individuals with a genius IQ.

Mr. Speaker, it is with pride that I ask my colleagues to join me and Judge Rodriguez's friends and family in paying tribute to the Honorable Carlos Rodriguez, for his many years of dedicated service on the California State Workers' Compensation Appeals Board.

THE RETIREMENT OF DANIEL F. CASSIDY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. GOODLING. Mr. Speaker, I rise to congratulate Mr. Daniel F. Cassidy upon his retirement on June 3, 1997. He will complete 38 years of distinguished service with the Federal Government, the last 26 with the Federal Aviation Administration's [FAA] Harrisburg, PA, Airports District Office.

A civil engineering graduate of the University of Notre Dame, Mr. Cassidy began his Federal service in 1959 with the Air Navigation Facilities Division of the Federal Aviation Administration. As a young engineer, he served as resident engineer on a variety of air navigation facility installations in the Northeast. In 1964, Mr. Cassidy transferred to the Airports Division's Harrisburg District Office as an airport planner. He subsequently relocated to the Cleveland Airports Area Office as project manager, taking on responsibilities for construction work in Ohio, Kentucky, and western Pennsylvania.

In 1971, with the reopening of the Harrisburg Airports District Office, Mr. Cassidy returned to central Pennsylvania as assistant manager, providing direction in the planning, programming and construction of airport improvement projects in Pennsylvania and Delaware. Mr. Cassidy has greatly contributed to the development of a safe and efficient system of airports in the mid-Atlantic region. Of particular note were his contributions to the development of new terminal facilities and increased runway capacity at Pittsburgh International Airport. In addition, Mr. Cassidy has been a leader in implementing compatible land use and safety recommendations at Federal agreement airports. He has worked with airport sponsors and elected Federal, State, and local officials to resolve complex funding and technological issues in a timely and positive manner.

Mr. Speaker, Mr. Cassidy's service to his country and dedication to duty have reflected credit to himself and the Federal Aviation Administration. I wish him the best.

TRIBUTE TO 1997 EXCELLENCE IN BUSINESS AWARD RECIPIENTS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the recipients of the 1997 Excellence in Business Awards. Sponsored by a distinguished newspaper in the Central Valley of California, the Fresno Bee, the awards are designed to honor businesses and one individual from the community who have demonstrated high ethical standards, corporate success and growth, employee and customer service, and concern for the environment. The recipients will be honored at a luncheon given in their honor on Thursday, May 8, 1997, in Fresno, CA.

Dozens of nominations were submitted and the following were selected to represent the breadth of businesses throughout the Valley:

INTERNATIONAL AGRI-CENTER (TULARE)

AGRICULTURE

Although the center is staffed by just 10 employees, a volunteer staff of more than 600 people make up the strength of this business. Through the assistance of all, the International Agri-Center produces the annual California Farm Equipment Show, the greatest international event of its kind.

FRESNO RESCUE MISSION/CRAYCROFT YOUTH CENTER (FRESNO)

CHARITABLE

The only organization of its kind, the Fresno Rescue Mission/Craycroft Youth Center represents the sole Fresno County receiving home for abused and neglected children. Services offered through the center include counseling, education services, and health exams. The most unique feature of the center is that it allows for siblings to remain together at one location, thereby keeping families intact.

BUCKMAN-MITCHELL INSURANCE (VISALIA)

FINANCE

Working on its 81st year in business, Buckman-Mitchell Insurance has more than 60 employees and clients throughout the world. The company is known well throughout the Central Valley for its high ethical standards and community involvement. Such an example of the level of dedication that exists within the company is evidenced by the fact that the company donates as much as $100,000 a year to the Visalia community.

ST. AGNES MEDICAL CENTER (FRESNO)

HEALTH CARE

St. Agnes, the fourth largest employer in Fresno County, opened its doors in 1929. Since then, the staff at St. Agnes has made continuous strides in the health care field. Between 1993 and 1996, outpatient volumes at the medical center increased by more than 76,400. The medical center is also helping to find positions outside of the hospital, as they assist in funding a case worker for Fresno Unified School District's teen parenting program, Future Positive.

GRUNDFOS PUMPS CORPORATION (CLOVIS)

MANUFACTURING

An example of a home-based operation, Grundfos Pumps, was first established in the cellar of Paul Due Jensen's home in Denmark in 1945. Since then the company has expanded and opened its operation for U.S. manufacturing in Clovis in 1974. The company's continuous commitment to excellence and education has continued to grow over the years. Since 1987, Grundfos has been a business partner with Clovis Unified School Districts and continues to place great importance on employee training and training.

FRESNO ZOOLOGICAL SOCIETY (FRESNO)

NON-PROFIT

The Chafee Zoological Gardens at Roeding Park was incorporated in 1949. Visited by more than 400,000 people the society grossed more than 1.78 million in 1995 from combined fundraising activities. The Society remains a source of attraction to the Fresno area due to an outstanding membership organization. Growing from 2,500 in 1988 to 6,400 in 1997, the society recently recognized Director David W. Kyle as Outstanding Fund-raising Executive of the Year by the National Society of Fundraising Executives.

BAKER, MANOCK & JENSEN ATTORNEYS AT LAW (FRESNO)

PROFESSIONAL SERVICES

As one of the oldest and most-established law firms in the Valley, Baker, Manock & Jensen employs 47 lawyers, 10 paralegals, and more than 50 other staff members in support positions. The firm is recognized as a member of commercial law affiliates, an association of A-rated firms throughout the world. In addition to a heavy and extremely active work load, members of the firm devote numerous personal hours to assist with more than 20 nonprofit organizations throughout the community.

LA TAPATIA TORTILLERIA, INC. (FRESNO)

RETAIL/WHOLESALE

La Tapatia is a homegrown business built from the ground up. Helen Chavez-Hansen first purchased the business in 1969 for $1,900. Since then, La Tapatia has grown from 6 employees and one tortilla oven to a staff of over 155. La Tapatia's 40,000-square-foot plant can produce 5,500 dozen tortillas per hour. The intense quality control program of the plant assures that an individual is receiving the best commercial product available.

FORTIER TRANSPORTATION (FRESNO)

SMALL BUSINESS

In 1911, Fortier Stage Lines was founded and provided passenger service to its customers. In 1991, the business went back to its original function as a regulated interstate motor freight carrier. Kathy Fortier, the owner of Fortier Transportation, began with one part-time driver in 1992. Today, the business employs office staff, shop personnel, and five company drivers.

HALL OF FAME AWARD

CLAUDE LAVALL III

As President of Lavall-Separator Corp., Claude Lavall III's high standards and work ethic have become the hallmarks of his business. Lavall has been actively involved in the expansion of his business, recently growing into Mexico. As a businessman in the international marketplace, Lavall Corp. believes that sales and service personnel are responsible for advancing the standards that have made this business so successful. From the business to the education and community sector, Claude Lavall III is currently in partnership with Erickson School, a companywide effort

In conclusion, Mr. Speaker, the 1997 Excellence in Business Awards highlights the top representatives in numerous fields throughout the Valley. I commend these businesses for their successes, as well as the men and women who own them, for they believe—and have proven—that hard work is the foundation for individual and community-oriented successes. I ask my colleagues to join me today to salute all of the recipients of this award. They embody the highest ethical standards and concern both for themselves and their community.

WIC SAVES MONEY

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. FURSE. Mr. Speaker, the Supplemental Program for Women, Infants and Children is

one of the most cost-effective investments we make. It is exactly what is needed from to serve human needs and to be fiscally responsible.

WIC prevents problems from occurring in the future. We now know that early childhood cognitive development is crucial for that child's long-term growth and ability to learn.

Every dollar spent on WIC saves $3 in health care costs. Further, WIC is not a feeding program, it is a health program. It ensures that pregnant mothers will receive some attention to their health.

The reduction in WIC in this supplemental appropriation means that, for the first time, we will be dropping participants from the rolls rather than adding them. We must care about kids not only from conception to birth but as they grow and develop as well. Adequate funding of WIC is an excellent way to start.

OPPOSITION TO CHANGES IN FEDERAL PROCUREMENT POLICY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. DUNCAN. Mr. Speaker, I would like to call to the attention of my colleagues and to the readers of the RECORD a letter that was sent to me by one of my constituents, Bob Affel. Bob is the president of Sun Electric Co. in Knoxville, TN.

As many of you may know, President Clinton recently created a huge controversy when he announced that his administration would be changing the Federal procurement policy. The proposed changes could be used to unfairly discriminate against businesses that operate without a union. In addition, the changes could cost taxpayers billions of dollars.

Bob is uniquely aware, from a businessman's perspective, of exactly how the current regulations work. Since he has read through and tried to comply with these illogical bureaucratic requirements, his letter gives an excellent discussion of the issues surrounding President Clinton's latest proposal.

In addition to Bob's comments, I would personally add that I have seen estimates that the proposed policy would end up raising the cost of Federal Government construction spending by $4.8 billion annually or reduce the amount of construction by 30 percent. With our Nation more than $5.5 trillion in debt, we should not be encouraging this sort of wasteful spending.

I request that a copy of the attached letter be placed in the RECORD at this point. I hope that my colleagues will join me and Bob Affel in opposing President Clinton's unfair proposal.

SUN ELECTRIC CO.,
Knoxville, TN, April 21, 1997.

Representative JOHN DUNCAN,
Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DUNCAN: We oppose the President's project labor agreement executive order. Listed below are some of our reasons.

HOW PUBLIC PROJECT LABOR AGREEMENTS HURT OPEN SHOP CONTRACTORS

Public project labor agreements exclude open shop contractors from the competition for public work. Labor unions often note that open shop contractors can also sign and work under such agreements but in doing so, the unions conveniently disregard the way the agreements actually work.

The problem is rarely the wage rates or fringe benefits that the agreements mandate. The Davis-Bacon Act or one of its many counterparts already require open shop and all other contractors to pay prevailing wages and benefits to those working on most public projects. The problem is that the agreements permit open shop firms to use few if any of their current employees. The also require open shop firms to organize their work around the rigid lines that define each union's jurisdiction. Public project labor agreements can require open shop firms to use three or more employees to perform a task that a one multicraft worker would otherwise perform. Open shop contractors can work under public project labor agreements but not without greatly increasing their cost of performing the work.

Thus, it is true but irrelevant that open shop firms are free to work under such agreements. What matters is that the agreements require open shop contractors to fundamentally change the way they do business that such firms cannot effectively compete.

HOW PUBLIC PROJECT LABOR AGREEMENTS HURT UNION CONTRACTORS

As a threshold matter, a public project labor agreement may well increase even a union contractor's cost of constructing a public facility. Such contractors may find that they have to employ the members of new and different unions. Many such contractors have agreement with only two or three unions, while public project labor agreements can involve as many as seventeen.

More importantly, public project labor agreements disrupt local bargaining for area-wide agreements. They may require wage rates or fringe benefits that exceed the prevailing ones. They often establish new work rules or reinstate old work rules or set other costly or otherwise damaging precedents. Because they typically prohibit lockouts, such agreements may also encourage unions to strike other projects in the area. They certainly undermine the direct face-to-face negotiations that lie at the heart of collective bargaining, as both unions and contractors turn to owners for the concessions that they cannot get from each other.

In sum, public project labor agreements substitute government bureaucrats for the industry's own negotiators. Whatever their intentions, such bureaucrats lack the experience to advance the construction industry's interests. They are schooled in neither construction nor labor-management relations.

QUALITY AND FREEDOM

To the great extent that they limit the competition for public work, or otherwise increase the cost of improving our schools, hospitals, bridges and other public infrastructures, public project labor agreements threaten everyone's quality of life. They also threaten individual rights and freedoms. They typically include "union security" clauses that effectively mandate union membership denying construction workers the right to decide whether to join or otherwise support a labor union.

A DANGEROUS PRECEDENT

Inevitably, public project labor agreements increase the cost of all construction, including the private work the manufacturers and other industries. The President's plan raises ominous questions about the government's role anywhere in the private sector. Having set the precedent, will the government presume to negotiate collective bargaining agreements for the aerospace and automobile industries? At what point will the federal government dictate the terms of a collective bargaining agreement between Intel and its employees?

CONCLUSION

While some federal agencies have long used project labor agreements, the proposed executive order takes the threat of such agreements to new and extremely troubling heights. For the reasons already noted, this executive order would have a negative impact on the entire construction industry, including the substantial segment that continues to work with and under collective bargaining agreements.

Sincerely,

BOB AFFEL,
President, Sun Electric Company.

"IF NOT NOW . . ."—MARY FISHER'S POWERFUL CALL TO ACTION IN SUPPORT OF THE AIDS DRUG ASSISTANCE PROGRAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. UPTON. Mr. Speaker, I recently had the honor of meeting personally with Mary Fisher, founder of the Family Aids Network, and of hearing her address a congressional briefing on the AIDS Drug Assistance Program [ADAP]. Her speech, "If Not Now . . ." is one of the most powerful and compelling statements I have heard on the need for a strong national commitment to assist persons with HIV and AIDS. Due to remarkable progress in the development of AIDS drug therapies, we now have combination drugs that can dramatically lower virus levels, that appear to be transforming AIDS from a fatal illness to a manageable chronic condition, and that may actually eliminate the virus entirely or almost entirely from the body.

But, Mary asks, do we have the national will to make these drugs available to all who need them? That is the question posed by the availability of these new therapies.

I am entering Mary's speech in today's CONGRESSIONAL RECORD because I believe it should be required reading for every Member of Congress—and every American.

"IF NOT NOW . . ."

(By Mary Fisher)

Thank you very much, Bill. I appreciate your kind words.

In order to be very brief today, I intend also to be very direct. I do not mean to be brusque, but I do want to be blunt. The good news is that I won't elongate your program with a massive keynote address. The bad news is that I have no time for good jokes.

Let me begin with a happy idea. We should be ashamed of ourselves. Like evangelists caught in cheap motels with bad magazines, we are where we ought not to be: Nearly two decades into an epidemic that has killed hundreds of thousands of Americans, we have gathered to discuss how many more should die. I regret that we have come to this point

and, as an American, I am ashamed of it. And I want you to be ashamed of it too. We should never have gotten ourselves to the place we find ourselves. And we should get out of this as soon as possible.

Pharmaceuticals represented here this noon have, by virtue of hard work and well-principled research, produced drugs that may prolong my life and the lives of others with AIDS. They should take great pride in what they have achieved. I am in their debt.

Members of Congress and their staff here this noon have, through consensus-building and budget-brawling, protected funds needed for AIDS research, AIDS-caregiving, and AIDS-intervention. I am also in your debt.

And colleagues from the AIDS community are here who've fought this epidemic with unimagined creativity and unheralded courage, not out of a desire for national recognition but out of a commitment to keep alive those who are dying. I take enormous pride in being one of you, and in the moral legacy written by pilgrims on the road to AIDS and those who have cared for them.

In this afternoon's program, expert colleagues are going to explain hard facts, large figures and complicated realities. I am here not to give their speeches, but simply to set a context. And the context I want to set is, in a word, shame.

For twenty years, this nation has treated persons with AIDS as uniquely responsible for their own condition. Despite what we know about smoking and cancer, we have not done to smokers what we have done to persons with AIDS; despite what we know about diet, we have not done to heart-attack sufferers what we have done to persons with AIDS; despite what we know about bucking horses and skydiving, we have not done to Christopher Reeves what we have done to persons with AIDS. Senators debating HIV-infected immigrants have used, as their point of useful reference, "infested fruits"—a double entendre' on both "infection" and the word "Fruit."

And because we have labored against such stigma and dsicrimination, such ignorance and evil, we have not reached common agreement on the most basic of all understandings: That Americans with AIDS do not deserve their disease but do deserve our assistance.

Failure to achieve consensus across moral and political lines on that fundamental reality has done more to contribute to the destruction of the AIDS community than the virus itself. So deep has the stigma been, so controversial the epidemic, that more than a hundred thousand Americans had died of the disease before an American president dared say the word "AIDS" in public. Tens of thousands of obituaries have lied about the cause of death, out of families' fear of shame. And those of us who are left are often mute. How do I explain to my sons Max and Zachary their father's death and my disease, on the one hand, and the nation's response on the other, with anything less than shame?

Archbishop Desmond Tutu once said that the South African Truth Commission was created to "release our shame, to move us from anger to healing, from futility to hope." It is Tutu's sense of shame—an active shame, a useful shame; shame that says "for crying outloud, it's enough already"—which should motivate us to do what we've not done before.

The epidemic is nearly two decades long. Hundreds of thousands of Americans have died. Hundreds of thousands more are in danger of dying. What stands between these Americans and death is drugs; what stands between these Americans and drugs is money; and what stands between these Americans and money is...us, the American people, the United States government, and the AIDS Drug Assistance Program.

I've spoken in many settings, but I've never before stood in public to argue for any single piece of legislation. I've worked quietly, confidentially, off-the-record with countless legislators and leaders, including some of you here today. But the time has come for many of us to do what we've not done before, including me. I need to say publicly that we, as a nation, should be ashamed at how we have treated those with AIDS. And I need to call all of us, you and me, to assure that life-prolonging and death-deferring drugs are available for every HIV-infected person in this nation, not when we stand at death's door, but while we stand in the public square. Politics and science make it possible, economics and morality make it imperative. If we do not embrace the opportunity now, we have consciously and unconscionably prolonged the legacy of shame.

We have a new person filling the position popularly known as "AIDS czar." Sandy Thurman is a good and decent person, committed and compassionate. She has no history in this position and, therefore, no enemies' list. Democrats and Republicans alike have every reason to work with Sandy. And if she requires the assistance of people from both sides of the aisle—whether we are homemakers or newsmakers—if we understand the shame that our national response to date has earned us, we will work with her.

The Vice President has argued, recently, for expanding Medicaid coverage to provide interventions earlier in the case of persons who are infected. This proposal makes enormous sense scientifically, morally, and economically—it will absolutely decrease, not increase, Medicaid spending. To my knowledge, no Republicans have responded with assaults. Therefore, the idea is still alive that common sense and common decency would have a place in common policies.

We need not have another bureau or department to consume funds, nor does ADAP propose one. We need not have another study to justify funds, nor does ADAP require one. What we need is consensus that those who are infected deserve an opportunity to live. It is a proposition so simple, and so morally compelling, that both AIDS Action and the Catholic Archbishops can agree on it. It is, at its simplest root, merely a pro-life argument.

Others here today will present the scientific data and the economic numbers. I do not doubt how convincing the case will be. What I wonder about, even worry about, is this: that after two decades of death and dying, we will not yet have the will to move toward hope, even when hope is staring us in the face.

I spoke last week in Arthur Ashe's hometown. I admitted that the AIDS community is no longer certain what to hope for. My own care for my late husband Brian, in the days before he died, is not uncommon—many of us with AIDS are cared for by others with AIDS. But now we face an altogether new situation, unimaginable the Sunday morning Brian died.

One of us will respond well to the new [drug] cocktail, and one of us will not. How then will we live together as one rises up from the grave and another sinks into it? Does "survivor guilt" leave room for love?

"One of us will be able to afford protease inhibitors," I said in Richmond, "and one of us will not. How, then, will we live together in community? How will I love you, if I know you are staying with your children while, for lack of money, I am losing mine?" The fragile bonds that hold together the weakening, fragile AIDS commnity, cannot withstand such division. Which is why I have come to argue for a legislative action.

Make no mistake about it: the reason AIDS-related death rates have gone down for American men and gone up for American women[1] is access to drugs—early access, complete access, sustained access. In the AIDS community, the great difference between men without children, and women with children, is this: One group is living longer, and one is not.

The power to change these deathrates is in this room. If those of you who are Republican leaders will say to those who are Democrats, "We should be ashamed of these deaths," these statistics can be changed. We have no cure, but we have within our power the ability to end the immoral discrepancy between those who live and those who die for lack of access to drugs.

If the AIDS organizations will work with the religious community; if the pharmacies will work with the legislators; if those on the Hill will work with those in the White House; if staff members from both sides of the aisle will make vulnerable lives more important than political ambitions—it can be done. We can have the experience with AIDS that South Africa has had with apartheid: we can put behind us the darkest days.

When I imagine that goal being attainable, and I look at an audience of such concentrated power, I cannot refrain from asking, "If not you, who? And if not now, my God, when?"

You must go explain your actions to your colleagues and your constituents. I must go explain mine to two children not-yet-ten years old. But both you and I must first explain them to ourselves and to Our Maker. In that private chamber of our own souls, surely we can agree that there's been dying enough, and discrimination enough, and injustice enough.

What's offered us here, today, of science economics, of policies and protocols, may not give us a cure. But it can take us away from shame toward hope. If you would act on that, then I and my fellow-pilgrims on the road to AIDS will offer you more than our thanks, and more than our votes. We will offer on your behalf this ancient prayer, "Grace to you, and peace."

TRIBUTE TO ROYCE E. DAVIS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, Shakespeare once wrote "As he was valiant, I honor him * * *" Today, I rise to honor and congratulate Royce E. Davis for his valor and bravery. His work for our community is being recognized today as he is named Woodland Hills Paramedic of the Year.

Royce has been with the Los Angeles Fire Department for 23 years. His commitment and

[1] The CDC recently released a morbidity report on American AIDS-related deathrates, 1996, showing that such deathrates had decreased 21% for Caucasians, decreased 10% for Hispanics, and decreased 2% for African Americans; decreased 15% for males and increased 3% for heterosexual transmissions.

dedication to his job have brought honor and excellence to our community. He has received countless awards, including the Los Angeles Fire Department Medal of Valor, the California State Firefighters Association Medal of Valor and the City of Los Angeles Career Service Award to name just a few.

Royce has also had a full career outside of the fire department. He is the former Chief of Emergency Medical Services for the City of Filmore, CA, and has served as a Physician's Assistant [PA]. Currently he is employed at a cardiology practice, while coming to the aid of the West Hills community in his spare time.

Besides his professional duties and community service, Royce's top priority is his family. He and his wife have been married for 36 years and have been blessed with six children and sixteen grandchildren. Indeed, Royce's years as a firefighter, civil servant, father, and husband are exemplary.

I join the citizens of Woodland Hills, West Hills, and Canoga Park to thank Royce E. Davis for his years of service to our communities. I believe he stands as a model for others in our area and around the Nation, and I am honored, as his Congressional Representative, to send my warm congratulations and best wishes as he is honored as Woodland Hills Paramedic of the Year.

IN HONOR OF INTERNATIONAL BOXING REFEREE JOE CORTEZ: MAKING A DIFFERENCE IN THE RING OF LIFE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to Joe Cortez, a man of uncommon kindness and dedication to his family and his community. Mr. Cortez has devoted much of his time and energy throughout his life to help others in the fight against drugs, as well as outreach programs to help the sick and needy. His contributions will be recognized at the monthly business luncheon of the New Jersey Hispanic Mercantile Federation on May 9 in Union City, NJ.

Mr. Cortez was born and raised in New York City's Spanish Harlem. There he began his amateur boxing career, winning the Golden Gloves Bantamweight Championship title four times prior to turning professional in 1963. In his 4 years as a professional, Mr. Cortez earned a record of 18 wins and only 1 loss. Upon retiring from professional fighting, Mr. Cortez began a successful career in hotel management, rising to the position of assistant casino operating manager for a major company with properties in New York and Puerto Rico. Mr. Cortez's professional life came full circle when he returned to the boxing ring as a referee. He has since presided over 89 World Title Championship Fights in 11 countries.

Mr. Cortez's humanitarian efforts are truly impressive and admirable. Through his involvement with an anti-drug task force in Yonkers, Mr. Cortez saw the need to ensure a smooth and successful transition back into society for former drug addicts and delinquents. He has been an integral part of a number of community based efforts, including a successful vision outreach program to provide eye care to those in need, fundraising events for the Juvenile Diabetes Foundations, and the youth-oriented Project Return.

Family has been an important part of Mr. Cortez's life. He has been married to his wife Sylvia for 31 years and together they have three wonderful daughters. Following a crippling auto accident involving his beloved wife and daughter, Mr. Cortez has refocussed his efforts to raising awareness and money for spinal cord research.

I ask that my colleagues join me in honoring this remarkable gentleman. Mr. Cortez's determination to excel in everything he does and desire to use his status to help those less fortunate, serve as shining examples for us all.

TRIBUTE TO DUNCANVILLE HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FROST. Mr. Speaker, I rise to congratulate the cosmetology department students and faculty at Duncanville High School for winning first place in the national American Set-a-Good-Example competition. And I also congratulate Duncanville High School for their selection as this year's Learning Improvement Award winner.

Duncanville High School is only the second school in the past two decades to win both these national awards in the same year. As a result, Duncanville High School will receive $7,500 in grant funds for these honors.

Mr. Speaker, I would also like to commend the Concerned Businessmen's Association of America for sponsoring this competition and also Dr. Phyllis Mack of Savannah, GA, for funding these grants. With the program now in its 11th year, it is an excellent tool to recognize outstanding achievements in our public schools, and to reward that success with funding to help further enhance education.

Mr. Speaker, I know that the young people of Duncanville High School worked hard to earn this recognition and by their participation have shown they can indeed take actions to better their own lives, their communities, and thereby improve the world we all share.

Once again I would like to send my heartiest congratulations to Principal Mike Chrietzberg and all the teachers, parents and students who share in these incredible achievements.

TRIBUTE TO GEORGE WHEELER, A HERO FOR CHARLES COUNTY SENIORS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to a man who dedicated his time, energy, and spirit to bettering his community and the entire senior population of Charles County, MD. George E. Wheeler spent the majority of his adult life serving southern Maryland as an area agricultural engineer with the U.S. Department of Agriculture working on such projects as the Maryland Delaware Watershed Unit and establishing the first resource conservation and development project in Maryland. This work was important in coordinating efforts between the farming and conservation communities to assure the two worked together for their mutual interests.

But it is the work George Wheeler did within his community which we recognize him for today. Always there to lend a hand, George Wheeler became actively involved in advocating and initiating projects to benefit the senior community. Appointed to the Charles County Commission on Aging in 1972 and the Area Council on Aging in 1979, it became Mr. Wheeler's mission to make certain seniors in the community had the resources and programs for each of them to have a fulfilling and meaningful role in making their town and neighborhoods an enriching place to live.

George Wheeler had the dream of having a place where seniors could gather; a place where they could meet their friends and participate in activities and educational programs and work on projects to benefit the entire community; a place where seniors can exercise in the state of the art fitness center and a place where they know they can get some of the best meals in town.

Through hours of discussions, planning, and problem solving, George Wheeler spoke of the interests of seniors and laid out the vision of the beautiful facility called the Richard R. Clark Senior Center. In 1987, as chairman of the building committee for the center, Mr. Wheeler joined in the opening of this wonderful facility and saw his dream become a reality. He was never deterred by obstacles, but maintained a positive attitude, knowing that one way or another he would achieve his goal. And once the center was built, he continued in that spirit to bring in the best of programs and people to enhance the center.

It is George Wheeler's long hours of time, devotion and dedication which the seniors of Charles County benefit from today. We celebrate his tireless efforts in making the Richard R. Clark Senior Center possible and congratulate his wife, Erma and his children, Richard and Chris, as we dedicate this plaque in his honor.

TRIBUTE TO QUEEN MOTHER MOORE: BELOVED ACTIVIST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. TOWNS. Mr. Speaker, I rise today to pay homage to Audrey (Queen Mother) Moore a leader and activist in New York City who passed away at the age of 98.

Queen Mother Moore is beloved in the African-American community for her life-long dedication to the upliftment of the disaffected, disenfranchised and the neglected. She was

named Queen Mother by the Ashanti Tribe in Ghana, West Africa. Queen Mother Moore was a stalwart in the cause of civil rights, and believed that self-pride, dignity, honor, and hard work were the foundation upon which success and self-respect are built.

Born in New Iberia, LA, she spent her life trying to educate African-Americans about the past glory and contributions of African societies, and encouraged young people to make a commitment to educationally, economically, and politically strengthen the black community. She worked to organized domestic workers in the city of New York, fought to overturn the eviction of black tenants, and sought to integrate major league baseball.

Indeed, Queen Mother Moore established a legacy of love and commitment that spanned the decades of her life. In her passing years she suffered with declining health, but continued her strong convictions on behalf of the causes she held dear, social justice and political empowerment. Her passionate voice and vibrant spirit will be sorely missed. I salute her work and dedication.

TRIBUTE TO RICHARD ANDERT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend Richard Andert, as he is named Los Angeles Police Department Police Officer of the Year. The Woodland Hills community joins me in praising him for his commitment and dedication to making our area a safer place to live.

Officer Andert's commitment to the safety and well-being of our citizens should serve as an inspiration to all Americans. He is a role model not only to younger but also to higher ranking police officers on the force. Of the countless examples of his leadership, none stand out more than his commitment to traffic safety. He single-handedly implemented a crackdown on speeding drivers in order to ensure the safety of the children in our neighborhood and return the neighborhood to the safe and quiet area it should be.

Officer Andert practices kindness, caring, and compassion in even the most routine situations. One day a panicked West Valley resident arrived at the police station, unable to enter a house where she was responsible for feeding a cat and dog. Upon investigating the situation Officer Andert discovered the woman was attempting to enter the wrong house and then assisted her in entering the correct home. It is Officer Andert's willingness to go the extra mile that has distinguished his career.

In closing Mr. Speaker, if this Nation had more Richard Anderts on America's police forces, our neighborhoods would be safer places to live. It is a personal honor to me, as his Congressman, to acknowledge his accomplishments which bring deep honor to our community, and to offer my warm congratulations and heartfelt thanks.

NATIONAL WRITE YOUR CONGRESSMAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. TRAFICANT. Mr. Speaker, today, I want to recognize an organization that I became familiar with soon after arriving in Washington as a freshman in 1985. National Write Your Congressman has been providing me and my office with important and intelligent information from our district since 1953.

Their legislative updates, entitled "We The People," arrived monthly in my office, sometimes with copies of my 1-minute speeches from the House floor printed in the Congressional Comments section. In June 1994, National Write Your Congressman featured my bill to move the burden of proof from the taxpayer to the IRS in civil tax court as the topic of a survey. The results astounded me: Ninety-three percent of their readers favored my bill, and soon afterword, I had over 300 cosponsors.

National Write Your Congressman's opinion ballots are some of the only polls I trust. Their members respond because they want to participate in the democratic process, not because some polling organization called them.

I find that letterwriters from National Write Your Congressman are well informed about issues in Washington that effect their lives. Their readers should know that they do have clout in Washington because their voices are heard monthly.

Mr. Speaker, I want to compliment National Write Your Congressman for its work for nearly 40 years to bring the opinions of Americans to their Federal representatives in Washington.

THE 75TH ANNIVERSARY OF THE LOYAL ORDER OF THE MOOSE

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. STEARNS. Mr. Speaker, this year marks the 75th anniversary of the Moosehaven facility, which provides residential care to older members of the Loyal Order of the Moose. I am proud to have this outstanding facility, located in Orange Park, FL, as part of my district.

The Loyal Order of the Moose will be holding its international convention in Florida this summer. They have selected Florida as the convention site for the purposes of acknowledging the Moosehaven facility.

Founded in 1922, the Moosehaven facility is unique in the fraternal world. The self-funded facility currently provides free care to 420 men and women who are members of the Moose Order. The infinite need for organizations to provide community-based solutions is exemplified by the success of the Moosehaven facility.

I ask my colleagues to join me in congratulating the Moosehaven facility on its 75th anniversary, and I look forward to its continued growth and progress in the future.

IN HONOR OF THE NORTH HUDSON COMMUNITY ACTION CORPORATION: PROUD PARTICIPANT IN COMMUNITY ACTION WEEK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a truly exceptional organization, the North Hudson Community Action Corporation [NHCAC]. On May 9, a celebration commemorating Community Action Week will officially open the NHCAC's one-stop Health Center located at their newly consolidated facility in West New York, NJ.

National Community Action Week is dedicated to raising awareness about the important of community-based action, making this a fitting opportunity to recognize the contributions of the NHCAC. This respected institution has provided much needed assistance to the residents of Northern Hudson County, NJ, for over 30 years. Its mission of people helping people is exemplified in the more than 20 programs and 37,000 clients served by NHCAC.

The types of assistance offered by NHCAC are as diverse as the population it serves. NHCAC provides services in health care, nutrition, substance abuse treatment, emergency food and shelter shortages, social and home services, and early childhood development through Head Start. Specifically, programs benefiting North Hudson residents include the Women, Infants and Children [WIC] nutrition plan, Senior Treatment and Education Program [STWP], a food pantry, limited transitional housing, immigration and naturalization help, tenant and landlord relations, job placement, and home weatherization and maintenance. Everyone who has utilized NHCAC's services may attest to the compassionate nature of this outstanding group of individuals.

The official opening of North Hudson Communication Action Corporation's Health Center at West New York is another step along the road to ensuring quality and affordable health services for the entire community. Staffed by medical professionals, the health center provides a broad range of health services including family care, gynecology and family planning, premarital examinations, dental screening, mental health, diagnosis and treatment of diseases, and counseling and health education workshops.

The men and women of the North Hudson Community Action Corporation give new meaning to the words community action. Under the direction of executive director Michael Leggiero, NHCAC has gained national recognition for dedicated and caring service to the community. I am proud to have this extraordinary organization working on behalf of the members of my district.

HONORING JOHN "JACK" PIDGEON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to tell my colleagues

about the retirement of a singular individual who is legendary in his achievements in the academic world. His name is John "Jack" Pidgeon.

Jack Pidgeon grew up in a poor working class town in Massachusetts. He won a scholarship to prestigious Andover Prep School, where he studied alongside former President Bush and Actor Jack Lemmon. After being seriously wounded in WWII, he went on to devote his life to giving that gift of educational opportunity to other bright young students hundreds of times over.

And he did it against some incredible odds.

In 1952, Jack Pidgeon left a secure teaching job at Deerfield Academy to become the headmaster of a sickly, broke, rundown 350-acre prep school called Kiski in western Pennsylvania. When he arrived, the school, founded in 1888, had a few dilapidated buildings, no running water, no furniture, no credit, no donor support, no gate. It was $200,000 in debt. Jack Pidgeon took a look around and started up a bulldozer himself to clear the grounds and enlisted faculty and students to mow, paint, even tar roofs.

Seven years later, after everyone told him the school had no chance, Kiski received a $10,000 donation—its first donation of over $1,000 in the history of the school. Finally, in 1966, after years of dogged efforts by this devoted crusader, the late Sarah Mellon Scaife gave the school $50,000. That was a turning point, and Jack Pidgeon never looked back.

On May 16 of this year, Jack Pidgeon is retiring as headmaster of Kiski, leaving behind not only a student and alumni population that thinks of him as a father, but a financially robust institution entirely of his crafting, with property worth about $20 million, an endowment of about $10 million, and the wherewithal to grant $350,000 per year in scholarships.

But financial success is not his most lasting legacy to this institution. Jack Pidgeon personally shaped the character of every student to who attended Kiski. His no-nonsense, pragmatic philosophy imbued generations of graduates with a realistic but profound belief in themselves and a clear sense of who they are. He stressed good manners, humility, self-respect, and drive. He is a man who gave his life to quality education and giving thousands of young boys the ability to realize their full potential as business leaders, civic leaders, and citizens. His greatest satisfaction came from offering poorer students scholarships.

I heartily commend Jack Pidgeon for his great achievements. He is a man of vision who never heard of giving up.

TRIBUTE TO GERALD R. BALDELLI

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. QUINN. Mr. Speaker, I rise today to honor Mr. Gerald Baldelli, on the occasion of his retirement.

Jerry served the Frontier Central School District with distinction in several capacities from 1961 to 1996, including teacher, coach, mathematics department chairman, director of community education, middle school principal, high school principal, and assistant superintendent for personnel service. As a teacher and former supervisor of the Town of Hamburg, I witnessed first hand Jerry's commitment to our community, and his professionalism, and integrity.

In addition to his work with Frontier Schools, Jerry has served as president of the Erie County Interscholastic Conference, president of the Erie County High School Principals' Association, president of the Western New York Association of School Personnel Administrators, and as chairman of New York State Public High School Athletic Association.

In recognition of that commitment to education, Jerry was honored as the 1966 Hamburg Junior Chamber of Commerce Outstanding Young Educator, the 1988 New York State Athletic Administrators' Association "Outstanding Commitment to Interscholastic Athletics in New York State" award recipient, and as the 1996 Town of Hamburg Service Youth Award winner.

Further, Jerry has played an important and active role in our community through his work with Our Lady of Perpetual Help Church.

Mr. Speaker, today I would like to join with Jerry's wife, Marie; his children, Gerald, Carla, Mark, and Elizabeth; the Frontier Central School District; and our Hamburg community to pay tribute to Mr. Gerald R. Baldelli. With retirement comes many new opportunities. May he meet every opportunity with the same enthusiasm and vigor in which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

Thank you, Jerry, for your tireless effort and personal commitment to our western New York community. As you enter retirement, I wish you nothing but the best.

TRIBUTE TO JOSE J. ACOSTA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor Jose J. Acosta as the California Highway Patrol, West Valley area, American Legion Officer of the year. Abigail Adams once questioned: "If we do not lay out ourselves in the service of mankind, whom should we serve?" Each and every day, Officer Acosta puts his life on the line in order to serve mankind by guaranteeing the safety of the Woodland Hills community. He is truly worthy of this award.

In his short time on the force Officer Acosta has been a quick study. His hard work and dedication have honed his investigative skills and earned him the respect of his supervisors and peers. In addition, he has fought to ensure the safety of our roads through his aggressive pursuit of drunk drivers. In a 12-month period he made over 70 arrests, demonstrating his skills in apprehension.

Officer Acosta's service to our community does not end with his shift. He understands that a smile and kind word can go a long way in a difficult situation. For proof one only need look at the letters of commendation detailing time and time again he is willing to lend a helping hand to motorists in distress.

West Valley is fortunate to have Officer Acosta, and I am confident that his dedication will serve as a model for other highway patrol officers in the Nation and lead to safer roads for everyone. I commend Officer Acosta for his dedication and hard work and congratulate him as he is honored as the California Highway Patrol Officer of the year.

TRIBUTE TO JOHN D. "JACK" GOEKEN

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of an inspiring inventor and enterprising leader, John D. "Jack" Goeken.

Jack Goeken is a much celebrated pioneer in the world of telecommunications. Jack Goeken has been referred to by Business Week magazine as, "the phone world's most prolific inventor." Former Federal Communications Commission Chairman Alfred C. Skies, recognized Goeken as, "one of America's genuine communications pioneers." His accomplishments and awards are as impressive as they are vast.

Jack Goeken has built an international reputation in the communications industry while founding communications giants such as MCI, FTD Mercury Network, Airfone, In-Flight Phone, and now Goeken Group companies.

Jack Goeken pioneered the concept of constructing a microwave system between Chicago and St. Louis, improving customers channel capacity and range, enabling truck drivers to use their two-way radios along the highway.

In 1963, Jack Goeken and four friends established Microwave Communications, Inc., MCI. In fact, Jack Goeken's development of a microwave network eventually lead to a victorious legal battle which is credited with the breakup of the Bell monopoly and opening of the telecommunications industry to competition.

For Jack Goeken, this was only the beginning of an impressive series of inventions and enterprising successes. He then founded the FTD Mercury Network, the world's largest online computer network, processing and delivering over 30 million smiles a year in floral orders.

Next, Jack Goeken founded Ralifhone Inc., CML Communications which provided domestic satellite service, Spectrum Analysis Frequency Plan.

In the mid 70's, Goeken created the air-to-ground communications industry that exists today. Goeken founded the Airfone Corporation that travelers commonly see and use on commercial airlines. Goeken's invention lead to the founding of the In-Flight Phone Corporation in 1989, which provides the clear telephone service and transmission air travelers enjoy today.

Today, Goeken serves as chairman and CEO of the Goeken Group Companies which

provide life saving technology and services. Goeken Group Companies includes; Global MED-NET, Personal Guardian, and Personal Safetywear.

On May 9, 1997, Jack Goeken will be honored at the 1997 Joliet UNICO Citizen of the Year Banquet for a lifetime achievement of "service above self," UNICO's motto.

I request that this body honor Jack Goeken for his incredible spirit of invention and remarkable forward thinking.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FILNER. Mr. Speaker, while on official business I was unable to be present for two rollcall votes on May 7, 1997. Had I been present, I would have voted as follows: Rollcall No. 109—"no;" rollcall No. 108—"yes."

FREEDOM AND DEMOCRACY IN TAIWAN

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. COX of California. Mr. Speaker, as Members know, 11 Members of the House and I traveled to Asia over the Easter recess. Among our stops was a very successful visit to the Republic of China on Taiwan.

President Lee Tung Hui offered a typically warm welcome, and stressed the fact that Taiwan now lives under a fully free and democratic government. In fact, I would note that on May 20th President Lee will celebrate his first anniversary of his inauguration as Taiwan's first democratically elected President. In fact, I had the privilege to offer my congratulations to President Lee in person 1 month after that first free election in nearly 5,000 years of recorded Chinese history.

I offer my congratulations to him on this first anniversary of the election and ask that his welcome to our delegation be reprinted in the RECORD:

Honorable Speaker Gingrich, Honorable Representatives, Ladies and Gentlemen:

Good morning. This is a very important moment. On behalf of the people and the government of the ROC on Taiwan, I would like to extend my heartiest welcome to all of you. Particularly, I would like to express my sincere appreciation to you for your decision to visit my country out of such a busy schedule on your Asia evaluation tour. The time of your stay is very short, but the most important thing is that you didn't forget this island ROC on Taiwan. It has at least two very significant meanings: First, the ROC on Taiwan is the best friend of the United States in the world and the symbol of American value system and idealism, Freedom and Democracy. Second, the island is geographically important for US military strategy in the West Pacific area, and particularly in North-East Asia.

Domestically, the ROC on Taiwan is now considered a fully free country by the Freedom House based in New York City following our first direct popular presidential election in March 1996. In order to improve our competitiveness, we are now in the process of streamlining the government structure through constitutional reform and establishing an Asian Pacific Regional Operations Center here.

Our mainland China policy remains unchanged. Eventual reunification of China under freedom, democracy, and social justice is still our future goal, but the fact remains: China is divided. We in the ROC on Taiwan would like to use the next thirty years to build an even more free, democratic and prosperous country, so that when the opportune time arises, we can hold talks of reunification with the other side on an equal footing.

In the interest of time, I would like to listen to you; any questions put forward to me are welcome. As to the purposes of this trip, you already mentioned in the news conference on the 23rd of March. We have already prepared answers to those questions, and will provide the materials to you for your convenience. Thank you very much for your attention. Now, I would like to listen to your comments and advice.

IN HONOR OF CHIEF LARRY J. HOLMS, DIRECTOR OF FIRE SERVICES FOR THE ORANGE COUNTY FIRE AUTHORITY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. SANCHEZ. Mr. Speaker, I would like to take this opportunity to honor Larry J. Holms, Director of Fire Services for the Orange County Fire Authority. Chief Holms is retiring after 35 years of exemplary service to the citizens of Orange County and the State of California.

Chief Holms served as the Director of Fire Services since the inception of the Orange County Fire Department in 1980. He is retiring as the director of the Orange County Fire Authority. He has been responsible for the largest regional firefighting department in California, staffed by over 935 career firefighters and 750 paid-call firefighters.

After the devastating 1993 Laguna Beach fires, Chief Holms was instrumental in establishing a helicopter program for the Orange County Fire Authority. This is the only Fire Service helicopter program in Orange County.

Chief Holms has been in the Fire Service for over 35 years. Prior to his current position, he was the Fire Chief in the city of Tustin Fire Department, a Battalion Chief for the California Department of Forestry and worked for the Huntington Beach Fire Department for 9 years.

His many career accomplishments include: past President of the Orange County Fire Chief's Association; member, Board of Directors for the Governor's Office of Emergency Services FIRESCOPE; member, the Governor's Office of Emergency Services Standardized Emergency Management System [SEMS] Development Advisory Committee; appointed member of the Building Standards Commission; served as Acting County Administrative Officer in 1985; past member of the Board of Directors for the Orange County Red Cross; and, past member of the Board of Directors for the Orange County Poison Prevention Foundation.

I would like my colleagues in Congress to join me in recognizing Chief Holms for his outstanding service to his community. There are many deeds and courageous acts that easily distinguish Chief Holms as a firefighter, a citizen, and a leader. The citizens of Orange County have been very fortunate to have such a remarkable individual watching over them. Let us wish Chief Holms many years of enjoyment and happiness in his retirement.

MOTHER'S DAY 1997

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to pay tribute to all mothers, with special admiration and appreciation for the two important mothers in my life, my own mother, Mr. Ivalita Jackson and my mother-in-law, Mrs. E. Theophia Lee.

I would like to thank my mother for her commitment and dedication to our family. My mother worked very hard to do the best for her children in this world by instilling the values of God, family, and community. She set before me the goal of working to accomplish success in life by not resting on the laurels of yesterday, but on the promise of another tomorrow. She offered strength and dignity in the face of difficulty.

I thank her, not only for the gift of my life, but the joy she provided in my experience of growing up.

I would like to also extend a special Mother's Day greeting to my mother-in-law, Theophia Lee. I hold her in great esteem and respect for the devotion she showed as a mother to my husband, Elwyn, who is the man he is today because of her nurturing.

This Mother's Day greeting is not only for the two mothers I have singled out, but it is also a tribute to all of the mothers of the 18th Congressional District who will be honored this Sunday, May 11, on our Nation's day for mothers.

This Mother's Day is for grandmothers, mother-in-laws, stepmothers, foster mothers, godmothers, mothers who take in children, mothers who adopt, those who act as mothers, for those women who have no relations by blood but who give the gift of mothering to children.

Our Nation's mothers are the foundation for the most prosperous and productive country in the history of the world. They are the nurturers, and care givers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home, or both, and their contributions to this society can never be fully appreciated or valued.

Mothers bring a unique and valuable perspective to all aspects of American life. Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and

improving the quality of life for men, women, and children throughout the Nation. They serve with distinction as legislators, mayors, judges, doctors, lawyers, and administrators, and their impact in these areas has proved to be monumental.

I could not find words descriptive enough to fully express the depth of admiration for women who fill this import role in our society. They are committed to their families and community not for public acclaim, but for love. Many of them are single and have no real financial support save for the income provided by their own efforts.

They may feel the crushing weight of the glass ceiling, in limited promotional opportunities, and most acutely when pressures of home and work conflict. This conflict should not be seen as a detraction from your ability to be a leader in corporate America, but a vital leadership skill to hold or to have held the rank of mother.

Many mothers in this country are members of our working poor. They work for minimum wage at jobs that make great physical and emotional demands while meeting the challenge of providing guidance and support to their children. Every day, I am humbled by the accomplishments of these mothers.

I would like to also extend a special Mother's Day wish to new mothers. Know that you are loved and appreciated in your new roles as care givers to our Nation's next generation. Mother is the highest title which you will hold for the rest of your life.

I wish all mothers a blessed and joyous Mother's Day.

PERSONAL EXPLANATION

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. PICKERING. Mr. Speaker, this afternoon I must return to my congressional district for a previously scheduled constituent meeting and will miss the following votes:

Rollcall vote No. 111, the Stupak amendment (#1) to H.R. 3 to authorize discretionary grants for juvenile crime prevention and control and strengthen federal juvenile court proceedings for dealing with violent juveniles. Had I been here I would have voted "nay."

Rollcall vote No. 112, the Waters amendment (#2) to H.R. 3 to strike the provision that requires juveniles who are accused of conspiracy to commit drug crimes to be prosecuted as adults. Had I been here, I would have voted "nay."

Rollcall vote No. 113, the Conyers amendment (#3) to H.R. 3 to strike provisions in the bill relating to the prosecution of 13-year-olds as adults. Had I been here, I would have voted "nay."

Rollcall vote No. 114, the Scott amendment (#4) to H.R. 3 to strike provisions in the bill that allow states to use block grant funds to build prisons and detention centers. Had I been here, I would have voted "nay."

Rollcall vote No. 115, the Lofgren amendment (#5) to H.R. 3 to earmark 50 percent of block grant funds for juvenile crime prevention programs. Had I been here, I would have voted "nay."

Rollcall vote No. 116, the Dunn amendment (#7) to H.R. 3 to require States, in order to receive Byrne Grant funding from the Bureau of Justice Assistance, to submit a plan to the Attorney General to notify parents whenever a juvenile who has been found guilty of committing sexual offenses is enrolled in an elementary or secondary school. Had I been here, I would have voted "aye."

Rollcall vote No. 117, a motion to recommit H.R. 3. Had I been present, I would have voted "nay."

Rollcall vote No. 118, final passage of H.R. 3. Had I been present, I would have voted "aye."

TRIBUTE TO LEO DOZORETZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BERMAN. Mr. Speaker, my colleague, Mr. Sherman, and I are honored to pay tribute to Leo Dozoretz, who this year is receiving the inaugural David Ben Gurion Award for outstanding service and commitment to the United Jewish Fund. He is being honored by the Jewish Federation/Valley Alliance.

Leo is an ideal choice for this award. Indeed, we can think of few people as dedicated to the Jewish people and the UJF as Leo Dozoretz.

Many of Leo's good deeds have been undertaken in the San Fernando Valley, where he resides. For years he has been heavily involved with the Jewish Federation/Valley Alliance Major Gifts Campaign for the UJF, personally raising more than $500,000 in campaign contributions every year. Leo has also chaired numerous UJF campaigns for the Jewish Federation/Valley Alliance, raising money to support vital social services in Los Angeles, Israel and 60 countries around the world.

In the early 1960's Leo chaired the building fund at Temple Adat Ariel, where he was a member, that resulted in construction of the Temple sanctuary and the first Jewish school in the San Fernando Valley.

Leo also has a distinct way of combining his professional life, his social life and Jewish causes. For example, as a charter member of the El Caballero Country Club he has chaired an annual gold tournament to raise money for the UJF. A longtime employee—now retired—of Willamette Industries, Leo was instrumental in getting the company to expand its matching gifts program. A number of non-profit organizations, including the UJF, benefitted as a result.

Leo and his wife, Elaine, have been active members of two grassroots community support groups—"The Society of Individual Responsibility" and the Brunch Bunch—for more than 30 years.

We ask our colleagues to join us today in saluting Leo Dozoretz, whose dedication, humanity and compassion are examples to us all.

INTRODUCTION OF A TRANSPORTATION BILL

HON. DONNA M. CHRISTIAN-GREEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Ms. CHRISTIAN-GREEN. Mr. Speaker, I rise today to introduce a bill to allow the Virgin Islands and the other U.S. territories to participate in the Federal Highway Administration's State Infrastructure Bank [SIB] Program and to use surface transportation program funds for construction of certain access and development roads.

Mr. Speaker, the State Infrastructure Bank Program began in early 1996 as a pilot or experimental program with 10 States. It was extended to other States in late 1996. It is a new Federal Highway Administration initiative designed to leverage investment in surface transportation projects and thereby increase the number of these projects. It is expected that under the reauthorization of the Intermodal Surface Transportation Efficiency Act, [NEXTEA], the State Infrastructure Bank Program will be made permanent.

Mr. Speaker, the importance of surface transportation to the economy of the U.S. Virgin Islands cannot be overstated. Our tourism-based economy and indeed the quality of life for our residents are dependent on transportation.

Since 1989, the Virgin Islands has been battered by three devastating hurricanes. Those storms have made funding for capital infrastructure projects almost impossible. It is estimated that the Virgin Islands will need to invest over $125 million over the next 5 years in order to maintain the current conditions and level of service of our surface transportation system. Inclusion in the SIB program will enhance public-private infrastructure investment opportunities in the Virgin Islands and go a long way in assisting us in addressing our transportation needs. I look forward working with the chairman and ranking member of the Transportation and Infrastructure Committee in getting this proposal enacted into law.

NATIONAL MILITARY MUSEUM FOUNDATION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. HOYER. Mr. Speaker, today I am introducing legislation to create a National Military Museum Foundation to provide much-needed support to our Nation's 90 military museums.

These museums, scattered across 34 States, tell the proud history of our armed services. Ever since the Revolution, the Department of War and its successor organizations have preserved historic military artifacts.

But today, many of these invaluable collections are in jeopardy. Museum facilities are

deteriorating and there has been inadequate funding to maintain these historic collections.

A 1994 study by the Advisory Council on Historic Preservation found that inadequate staffing and funding has been dedicated to these national assets.

The museums in Maryland, including the one at the Patuxent River Naval Air Station, need additional financial assistance. I am confident that my colleagues will find similar needs in their own States.

My legislation, introduced in the Senate last week by Senator PAUL SARBANES, would allow private sector support to be funneled throughout the country. The Foundation would be governed by a nine-member board chosen by the Secretary of Defense. In order to get it started, I am proposing a one-time $1 million appropriation and shared use of DOD personnel and facilities. After that, the Foundation would be self-sufficient and would actually save the Department money.

I urge support for establishment of a National Military Museum Foundation.

TRIBUTE TO JAMES "JIM" CHIPPONERI

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CONDIT. Mr. Speaker, I rise today to honor a close friend and neighbor, Mr. James "Jim" Chipponeri, who is being recognized as the Agri-Business Man of the Year by the Ceres Chamber of Commerce.

Jim and I have been friends for a number of years. He has always been ready to lend a helping hand or volunteer his time and resources to help our community.

Since his days as a student at Ceres High School, he has been an active participant in the agricultural community. Jim has worked tirelessly on behalf of the farmers. He has been a great asset to many service organizations, including the Stanislaus County Farm Bureau and Growers Harvesting Committee.

His labor has produced some of the best peaches, grapes, and almonds in the Valley. He is currently in the process of patenting his own almond product called "Chips Special".

In addition to Jim's efforts in the farming community, he has been a member of the Ceres Lions Club for 45 years. It is a pleasure to have this opportunity to recognize Jim's service and dedication to our community.

I would also like to extend my best wishes and congratulations to Jim and his wife, Laura, who will be celebrating their 50th wedding anniversary later this year.

TRIBUTE TO KATHARINE HEPBURN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to legendary actress and long time resident of the Turtle Bay section of Manhattan, Katharine Hepburn, on the occasion of her 90th birthday and the dedication of the Katharine Hepburn Garden in the Dag Hammarskjold Plaza.

Ms. Hepburn is most famous for film career: She has won three Academy Awards, for "Morning Glory," "Guess Who's Coming To Dinner," and "The Lion In Winter," and eight other Oscar nominations. But among her friends and neighbors, Katharine Hepburn is renowned and cherished for her endless passion for flowers and gardening. In fact, her two passions merged in one of her most classic film lines, "the calla lilies are in bloom again," from "Stage Door."

Katharine Hepburn first moved to Turtle Bay in 1932 when the area was still overshadowed by the Second and Third Avenue Els and the United Nations was not yet built. She began enhancing the area by transplanting flowers from her family's Connecticut home to her backyard garden. Her active involvement in the community began when she joined the newly formed Turtle Bay Association in 1957. With the Association, Ms. Hepburn fought vigorously to halt the destruction of trees and prevent the city's plans to widen Turtle Bay streets by cutting back sidewalks.

In 1987, Katharine Hepburn lent her name to the successful campaign to rezone Turtle Bay's midblocks for low-rise construction limitations. Her fund raising support for neighborhood safety and beautification have been central to the Turtle Bay Association's 40-year growth as a volunteer group comprised of tenants, home owners and small business.

The city of New York and Turtle Bay's residents are presenting Katharine Hepburn with a great honor as they dedicate a beautiful and serene garden in the midst of Midtown Manhattan in her name.

Mr. Speaker, I ask my colleagues to rise with me in this tribute to Katharine Hepburn on her 90th birthday. Not only has she enriched the lives of New Yorkers, but she has touched all of us with her outstanding and heartfelt performances over the years.

A TRIBUTE TO MARILYN DIGIACOBBE ON THE OCCASION OF HER APPOINTMENT AS SPECIAL ASSISTANT TO THE PRESIDENT FOR PUBLIC LIAISON

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Marilyn DiGiaccobe. She has been promoted to the position of special assistant to the President for public liaison, and will be honored in my district on May 17.

Marilyn was born in the great city of Philadelphia and raised across the Delaware River in Glendora, NJ. After receiving her bachelor's degree in political science fro Rutgers University, Marilyn worked as a counselor for disadvantaged teens enrolled in Camden County, New Jersey's summer employment and training program. She then got her introduction to politics as an intern in the office of our former colleague, Jim Florio. Marilyn has since worked on the staff of the Presidential transition team and the Democratic National Committee. She has also worked on political campaigns in Pennsylvania and New Jersey, and established her own small business, DiGiaccobe and Associates.

Enroute to her latest position, Marilyn has honored her skills for communicating the President's policies to diverse constituencies on a wide range of issues. In addition, she has assisted in the planning of special events such as the October 1995 visit of Pope John Paul II to the United States, White House Conferences for Trade and Investment in Northern Ireland and Central and Eastern Europe, and has coordinated and participated in Presidential delegations to Ireland and Poland. Based on her work in the Italian-American community, Marilyn was honored with the Democrat of the Year Award by the Italian-American Democratic Leadership Council in October 1995.

As someone who has been fortunate enough to know Marilyn on both a personal and professional basis, I am confident that the President has made the right choice in appointing her as special assistant for public liaison. Mr. Speaker, in light of her many past accomplishments and her recent appointment, I ask that my colleagues join me today in extending their congratulations and best wishes to Marilyn DiGiaccobe.

TRIBUTE TO GARTH C. REEVES, SR.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise this afternoon to pay tribute to a great Floridian and a great American, Garth C. Reeves, Sr.: reporter, editor, publisher, banker, entrepreneur, community activist, and humanitarian.

Tomorrow Mr. Reeves will receive the honorary Doctor of Journalism degree from the University of Miami in recognition of his professional commitment and contributions as a leader of the Nation's African-American press, as well as his personal involvement in promoting understanding in South Florida and beyond. Garth Reeves currently serves as publisher emeritus of the Miami Times, a newspaper founded by his father, Henry E.S. Reeves, in 1923.

Garth Reeves' life has been dedicated to the achievement of excellence and service to humankind. Owner of the Miami Times, he has served South Florida for more than 50 years. He has been a reporter, columnist, managing editor, and publisher since 1940 when he earned his B.S. degree in printing at Florida A&M University.

Garth Reeves' community involvement has not been limited to publishing the Miami Times. His impressive resume does not reveal the depth of his participation in struggles to bring civil rights to all Dade Countians. In the 1950's, for example, Reeves was part of a group who filed lawsuits to open up previously all-white public beaches and golf courses. His non-public actions indicate a quite, low-profile

man who has been known to pay hospital and funeral bills and school expenses for the less fortunate and then seek to avoid any fanfare for himself.

In professional journalism activities, Reeves served as a juror for the prestigious Pulitzer Prizes in 1977 and 1978 and was chosen Publisher of the year by the National Newspaper Publishers Association, which he once served as president, on three separate occasions.

In education, Reeves served as vice chairman of the Miami-Dade Community College board of trustees and as a trustee of Barry University, Bethune-Cookman College, and Florida Memorial College. He has earned service awards from Florida A&M University (1965 and 1974), Florida memorial, and Barry.

He has been justifiably honored for his youth work with the Boy Scouts of America and the YMCA. Reeves also has been active in attempting to create new opportunities for south Floridians through banking and his involvement in numerous foundations and charities. Predictably, this involvement has brought him a long list of awards.

Florida A&M University has recognized him for his leadership and service by creating the one million dollar Garth C. Reeves Eminent Scholars Chair in Journalism. The Reeves chair honors Garth's contributions to his profession and provides support for the education of aspiring journalists.

Garth Reeves' caring commitment to his fellow man and his service to his community have taken him to where few others have gone before. The University of Miami is right to bestow one of it's highest awards on this true son of South Florida. Garth C. Reeves, Sr., servant of the people, community activist, journalist, great Floridian, and great American.

THE STAIN OF NAZI GOLD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. LANTOS. Mr. Speaker, as the only survivor of the Holocaust ever elected to the Congress of the United States, I want to share with my colleagues a thoughtful editorial from the New York Times, entitled "The Stain of Nazi Gold."

Under Secretary of Commerce Stuart Eizenstat, one of our Nation's most respected and serious public servants, deserves enormous credit for having pursued this entire matter with extraordinary diligence, intelligence, and integrity. We all owe him a debt of gratitude.

THE STAIN OF NAZI GOLD

The honest excavation of history can bring sobering discoveries, as the American Government has now found in an examination of Nazi Germany's stolen gold and its redistribution after the war. No nation emerges unscathed from this investigation, including the United States, and many are disgraced. It is saddening but not altogether surprising to learn that morality and justice, especially the international obligation to look after the survivors of the Holocaust, were swiftly sacrificed to expediency when the gold was divvied up after the war. Remedying this failure, as the report rightly notes, is the unfinished business of World War II.

The extraordinary inquiry, which involved the declassification of nearly one million pages of documents, was initiated by President Clinton after Switzerland coldly rebuffed Jews seeking to recover gold and other assets their families had deposited in Swiss banks before the war. Under the determined direction of Stuart Eizenstat, the Under Secretary of Commerce, and William Slany, a State Department historian, it touches on wartime economic collaboration with Germany but deals mainly with the anemic postwar effort to restore gold and other valuables to the nations and peoples from which they had been stolen.

Sweden, Portugal, Spain, Turkey and Argentina will want to take notice. The extent of their economic cooperation with the Nazis has been slowly unfolding in recent years, but Mr. Eizenstat makes clear they profited from their neutrality. Even as the threat of German invasion waned in the last years of the war, Sweden sold Germany iron ore and ball bearings, Portugal provided tungsten for steelmaking, Spain traded goods and raw materials and Turkey shipped chrome. Argentina defied efforts to prevent the transfer of German funds there from Europe.

Switzerland is properly singled out. Though helpful to the Allies as a base for spying, it served as Nazi banker, gold keeper and financial broker. Switzerland provided Germany with arms, ammunition, aluminum and agricultural products.

These countries made only a fitful effort after the war to return the looted gold and other assets they received in payments from Germany during the war. Here America bears considerable responsibility. It led the postwar effort to recover and distribute the gold. Yet only a small portion of the $580 million in gold stolen from conquered governments, worth some $5.6 billion today, was ever recovered. Even less of the millions of dollars in gold and other assets taken from individuals was returned.

Switzerland was aggressively unhelpful, resisting accounting and recovery efforts for years and not honoring agreements to liquidate German assets held in Switzerland. The American report estimates that as much as $400 million in German-looted gold remained in the Swiss National Bank at the end of the war, but no more than $98 million was returned.

The task of tracing and apportioning the gold and other assets was daunting, but American officials tolerated intransigence by other nations and accepted pitiful restitution agreements in the name of cold-war solidarity. Eager to obtain access to an Azores air base in the 1950's, Washington let Portugal surrender only about one-tenth of the German gold it held at the end of the war.

Spain eventually returned just $114,000 in looted gold from a stockpile of $30 million. Turkey, which held $44 million in Nazi assets and $5 million in looted gold, made no restitution. Only Sweden paid up.

The victims of this dismal record were the survivors of the Holocaust and others left homeless and stateless by the war. Assets that could have been used to help them were never returned to the countries plundered by Germany. Worse still, gold and other valuables found in Germany that had been seized from millions of individuals and households across Europe were knowingly mingled with assets stolen from European governments by the Nazis. As a result, gold that should have gone to help individuals through relief and compensation programs ended up in European and American government vaults, where some remains today.

These matters remained too long obscured from public view, shielded by excessive secrecy and national pride. It is late to redress the wrongs, but every effort should now be made to return gold and other assets to those with a legitimate claim. Switzerland, after long delay, is finally making an effort to trace and return assets deposited before the war. Mr. Eizenstat and Mr. Slany have performed a high public service by digging for the truth.

HONORING KEEP HOUSTON BEAUTIFUL'S 2D ANNUAL NEIGHBORHOOD CLEANUP

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the efforts of Keep Houston Beautiful and the success of the second annual neighborhood cleanup in making Houston a better—and cleaner—place to live.

On May 3 more than a thousand volunteers across the city committed to improving the quality of life in Houston in wrapping up the 1997 neighborhood cleanup effort. Boy Scouts, students from area schools, parents and children worked side by side at the Thank You Celebration at the Fondren YMCA. It was quite an experience. For almost 2 months, thousands of people all across the city of Houston bagged thousands of pounds of trash and gathered hundreds of tons of recyclables, all in an effort to make their community a better place to live. Because of the efforts of these volunteers, our neighborhoods are cleaner, our parks are more fun, and our environment is safer.

Each and every person who took time to participate in the Keep Houston Beautiful effort understands the importance of community, that it thrives on involvement and starves from apathy. They understand that it is our government, our schools, our churches and our neighborhoods that they make better when they take the time to get involved. They understand that, when they take an hour, a day, or a week to clean up their community, the effects are felt for much longer. They are setting an example for others to follow, sowing the seeds for the success of future cleanup efforts.

This year, Keep Houston Beautiful launched its biggest attack on litter yet, enlisting nearly 35,000 volunteers in their effort to get trash off our streets. Keep Houston Beautiful has done a tremendous service to the people of Houston by organizing a neighborhood cleanup event in our community. Working with the city of Houston, the Board of Realtors, and civic and neighborhood groups, Keep Houston Beautiful is doing its part to make a long-term difference in Houston.

But neighborhood clean-up is not just occurring in Houston. Now entering its 12th year, this program is America's largest organized cleanup effort, involving 1 million volunteers in 100 cities nationwide. These volunteers have

collectively removed more than 178 million pounds of debris from public lands so far.

I commend the great work of Keep Houston Beautiful and their efforts to cleanup our city through community cleanup events. And I congratulate the thousands of volunteers who gave their time to clean up their neighborhoods and make Houston an even better place to live and raise a family.

THE HAMMOND POLICE DEPARTMENT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. VISCLOSKY. Mr. Speaker, It gives me great pleasure to announce that the Hammond Police Department will represent northwest Indiana in the Police Memorial Week taking place in our Nation's Capital from May 11 to 16, 1997. The Hammond police motorcycle brigade, comprised mainly of traffic enforcement officers, will leave northwest Indiana tomorrow for their day long journey to Washington, DC.

The Hammond Police Department, which conducts its own memorial ceremony for its fallen officers every year, will be the first police department in northwest Indiana to participate in the Police Memorial Week. On May 11, the Hammond police officers will gather with other motorcycle officers from across the country at Robert F. Kennedy Stadium to attend the Law Ride Motorcycle Parade, which will include a procession to Judiciary Square. During the week, the officers will be given the chance to attend seminars, candlelight vigils, and the main memorial on May 16 at Judiciary Square. The Hammond motorcycle brigade, which has expressed interest in participating in this memorial in past years, took the initiative in earning the necessary funds by conducting a raffle and securing donations from Hammond businesses. Any remaining money will be generously donated to the Indiana Surviving Families Fund, which helps families who have lost a police officer in the line of duty.

Those Hammond police officers who will ride in the brigade tomorrow include: Lt. John Pohl, Sg. Dennis Serafin, Cpl. Anthony Sonaty, Cpl. Charles Legg, Cpl. Danny Small, Cpl. George Gavrilos, Cpl. Kerry Newman, Officer Bret Plemons, and Officer Richard Tumidalsky. In addition, Chief of Hammond Police, Fred Behrens, will be joining the aforementioned police officers in Washington on Wednesday, May 14.

Mr. Speaker, I would like to take this opportunity to welcome the Hammond police brigade to our Nation's Capital as they remember police officers who have been killed in the line of duty. I would also like to take this opportunity to commend the Hammond police, as well as police officers across our Nation, on the dedication and courage they demonstrate daily in working to keep our communities safe.

TRIBUTE TO ROLLING MEADOWS CHAMBER OF COMMERCE 1996 HONOREES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CRANE. Mr. Speaker, I rise today to recognize three very special business leaders and one special community leader in my district who will be honored today by the Rolling Meadows Chamber of Commerce.

Daniel Sawusch, President of Citadel Management and general partner of Woodfield Gardens Apartments, will be honored as the 1996 Business Leader of the Year. Under Dan's guidance, Woodfield Gardens has been turned into the showplace it now is. In addition to receiving the Exemplary Business Partnership Award from Governor Edgar and the C.A.M.M.E. [Chicagoland Apartment Management and Marketing Excellence] Award for its ongoing public relations programs, Woodfield Gardens has been awarded the Grand C.A.M.M.E. Award for property excellence for being the best in the business.

Mr. Philip Burns, Fire Chief of Rolling Meadows, will be honored as the 1996 Community Leader of the Year. Aside from serving residents as Fire Chief, Mr. Burns has belonged to, and held positions in, a wide range of local and State organizations. Over the years he has served as President of the Rotary, President of Great Lakes Division of the international Fire Chiefs, and Chairman of the Resource Committee of Illinois Fire Chiefs. Other activities that have benefited the community include his involvement with Community Make a Difference Day and Clearbrook Olympics and Tag Day.

Meadows Funeral Home will be honored with the 1996 Business Beautification Award. Bill Haberichter, proprietor of Meadows Funeral Home, took an unattractive, undeveloped piece of property and transformed it into an attractive, functional building and grounds that serve the community well. The funeral home is on approximately 2 acres of land which required 11,000 yards of fill to bring the parcel of property up grade level.

G.L. Technology also will be honored as the Small Business of the Year for 1996. Company president Samuel Kim has over 20 years of product design and development experience in the coin-operated and consumer electronic industries. To date, Mr. Kim has been issued 35 patents for his designs. G.L. Technology is a leading developer and manufacturer of sports games which are distributed throughout the U.S., Canada, and over 20 other countries worldwide. The success of G.L. Technology's games has earned the company a reputation for being able to develop innovative games that people enjoy playing.

Mr. Speaker, I would like to congratulate these leaders of Rolling Meadows for their hard work and dedication. Rolling Meadows and the Eighth Congressional District of Illinois is a better place to live because of them.

TRIBUTE TO RICHARD R. CASANOVA

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. SHERMAN. Mr. Speaker, I come before you today to honor Richard R. Casanova, who has been named Los Angeles Fire Department's Firefighter of the Year. Mr. Casanova is driven by a sense of civic responsibility to protect our community while he is on-duty and to volunteer his services while he is off-duty.

Richard currently serves as a member of the Los Angeles Fire Department in a dual capacity as both a Paramedic and Firefighter. His extensive training as an Emergency Medical Technician (EMT), a paramedic and as a first aid instructor for the American Red Cross, combined with his many years of dedicated service makes him a valuable asset to the citizens of West Valley.

In addition, Richard is deeply devoted to his wife Peggy and their six children, and is a tireless volunteer in the community. At his local parish he does everything from serve as a youth ministry team member to serve as the disaster preparedness coordinator. Among other numerous activities, he also conducts first aid and CPR instruction for Scouts, local schools, and businesses and is the American Red Cross On-Call Instructor for CPR and First Aid.

The West Valley Community recognizes Richard as an outstanding father, fireman, and community servant. As his Representative in the U.S. Congress, I join the citizens of the West Valley in thanking him for his years of dedicated service to our community, and in extending our warm congratulations and best wishes on his recognition as Firefighter of the Year.

"RESOLUTION SUPPORTING THE END TO HUMAN RIGHTS ABUSES IN U.S. TERRITORY"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. MILLER of California. Mr. Speaker, I am pleased to have received a copy of a resolution passed by the Federation of Asian People of Guam in support of H.R. 1450, the Insular Fair Wage and Human Rights Act. This legislation is urgently needed to stop the inexcusable pattern of labor and human rights abuses in the U.S. Commonwealth of the Northern Mariana Islands [CNMI].

Over 35 Members of the House, as well as prominent human rights and religious groups, and national labor organizations are unified in their support of this legislation. This bill would mandate needed reforms in the CNMI's minimum wage and immigration policies that have allowed the recruitment of a disenfranchised, low paid foreign workforce that now outnumbers the local, indigenous population. These workers are treated as commodities, with little individual value, and are regularly

denied the labor, health and safety protections guaranteed by U.S. law. We must send a strong message to the CNMI government that these continued abuses will not be tolerated on U.S. soil.

The resolution that follows was adopted by the Federation of Asian People on Guam, an umbrella organization of several Asian-American interest groups on Guam. The resolution states, in part, the CNMI can no longer conceal the evidence of ongoing labor and immigration abuses and these same problems were pointed out to Gov. Froilan Tenorio and local and Federal officials in the FADG Resolution 94–1 3 years ago. The resolution further states that H.R. 1450 will hopefully stem the corruption which consumes everyone including the innocent in the CNMI.

I thank the Federation of Asian People for their strong support on this most important issue and ask that the Resolution 97–1 be printed here in full.

Federation of Asian People on Guam (FAPG) Resolution No. 97–1

Relative to commending and supporting Representative GEORGE MILLER on his legislation to strip CNMI of many of its immigration and labor powers.

Be It Resolved By The Board of Directors of the Federation of Asian People of Guam:

Whereas, the Honorable George Miller, a Senior U.S. Congressman, Chairman of the U.S. House of Representatives Committee on Resources who has the jurisdiction over Territorial Issues, aims to introduce a legislation to remove the power of the Commonwealth of the Northern Marianas Islands on Immigration and Labor Control; and

Whereas, according to continuing reports, the CNMI can no longer conceal the evidence of ongoing labor and immigration abuses; that the CNMI is accused of using that local control to import and abuse thousands of low-paid Asian workers; that these same problems were pointed out to Governor Froilan Tenorio and to local and federal officials in the FAPG Resolution 94.1 three years ago; and

Whereas the CNMI were branded "Hell Holes" for foreign workers during the announcement of new legislation aimed at the Commonwealth, according to a statement read on behalf of John Sweeney, President of the American Federation of Labor and Congress of Industrial Organizations; and

Whereas, "this continued pattern of abuse and indifference to human exploitation demands a rapid and bipartisan response from the Congress and the Clinton Administration", to quote Representative George Miller while announcing the new initiative which declares to one and all that these sordid conditions not be tolerated on U.S. soil, and

Whereas, we pray that the first Twenty Five stout-hearted Congressmen sponsors of the bill to remove CNMI's local authority to set minimum wage rates, enforce U.S. immigration law and limit use of "Made in the USA" labels to garment factories that abide by U.S. labor standards be joined by others to restore the integrity of the CNMI Government; and

Whereas, this legislation will hopefully stem the malignant growth of CNMI's social cancer which consumers everyone including the innocent, brought about by illegal drugs, public corruption, victimization of guest workers through violations of their human rights, abuse, neglect and discrimination, forced prostitution, exploitation of minors, and other depravities crying for vengeance in heaven; and therefore be it

Resolved, the Federation of Asian People on Guam commends, expresses gratitude to the sponsors of the bill entitled Insular Fair Wage and Human Rights Act of 1997, and extends strong support and full endorsement of Congressman George Miller's endeavors to preserve Universal Human Rights and the U.S. brand of Justice; and be it further

Resolved, that the FAPG President certify to and the Federation's Secretary attest the adoption hereof, and that copies of the same be thereafter transmitted to Honorable George Miller; to the Speaker of the House of Representatives, Newt Gingrich; to Jaime Cardinal Sin, Archdiocese of manila, Philippines; to Archbishop Anthony S. Apuron, of Agana Basilica; to Bishop Thomas Camacho of Chalan Kanoa, Saipan; to the supporters of this bill representing groups and agencies in California, Hawaii, Alaska, Florida, Guam, CNMI, all of U.S.A., the Philippines & other Pacific Basin/Rim jurisdictions; to members of the electronic and printed media; to the U.S. Departments of Interior, Labor, Justice and Commerce and to his Excellency, Bill Clinton, President of the United States of America.

Robert Kao, President FAPG, Former President, United Chinese Association; Irene Cheng, Secretary, FAPG; Roger Ruelos, President, Filipino, Community of Guam; John Vega, Public Relations Officer, FAPG, Former President, FAPG & FCG; Charles Lee, Vice President, FAPG, President, Korean Association of Guam; Calvin Lai, Treasurer, FAPG, President, Vietnamese-Chinese Association; Pete Hemlani, President, Indian, Community of Guam; Resty Albeza, Board Member, FAPG; Eddie del Rosario, Chartered Member, FAPG, Former President, Filipino Community of Guam.

FRANK KELLY'S VISION FOR HUMANITY

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CAPPS. Mr. Speaker, we in Santa Barbara are blessed to have as our neighbor and community leader Frank Kelly, the Vice President of the Nuclear Age Peace Foundation. Frank has been a voice for peace, justice and basic human rights for many years, and I am pleased to count him as a close friend.

Recently, Frank authored a thought-provoking article in the Santa Barbara News-Press calling on Congress to enact a resolution calling for "A Day of Celebration for Humanity." I commend Frank's piece to my colleagues, and I look forward to discussing the important issues raised in it as we debate the critical public policy decisions of the 105th Congress.

[From the Santa Barbara News-Press, Mar. 30, 1997]

A CHAIR FOR EVERYONE AT HUMANITY'S TABLE

(By Frank K. Kelly)

By kneeling at the feet of grieving Israeli families whose daughters had been killed by a Jordanian soldier, King Hussein of Jordan demonstrated the compassion that goes beyond all boundaries.

He kissed them and asked to be regarded as a member of each family. To the parents of one girl he said: "I feel like I have lost a child."

In the wars of this bloody century, millions of children have been slaughtered. All of them belonged to the great human family. All of us have been wounded by those losses, although we may not realize it. We are all related to one another—and the King of Jordan brought that home to us in a powerful way.

The time has come for the human family to celebrate its unity, its diversity, its tremendous gifts, its abilities in many fields, its infinite capacities for compassion and creativity. Although this is an age of terrible tragedies and immense sufferings, it is also an age of unprecedented strides in many areas.

I believe we should consider "A Day of Celebration for Humanity"—an annual festival to remind us of the marvelous capacities of human beings.

There are many acts of kindness, many outpourings of love and devotion, many works of art emerging from the minds and souls of those who share the DNA molecules that make us human.

Let us salute one another, let us bow down as the King of Jordan did to comfort the afflicted ones among us, let us blow horns around the world, let us dance and be grateful for all the blessings we have, for the hopes we have, for the signs of love we can see everywhere if we open our eyes.

In the midst of our celebration, we will not forget that we have to help one another, care for one another, extend our hands to those who need food and shelter and encouragement. We will take everyone into the circle of humanity—and leave no one out.

Each year—perhaps on New Year's Day—there should be a 24-hour, worldwide remembrance of the achievements of people around the Earth. The resources of the Information Age are available now to bring together all of us in that commemoration.

Artists, musicians, film producers, writers, dancers, singers and composers, sculptors and painters, television and radio communicators, could be asked to give their services for a "Festival of the Human Family."

It could be organized by a Committee for Humanity, formed by representatives of the arts and sciences. Jacques Cousteau, the oceanographer; Yehudi Menuhin, the violinist; King Hussein of Jordan; and Maya Angelou, the poet, might be asked to serve as honorary chairpersons.

The committee could include leaders from all countries represented at the United Nations, journalists and educators from every continent, legislators and judges, business executives, presidents of trade unions, philosophers and members of all religions, children of all ages, women from many backgrounds, and Nobel Prize winners. Its headquarters might be in Geneva, where many international organizations have offices.

On the day of celebration, the creative attainments and highest qualities of compassion and courage demonstrated by human beings would be presented in global broadcasts—perhaps with introductory statements by George Lucas and Steven Spielberg, visionary film producers, and Arthur Clarke, author of "2001," on their hopes for humanity in the coming century.

On that day, the noblest aspirations of human beings would be hailed. The finest works of the human spirit would shine around the world. The day would be an occasion of renewed confidence for every human person on this planet—every member of the huge family which now includes millions of mysterious beings. it would depict the crises through which humanity has passed in its

epic journey from the seas to the stars. All the peaks of human experience would be recognized and acclaimed.

The day might end with the singing of the "Ode to Joy" which concludes Beethoven's Ninth Symphony—with choirs from every nation, with voices being heard from every part of the beautiful planet on which humanity arose.

Such a day could give us new ways of seeing that Thomas Merton was right when he said: "It is a glorious destiny to be a human being."

We were created with divine sparks that cannot be extinguished. We were shaped by a mind which gave us a sense of belonging to the universe. With the creative power shared with us by that loving mind, we can find the ways out of our tremendous problems and overcome the dangers that beset us in this time of testing.

In his inaugural address in January of this year, President Clinton urged us to remember that the greatest progress we have yet to make is in the human heart. He referred to Martin Luther King's high dream of human equality and he declared: "King's dream was the American dream. His quest is our quest."

King's vision was more than an American vision. It was a vision for the whole human family. It is time to revive that vision—and to join with people everywhere to show what can be done by the members of that awesome stream of people moving forward together.

I urge the U.S. Congress to adopt a nonpartisan resolution calling for "A Day of Celebration" and urging legislators and other leaders of all nations to join Americans in making that day a worldwide day for human unity. I urge the president and the executives of all countries to give their support to that proposal.

The time has come to take a giant step for humanity!

AUTHORIZING A CALIFORNIA URBAN ENVIRONMENTAL RESEARCH CENTER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. STARK. Mr. Speaker, today I am reintroducing legislation to authorize the Environmental Protection Agency [EPA] to establish a California Urban Environmental Research and Education Center [CUEREC].

I am honored to be joined in this effort by nine California colleagues: Mr. DELLUMS, Mr. MATSUI, Mr. GEORGE MILLER, Ms. ESHOO, Mr. TORRES, Mr. BROWN, Mrs. TAUSCHER, Mr. BERMAN, and Mr. FILNER.

Legislation to authorize EPA research programs was unfortunately not acted upon in the last Congress. However, CUEREC did receive a line item in the 1995 Department of VA, HUD and independent agencies appropriations bill to cover start-up costs. This line item has allowed CUEREC to begin its first year of operation and the Center was dedicated on October 21, 1994 at a tree planting ceremony on the Cal State Hayward campus.

The bill requests $4.5 million for fiscal year 1998 because CUEREC is mandated to work with all 22 California State Universities in its second year of operation and because CUEREC will need this level of support to carry out the activities set out for it in the legislation.

Currently, CUEREC is in the process of linking California's major university system—the Cal State University [CSU] campuses, the University of California [UC] campuses, as well as private universities and colleges—to deal with the employment and environmental challenges of California's military base closures and defense conversion. Among other activities CUEREC will: help remove market barriers for small environmental business enterprise development; help in military base conversion and utilization focused on increasing sustainable economic development and job creation throughout California; encourage the transfer of government developed and/or sponsored environmental technology to the private sector while working closely with such laboratories as Lawrence Livermore, Sandia, and Lawrence-Berkeley; encourage the funding of viable environmental projects throughout California; assist women and minority owned small businesses in complying with local, state, and federal environmental regulations and taking advantage of opportunities in sustainable economic development; avoid duplication in environmental research and education programs by developing an on-line data base of such activities available to all California universities and colleges; help coordinate Cal State and UC environmental applied research and education programs; and advise local, state, and federal officials on the economic and environmental implications of development programs throughout California.

Prior to CUEREC, no EPA sponsored research center had been established in California, Seventeen such EPA sponsored research centers have already been established in other states. CUEREC would be the first to focus on urban environmental policy, base closures, and defense conversion environmental problems. CUEREC would also be the first to include all of the universities and colleges in a single state.

Both Senators were very supportive of the legislation last year. CUEREC is a unique program, providing many important benefits for California and a cost effective model university based program for the nation and I urge my California colleagues to support it.

WOMEN'S HIGH SCHOOL BASKETBALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. COBLE. Mr. Speaker, next year, women's high school basketball in the Sixth District of North Carolina should be extremely interesting. The reason being that two of the State champions from this year will play in the same conference. Ledford High School, located just outside Thomasville, NC, and High Point Central High School in High Point, NC, secured the championships in the 2–A and 3–A divisions of the State playoffs respectively.

The end of March brought the State 2–A season to a close. Ledford High School, in an impressive victory over St. Pauls, captured the State 2–A championship. This is only the second championship victory in the school's history.

After an impressive 29–2 season, the Ledford Panthers faced the Saint Pauls Bulldogs (28–2) in the season finale. Both teams were anxious to take home the victory and the game proved to be a challenge for all those involved. Head coach John Ralls, with the assistance of Joe Davis and Allen Patterson led the Panthers to a 59–57 come-from-behind victory on March 22. Principal Max Cole and Athletic Director Gary Hinkle also provided the team with support and encouragement in their impressive victory.

Junior Stacey Hinkle, second-time MVP, proved to be an integral part of the team with 22 points. Leslie Thomas also helped the Panthers by scoring 8 of the 13 bench points scored during the game. Two players, Laurie Smith and Amanda Reece, braved recent surgery worries in order to play in the championship game. Stephanie Sharp, Lauren Craven, Misty Sharp, Brooke Embler, Kristin Berrier, Whitney Patterson, Amy Wells, Amanda Besaw, and Julie Reece all aided in Ledford's successful season and victory against Saint Pauls.

A championship is a great accomplishment but, for High Point Central High School, this 3–A basketball State title means so much more. During the season, the women's basketball team lost more games than the previous 3 years combined. However, the team pulled together to win the one game that meant the very most. Coach Kenny Carter was quoted in the High Point Enterprise explaining the journey that his team has faced, "Early in the year I didn't know if they believed everything that I said could happen." The team succeeded in allowing all 13 members of the team to make a basket during the course of the game. The most memorable shot was made in the closing 3.4 seconds of the game by Tameika McRae which clinched the 66–64 victory.

The score was close for the entire game with the half time score being tied at 21. Supreme efforts were made by all of the players of the team, the Most Valuable Player, Mandy Hall, Katie Copeland, Lee Culp, Sherelle Gladney, Ashley Hedgecock, Brendle Howard, Staci Murray, Kaneica Obie, Elizabeth Redpath, Jenni Tinsley, Mandi Tinsley, and Katie Yoemans, to secure the victory of the Bisons. The coaches of this championship team are Kenny Carter, Jetanna McClain, Scotti Carter, and Steve Martin who have help from the managers Michelle McCallum and Charita Clark and the trainers Brandy Owen and Steven Goodrich. Overseeing this group are athletic director Gary Whitman, statistician Kim Liptrap, and principal Bill Collins.

These two supreme teams will have a difficult year ahead of them as they are forced to play each other in the same conference. On behalf of the citizens of the Sixth District of North Carolina, we congratulate these teams for winning the women's State 2–A and 3–A basketball championships.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 110. If present, I would have voted "aye" on rollcall 110.

WARM WELCOME TO EAST JESSAMINE MIDDLE SCHOOL

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. BAESLER. Mr. Speaker, I am pleased to welcome the eighth-grade class from East Jessamine Middle School. These students traveled from Nicholasville, KY to explore the Capital of the United States. This city is alive with history, educational adventures, and stunning monuments. I am proud that these eighth graders are taking advantage of the opportunity to visit Washington, DC. I am sure that many fond memories will be created. I wish these outstanding young men and women the best for a bright and successful future.

THE POTOMAC—AN ENDANGERED RIVER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. CUNNINGHAM. Mr. Speaker, this morning the Congressional Sportsmen's Caucus held its monthly information briefing. This morning's briefing was on fishing in the Washington, DC area. Each month these breakfasts focus on different aspects of wildlife conservation. This morning's breakfast hit home with many of the Members because it highlighted the area where many of us live and fish. I have attached an article written by Charles Verharen that highlights the threats to the Potomac fishery. I hope that my colleagues will read this article and work to restore and protect our local fishery.

THE POTOMAC—AN ENDANGERED RIVER?

(By Charles C. Verharen)

Imagine standing at the base of Little Falls on a brilliant spring day on the Potomac, just above Chain Bridge in Washington, D.C. Flocks of black cormorants stream north. Thousands of silver and black hickory shad fight their way up the surging rapids. Sparkling emerald water breaks against black granite. This wilderness-like setting in the Capital's city limits takes your breath away—until you look downstream.

Just below the falls what looks like gusher of Texas crude oil jets into the crystalline water. A hundred yards below the falls, green and black merge into dismal gray. A motorist on Chain Bridge can look upstream and see a Potomac that's in "better shape today than it has been in a century," according to Bill Matuszeski, director of the Chesapeake Bay Program (Post, 4/17/97, D8).

That same motorist can look downstream and see a Potomac that deserves its place on the list of America's endangered rivers. Beth Norcross, a director of the American Rivers group that maintains the list, admits that the "Potomac is in fabulous shape." Maybe she doesn't know about the black filth surging into the Potomac at Little Falls. She thinks the primary threat is bacteria-laden run-off from poultry farms in West Virginia. The U.S. and West Virginia Departments of Agriculture acknowledge the problem as well.

In an ironic twist of fate, bacteria are the indirect cause of the gouts of black ooze. A by-product of the Washington Aqueduct water treatment plant, the black goo is sediment from the plant's holding basins, containing such chemicals as aluminum silicate, copper, chlorine, and heavy metals from Potomac run-off.

The treatment plant discharges its waste into the Potomac above and below Little Falls. On some days Little Falls creek above the falls runs milky white like a glacial stream with aluminum silicate discharge from Washington Aqueduct. On the other days it runs a bright fluorescent green with copper silicate discharge.

Fishermen on the Potomac downstream of the falls report that discharges from the treatment plant have increased since the EPA found evidence of contamination of drinking water in the Washington area last year. They claim that the discharge endangers the spawning fish. The fish simply disappear during the discharge period.

Thomas P. Jacobus, chief of the U.S. Army Corp of Engineers division that runs the Washington Aqueduct, said he's discharging heavily in the period from March to June to help the spawning fish. He said he thought the spawning season was from June through August.

When he learned that the spawning season is on right now, he said he couldn't stop the discharge in any event. His regulatory agencies, including the Environmental Protection Association, forbid discharge during summer's typically low river flow to protect fish habitats.

The American Rivers group, the EPA, and the Army Corp of Engineers need to get together with the Atlantic Marine Fisheries Commission and sport fishing associations to settle on a water treatment discharge schedule that will protect the spawning fish.

And politicians and residents of the Washington area need to figure out a way to purify Potomac water without polluting it.

REMARKS BY BENJAMIN MEED ON THE OCCASION OF THE DAYS OF REMEMBRANCE CEREMONY IN THE U.S. CAPITOL ROTUNDA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 1997

Mr. LANTOS. Mr. Speaker, today at a most moving ceremony in the Rotunda of the U.S. Capitol, Members of Congress, members of the Diplomatic Corps, representatives of the Executive and Judicial branches, and hundreds of survivors of the Holocaust and their friends gathered to commemorate the National Days of Remembrance.

The theme of this year's Days of Remembrance commemoration was "From Holocaust to New Life." This remarkable ceremony celebrated the lives and legacy of those who survived those darkest days, triumphed with hope and compassion. One of those survivors was my dear friend, Benjamin Meed, who serves as chairman of the Days of Remembrance Committee. Ben has dedicated his life to keeping the lessons and memories of the Holocaust alive. I encourage my colleagues to read Benjamin Meed's outstanding remarks from today's ceremony.

Justice Scalia, distinguished Ambassadors, Members of the United States Senate and House of Representatives, fellow survivors, ladies and gentleman:

When we, survivors of the Holocaust, see the American flag and the flag of the United States Army that liberated the concentration camps march into this hall, we feel pride as Americans. They are symbols of hope and freedom—and may they always be. We feel gratitude for this great nation, and a strong sense of hope for the future.

Half a century ago, a continent away from these beautiful shores and worlds away from the reality we share today, the American army began entering some of the Nazi German concentration camps. Those brave soldiers came too late for many, yet just in time for some.

We will remain forever grateful to our liberators.

Over fifty years ago we survivors were considered "displaced persons." The cities of our youth had changed. The streets were familiar, but where were our mothers and fathers, sisters and brothers, and especially our children? Please imagine more than a million children murdered. Not even a trace of the once vibrant Jewish life remained. We had endured the worst reign of tyranny and murder in history. We became refugees determined to build a future in freedom, to go on with lives which had been so cruelly interrupted.

For many, Israel offered an answer—the promise to change our destiny and a symbol of defiance to those who would have us disappear. For others, America offered freedom and the promise of good future. Most of us came here with little more than the clothing on our backs. Vladka and I came with eight dollars in our possession.

Today, survivors are found in every State of the Union and in every walk of life—we are artists and musicians, lawyers and doctors, writers and philosophers, philanthropists and industrialists, rabbis and teachers.

Our children, conceived in freedom, nurtured on two great traditions—Jewish and American—have taken their own places in this country's life. Survivors as well as their children have served in the House and Senate, in the White House and in the Cabinet, on the Bench and in the United Nations.

Survivors have become witnesses. We share our memories with others. We believe that in remembrance lies hope and the protection of another generation who might otherwise be abandoned and forgotten—even tortured and killed. The Holocaust was unparalleled and unique but its lessons are universal.

Survivors have not demanded vengeance, but rather remembrance. Survivors helped to establish the United States Holocaust Memorial Museum in Washington. Without the involvement and dedication of survivors, institutions of remembrance would not have been built in Houston, Dallas, Los Angeles, Miami, Boston, Chicago and Montreal, to name only a few. Without the help of survivors, the Days of Remembrance would not have entered the American consciousness.

Survivors can speak today of achievement. Look at us and see the power of the those whose answer to death was love and hope. We have lived three lives—before, during and after the Holocaust. We have traversed years, continents and worlds. We have witnessed horror and death, courage, and determination, faith in the future and respect of the past. We have spent a half century uniting the different threads of our lives into a fabric that is whole.

All that we have seen, all that we have done, all that we created, is for a purpose. To bear witness. We hope that future generations of Americans will remember and use the power of this vision to protect people everywhere.

Rooted in a past that was shattered, we have become a cry of conscience to the world and a voice determined to create a future that is worthy of our journey to hell and back—from darkness to light, from tyranny to freedom, from Holocaust to new life.

We have rebuilt our lives not because our losses can be replaced, but so our call will be heeded by those future generations whose losses can yet be prevented. We say to you, and through you them—more urgently now, for each day we are fewer—remember with us.

Thank you.